



India's Membership in the NSG: Challenges and Prospects

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ABSTRACT

This paper attempts to explore the reasons and challenges for India's membership in the NSG. Being a non-signatory to the international nuclear treaties like the NPT, CTBT etc., gives a strong hold to the countries opposing India's membership. However, the 2008 exemption for having trade relations with the NSG countries and India's strong commitment towards non proliferation has cleared many obstacles creating a favorable environment for her. Still the membership is opposed by countries like China and Pakistan. This paper intends to study changes in the international scenario vis-à-vis India's NSG membership and it also draws attention towards major impediment which India will be facing in the coming months before the NSG meeting takes place

KEYWORDS

International Nuclear Regimes, Nonproliferation, Disarmament

Introduction

For almost four decades India remained estranged from the global nonproliferation regime. India was never officially recognized as a nuclear power country although it successfully conducted her nuclear test in 1974 and later in 1998 as well. A number of bans were dispensed on India economically as well as technologically in the aftermath of these tests, but the country managed to continue its nuclear policy even under such adverse conditions. However, the situation is getting changed now with India's efforts to integrate itself with the nuclear regimes. These efforts include gaining entry into the four technology export control groups the Nuclear Suppliers Group (NSG), Missile Technology Control Regime (MTCR), Australia Group, and the Wassenaar Arrangement. This work is a humble attempt to study the shift in India's approach to the international nuclear regime with special reference to the NSG membership. The paper is divided into three parts where the first part deals with the historical background of the NSG, the second part of the study talks about the reasons for India to initiate diplomacy in this arena and the benefits which India will gain after joining the NSG. The third part of the work highlights the major problem areas against India's membership and the methods to deal with it.

Part-I

Peaceful Nuclear Explosion of India and creation of the NSG

India conducted her first nuclear test in 1974 and it was named as the Peaceful Nuclear Explosion (PNE) with code name 'Smiling Buddha'. The reason behind such name was that the Indira Gandhi government wanted to project the nuclear explosion as purely for civilian and peaceful purposes and also May 18, 1974 the day when the test was conducted was Buddha Purnima (Norris, 1998).

Internationally it instigated a wave of criticism against India for breaching the trust and commitment towards non-proliferation. In order to overcome from such suspicious environment Indian government held a Press Conference in New Delhi on 18 May. Addressing the Press Conference Prime Minister Indira Gandhi convinced the nations of the world that India has not negated her stance of disarmament and non-proliferation and is completely committed to the peaceful usage of the nuclear energy. Mr. Kewal Singh, the then Foreign Secretary, and Mr. V.C. Trivedi, the then Secretary in the External Affairs Ministry, met the envoys of the US, USSR, Britain, France, and Canada-countries with which India had agreements for bilateral cooperation in the peaceful uses of nuclear energy (Sunayana, 2014). "They

assured the envoys that in conducting the underground test for peaceful purposes, India had been consistent with its international obligations, and that it had no intention of going in for nuclear weapons. The envoys of Yugoslavia, Egypt, Iran, Iraq and Sri Lanka were briefed along similar lines" (Kumar, 1977).

However, such projections of a peaceful test did not work and it created ripples in the sea of non proliferation and disarmament. India encountered opposition and criticism from all most all quarters of the world. Major treaties pertaining to the nuclear aspect till the time of Pokhran-I were Partial Test Ban Treaty (PTBT) of 1963, Nuclear Non-Proliferation Treaty (NPT) of 1968, Strategic Arms Limitation Talks (SALT-I) of 1972 and Anti-Ballistic Missile Treaty (ABM) of 1972. By 1956 itself India was seen as, "one of the ten most advanced States in the field of nuclear science and technology" (Gupta, 2007). India had to face many technological and economic sanctions as it was felt that India had misused the nuclear material. One of the aftermaths of the Indian nuclear test was the creation of the Nuclear Suppliers Group (NSG). Seven nuclear supplier governments were convinced that the Nuclear Non-Proliferation Treaty (NPT) alone was not adequate to control the spread of nuclear weapons. As many similar nuclear developments were suspected in Iran, Iraq, North Korea making them as threshold nuclear nations. Therefore, seven governments (France including all the members of the Zangger Committee i.e., Canada, Germany, Japan, Soviet Union, the UK and the US) formed the NSG, and over the course of more than three decades, it has become the world's leading multilateral nuclear export control arrangement, establishing guidelines that govern transfers of nuclear-related materials, equipment, and technology.

The members of NSG seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports. The NSG Guidelines also contain the so-called "Non-Proliferation Principle," adopted in 1994, whereby a supplier, notwithstanding other provisions in the NSG Guidelines, authorizes a transfer only when satisfied that the transfer would not contribute to the proliferation of nuclear weapons. The NSG Guidelines are implemented by each Participating Government (PG) in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements (Nuclear Suppliers Group, 2016).

Part-II

India's Journey towards the NSG Membership

After the 1974 nuclear test although India was not given the official status of a nuclear power but technically India joined the coveted international nuclear community. India was never against the international nuclear regime as India was one of the signatory countries to the PTBT of 1963 and was the first country in the history of the United Nations General Assembly (UNGA) to introduce the idea of non-proliferation. But within the next five days the world witnessed the nuclear power of China in the Lop Nor Nuclear Test conducted on October 16, 1964. After that the wave of non-proliferation got accelerated many drafts of the NPT were developed. However, India supported the cause of non-proliferation and disarmament but never agreed to the terms of the NPT on the reason of being discriminatory to threshold nuclear nations. Keeping in mind its geo-political security concerns Indian foreign policy makers knew that dismantling of the nuclear weapons can make the country vulnerable. Therefore, Indian scientist continued to proceed towards the nuclear development in the country.

