

**SVI In-House Seminar/Panel Discussion December 29, 2016: Report**  
**“Politics of NSG and Ballistic Missile Tests”**



**December 29, 2016.**



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Strategic Vision Institute (SVI) organized an In- House Seminar/Panel Discussion on “Politics of NSG and Ballistic Missile Tests” on December 29, 2016. The aim of the In-House was to highlight the strict credentials being crafted for Pakistan’s induction into Nuclear Suppliers Group (NSG). A special effort was made to analyze the recent drafts being circulated to curtail Pakistan’s nuclear related achievements. The In- House participants also analyzed the impact of recent Missile tests by India especially Agni V for the regional and extra regional states.

### **Session-I**



The In-House started off with the welcome remarks by Dr. Zafar Iqbal Cheema (President/ Executive Director SVI). He welcomed the participants to the new premises of the SVI. He expressed his pleasure in holding a Panel Discussion on a very topical issue that is going to stay relevant in the coming future as well. He mentioned that an important development necessitated that there should be an informal, frank, public and open discussion on this very debate. He quoted NSG chair Argentinean Amb. Rafael Grossi’s nine points program for inclusion into NSG but which apparently looks more suitable to India than to Pakistan. This opinion not only comes from Pakistan but is shared at the international level as well. He further referred to an article by Arms Control Association’s President Mr. Daryl G. Kimball who claims that the criterion suits both India and Pakistan, but clearly goes against Pakistan. Dr. Cheema read the salient features of the nine point agenda drafted by Amb. Rafael Mariano Grossi in order to familiarize the audience with its contents. The draft was read as follow

- Implement and have brought into force a clear and strict separation of current and future civilian nuclear facilities from non-civilian nuclear facilities in [non-NPT applicant].
- Have provided and maintain a declaration to the IAEA that identifies all current and future civilian nuclear facilities in [non-NPT applicant].
- Have in force a safeguards agreement with the IAEA covering all declared civilian facilities in [non-NPT applicant], and all future civilian facilities which the IAEA and [non-NPT] applicant 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 [non-NPT] applicant's 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, [non-NPT applicant] would join a consensus of all other Participating Governments on the merits of any [non-NPT] Party application.

Commenting on the above mentioned nine points, Dr. Cheema stated that perhaps this is an effort to suggest Pakistan to accept India's inclusion since apparently India meets most of the points in the new proposed criteria. At the same time an elusive statement about India not vetoing Pakistan's inclusion once it becomes a member, does not hold much ground. Dr. Cheema maintained that even if India doesn't do that it can ask someone else to do it on its behalf. This prompted the panel discussion in which Ms. Maimuna Ashraf (Research Associate, SVI) presented a quick primer on NSG. She shared that NSG is a group of 48 nuclear supplier countries that seeks to contribute to the nonproliferation of nuclear weapons through the implementation of two sets of guidelines for nuclear exports and nuclear-related exports. NSG members pursue the aims of NSG through adherence to its guidelines that are adopted through consensus, and through an exchange of information, notably on developments of nuclear proliferation concerns. Giving an overview of the Guidelines she stated that the first set of NSG Guidelines governs the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefore; (iii) non-nuclear material for reactors; (iv) plant and equipment for the reprocessing, enrichment, and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology associated with each of the above items. The second set of NSG Guidelines governs the export of nuclear-related dual-use items and technologies (items that have both



nuclear and non-nuclear applications), which could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity.

She further said that NSG was created following the explosion of a nuclear device by a non-nuclear-weapon state India in 1974, which demonstrated that nuclear technology transferred for peaceful purposes could be misused. The NSG first met in November 1975 in London, and is thus popularly referred to as the “London Club”. 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. In 2008, at NSG meeting in Vienna, India was granted a waiver from the NSG guidelines that requires comprehensive international safeguard as a condition of nuclear trade. Consensus was achieved after overcoming concerns expressed by a number of countries, but especially by Austria, Ireland, and New Zealand. These exemptions reflected a biased decision taken by the PGs under the sheer pressure of US administration.

NSG membership currently requires that a state should be a member of and in good standing with nonproliferation treaty. However, India remains one of the only three countries with Israel and Pakistan never to have signed the NPT. NSG works on the basis of consensus. Overall responsibility for activities lies within the NSG Plenary meetings that are held once a year. A rotating Chair has the overall responsibility for coordination of work and outreach activities. The NSG Plenary can decide to set up technical working groups on matters such as the review of the NSG guidelines, the Annexes, the NSG procedural arrangement, information sharing and transparency activities. The NSG plenary can also mandate the Chair to conduct outreach activities with interested countries.

In addition to the plenary meeting, the NSG has two other standing bodies that report to the plenary. These are the Consultative Group (CG) and the Information Exchange Meeting (IEM) with Chairs that also rotate annually. Pondering upon the latest developments she said that so far 26 plenary meetings have been held and South Korean Ambassador Song Young-Wang is the current chair of NSG. Both India and Pakistan applied for NSG membership in 26th plenary meeting held in June 2016. Notwithstanding proactive lobby, assertive US backing and overwhelming support for India’s bid for the membership of NSG, the plenary concluded with a

setback for India. Representatives from the 48 members' states of NSG met in Vienna last month to discuss possible membership criteria for countries that have not joined the NPT. Ahead of this meeting India was hopeful of witting away the opposition to make way for its entry into the group. However, as the country newspaper headlines had indicated in June, this move has turned out to be the two steps forward and one step backward. Apart from China, other countries are Turkey, Austria and Ireland; all of which maintain their earlier position from the June plenary meeting to deny India's appeal.

A serious blow was the stance of Switzerland, Brazil, Russia and New Zealand which had indicated they would support India's candidature but did otherwise. Italy, Kazakhstan and Belgium also called for criteria based approach, thus notwithstanding US efforts of India's exception and unconditional entry. An impact still exists of offering exclusive treatment to India, evidently two players are exchanging tough messages to drive respective pressure points; China as nonproliferation hardliner and US as strategic supporter. Despite India's diplomatic effort and US' pressure, China did not fall for any influence and still sticks to its official stance which stonewalled Indian efforts and supported Pakistan's candidature. China's criteria based approach advocates for same treatment for all non NPT states. Since the June plenary Amb. Song with the assistance of the outgoing NSG chair Rafael Mariano Grossi of Argentina has consulted states on possible criteria for membership of non NPT states. Reportedly NSG states have begun to seriously engage on potential options but the discussion has not reached to the point where a consensus decision might be achieved.

Recently on December 6, 2016 Amb. Grossi circulated a revised version of the draft titled "Exchange of Notes for non NPT Applicants". In his cover note he stated "the purpose of these notes is to provide a basis for the commitments and understanding to augment the applications of non NSG applicants."

After this comprehensive Primer on NSG, the debate was handed over to Dr. Adil Sultan Director Policy, Doctrine and Strategy (PDS) branch of the Strategic Plans Division. Dr. Sultan thanked Dr. Cheema and felt compelled to share some facts about Amb. Grossi. He stated that Amb. Grossi is the facilitator who was appointed by current NSG chair. It is a rotational appointment for one year. Amb. Grossi was the one who stayed for two years after who the South Korean representative took over. But ever since the Indian process started Amb. Grossi has been facilitating the discussion for India's membership in the NSG. So he acts as the facilitator on behalf of the NSG chair.



He said personalities alone might not matter much rather it is the political push which in this case comes from the US that is driving this move for India's membership into NSG. In this Amb. Grossi is one of the actors. He opined that Yukiya Amano is going to stay for the third year as majority of states are supporting him. Nonetheless Amb. Grossi is building his credentials to prove that he can deliver on difficult issues. He is usually found performing more than what is required of a facilitator. Hence one can say that he is actually steering the whole process. He became so prominent that even the formula became the "Grossi formula".

Talking about why NSG issue is vital for Pakistan, he said that first and foremost Pakistan wants to fulfill its energy demands in future which is not possible unless Pakistan becomes a member of NSG. Since NSG works on the principle of consensus hence if India gets the membership, it is likely to object to Pakistan's membership too. At the same time India could also object to the trade between China and Pakistan. Therefore it is a vital issue for Pakistan, because Pakistan does not want to be permanently out of the mainstream nuclear trade. But NSG is not a legal regime, it is an informal arrangement between and among 48 states that can supply nuclear related equipment and technology. Moving on to why NSG membership is important for India he stated that India already has exemption of 2008. It can enter into civil nuclear cooperation with any of the NSG countries and it has already signed agreements with more than twelve countries in nuclear cooperation area. So it has access to technology and material from all the NSG countries owing to the 2008 exemption.