The 1974 nuclear explosion brought with it many technological restrictions against India, but these impositions made Indian scientist to work on the indigenous technology. In the early 1990s, "India began to deliberate upon its approach to export controls as it pertained to dual-use chemicals, especially following its signing of the Chemical Weapons Convention in 1993" (Rajagopalan, 2016). During this time India changed her economic policy by reforms of 1991 laid by the then Finance Minister Manmohan Singh who later also served as Prime Minister (2004-2014). These economic reforms not only made remarkable shift in the economy of the country but were also successful as diplomatic move in the international politics. The same year also witnessed the disintegration of Soviet Union. It was considered to be a substantial loss for India as Soviet was not only India's largest investor and trading partner but both countries shared the ideological platform as well. Hence, all these factors led to shift in India's international strategy leading to convergence of interests between India and the United States of America at the geopolitical and strategic level. This convergence got hindered after the second nuclear test conducted by India in 1998 named as Pokhran-II. "Treating India's nuclear tests in a very serious and stringent manner America under the obligation of the **Nuclear Proliferation Prevention Act 1994** imposed economic sanctions on her. All the US economic aid except that for the humanitarian cause was halted. Similar course was followed by Japan, Australia, Canada and Germany. Later they were joined by the G-8 nations; around fourteen countries of the world imposed some kind of sanctions on India" (Sunayana, 2014).

However, within a decade India altered this situation and managed to win the confidence of the USA without forgoing her national interests. The result was the Indo-US Nuclear Agreement of 2008. After that India became a legitimate player in the nuclear field. This legitimacy was nurtured time and again by the joint statements of both countries. This gradual world-wide acceptance of India made her an important player in the nuclear field. Today the country is considered to be key norm-setter in the global supply chain and it will be in the interest of the nuclear non-proliferation community to have India under the same roof as other similar suppliers. Presently India has been pursuing for its membership in the NSG. "India's inclusion in the NSG will be testimony to the journey New Delhi has travelled from once being referred to as an 'outlier', to being now recognized as a responsible nuclear weapons state ready to share the burden of effecting global nuclear non-proliferation goals" (Rajagopalan, 2016).

Obstacles in the Road to the NSG membership and India's Diplomacy

The NSG is a voluntary and consensus-based organization of 48 participating governments. Since, India has not yet signed on any of the major non-proliferation treaties particularly the NPT, therefore, technically India faces a host of challenges ranging from questions about its credibility vis-à-vis the issue

of nonproliferation, disarmament etc., to the decision of moratorium on the future nuclear tests. With the increasing role for non-state actors in procurement and proliferation, opportunistic exporting policies of supplier states, and the rise of international equity issues in global nuclear governance and trade diplomacy there has been an altered disposition of the member countries of the NSG particularly the USA, France etc. In 2008, the NSG exempted India from its requirement adopted in 1992 regarding banning nuclear cooperation with any state that had not accepted the IAEA comprehensive safeguards. This move helped India to develop direct trade links with the NSG nuclear supplier countries. This exemption was based on the commitments India made in the Indo-US Civilian Nuclear Agreement. Regarding this exemption countries of the NSG were divide into 03 groups as per their national policies and interests i.e.,

The first group of countries, motivated by mercantile interests, strongly supported the exemption.

The second group was "likeminded" countries, small states with a strong nonproliferation stance. The likeminded countries wanted to include conditions in the waiver such as a clause that would restate the desire of the Group for universal membership in the NPT.

The third group of countries, which came out in favor of the exemption were not enthusiastic.

In spite of the opposition India managed to win the exemption. But in case of the membership there are many ups and downs that the New Delhi has to face. Although the good news is that many countries like Australia, which were initially opposing has come to the rescue along with Mexico and Switzerland by voicing their support for India. They see India as a big market for selling their nuclear materials and technology. The following table I shows nuclear power countries with their nuclear forces.

Table: I World Nuclear Forces, 2015.

World Nuclear Forces, 2015			
Country	Deployed War-heads	Other War-heads	Total Inventory
USA	1930	2500	7000
Russia	1790	2800	7290
UK	120	—	215
France	280	10	300
China	—	—	260
India	—	...	100-120
Pakistan	—	...	110-130
Israel	—	...	80
North Korea	—	(10)	(10)
Total	4120	5310	15395
... =not applicable or not available; — = Zero; () =Uncertain figures. All estimates are approximate and as of January 2016.			

Source: SIPRI Year Book 2016, Summary.

However, the biggest disapproval has come from the neighboring country i.e., China which has vetoed India's membership. The reason for which China has been vetoing India's entry into the NSG is the issue of Pakistan's entry. China wants that if India is allowed in the NSG then Pakistan should also have access to the same. Here, the inherent interest of the Chinese government cannot be negated. A strong nuclear India is a direct threat to the Chinese diplomacy. And it was China's opposition that in 26th Plenary of the NSG from June 20-24, 2016 that India could not gain membership. But what India lost in the NSG was balanced by her inclusion to the MTCR where China was denied membership. Recently China also had to face US and European missile technology sanctions making its case weak. The Chinese felony in the South China Sea has also brought international criticism for her and made her a punk in the region. The increasing terror activi-

ties in the South-Asian region particularly by Pakistan, and Chinese support to the same has further deteriorated the situation for Chinese opposition towards India. Therefore, India's claim to the NSG membership has become more relevant and necessary to counter such activities in the region. In light of major recent developments in globalized nuclear trade the NSG cannot function in isolation hence it seems to be a win-win situation for India vis-à-vis NSG membership. There are talks that the NSG may reconsider the matter of Indian membership in the coming December or January 2017. Therefore, India has a second chance to put forward her case and take benefit out of the international situation that has emerged in the South-Asian region diplomatically.

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