He further said that there are factors that have made the membership significant: first is India seeing it as a stepping stone towards the UNSC permanent membership. NSG although is not directly related to Security Council but will make India appear as a responsible state in international politics. It can be given a seat on a high table dealing with core decision making. That is why India worked very hard to be a member of all four export control regimes. President Obama also announced in November 2010 that the US will help India become a member of all the export control regimes including NSG. This is also reflected in India's domestic policy where PM Modi underestimated the international environment and overestimated his potential to deliver. So he took upon himself and lodged a very aggressive diplomacy to built India's case for NSG membership, but it has failed so far. This is a major political humiliation for PM Modi as he invested huge political capital and has been using every possible international forum including BRICS and the UN. However India is in a fix now as it couldn't get away with what it wanted. One can say that India's failure to get membership so far is partially due to the fact that the

nonproliferation community is not amenable to this idea and partially because Pakistan lodged its diplomatic offensive belatedly but it had been effective for last 5-6 months. He shared that he himself was part of that team along with team of MOFA. The purpose of these efforts was not to spoil India's case but was based on a principle that Pakistan's credentials are equally good and at par with those of India's. It was emphasized that if NSG has to take a decision it should not be discriminatory and should be based on a standard criteria. For this, Pakistan also got acknowledgment from several countries where they agreed to Pakistan's point of view. However this is what India and the US had not anticipated who otherwise thought it was going to be an easy run. This has been Pakistan's success but there is more to be done because this issue is not going to die down any time soon.

Commenting briefly on the Grossi's proposed criteria for membership he stated that these do not have a legal binding but just one of the factors and not the preconditions that could or could not be considered for membership of NSG. He further shared that it all started in 2005 when India and the US issued a joint statement on July 18th in which President Bush gave a commitment that India will get the same benefits and advantages as other states and the US will work with other friends and allies to adjust international regimes to enable full civil nuclear cooperation and trade with India. PM Manmohan Singh in the same statement said that India would reciprocally agree that it would be ready to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology such as the US. India was clearly comparing itself with other technologically leading countries and was confident that whatever the obligations or responsibilities those states take, India too will take those responsibilities but it will also be benefited and treated in the way that other nuclear weapon states signatory to NPT are being treated. Here India's case is unique as it is explicitly equating itself with nuclear weapon state without having any NPT related obligations that other P5 have upon them. Subsequently President Bush and other western leaders developed the same understanding which later on culminated in the form of Indo-US strategic partnership. Different contours of that strategic partnership are still evolving. In November 2010 President Obama reiterated that the US will support India's NSG membership. So what started in 2005 still continues.

Pakistan does realize that whatever happens within the NSG is a prerogative of NSG countries. It was preferred that once some frame work for non NPT states is developed only then Pakistan will apply and simultaneously Pakistan was also building its credentials and its export control regimes etc. With India applying for NSG, Pakistan also requested to be part of the NSG. But since NSG was not prepared to entertain the non NPT states, therefore formal

presentations were not made right away. Subsequently Pakistan was able to deliver a formal presentation in Vienna in which Pakistan highlighted its credentials which was duly appreciated too. The documents were also circulated encompassing all the achievements that Pakistan had made so far in the context of building its credentials. Several ambassadors shared Pakistan's perspective. Several proposals were floated by different states such as China insisted that there should be a two-step approach, first, develop criteria and then deal with two applications. Several of the NSG PG's agreed and supported that suggestion. In another criteria discussed it was suggested that the CTBT and FMCT should also be given due consideration while evaluating the possibility of states' inclusion into the NSG. Eventually after a lot of internal debate Grossi came up with the formula that well suits India and technically excludes Pakistan. It is obvious that it was intentionally done to accommodate India. If India becomes a member of NSG it will be one of the decision makers and Pakistan's case can be permanently excluded or not entertained. India doesn't even necessarily have to object rather supporters of India can object on its behalf.

He said India was sure that before the end of 2016 it would become a member. However it is not yet a member and one cannot be sure as to how the new administration (Trump administration) deals with this issue. He shared his personal assessment that things would probably remain as they are while Trump remains unpredictable. Trump until now has disowned all the initiatives spearheaded by the Obama administration. He will not like to own the legacy of Obama. And Obama very vocally remained the supporter of India's NSG membership. This could also be a plus point that Trump may not take on the front role and support India's candidature into the NSG, just because it was spearheaded by Obama. He said, this year now due to the Christmas holidays NSG is unlikely to hold an extraordinary plenary. Next could be convened on the sidelines of consultative group meeting. Consultative group meetings generally discuss the technical issue but India and Pakistan's application for NSG is now part of NSG's plenary. So whenever a consultative agenda meeting takes place, all the 48 members will be there but Pakistan's and India's application will not be discussed. These applications are not part of the agenda of technical meeting, they have to convene extraordinary plenary meeting for it to be one of the agenda items. They might convene NSG plenary in March-April or they can wait till June. If they wait till June then the next President is going to be Swiss and Swiss are hardcore idealists when it comes to Non proliferation principles. They have already been arguing for tougher criteria. At the same time Swiss are not too happy because they were not taken on board by Grossi who by pulling a pass on them did the decision independent of NSG troika. The NSG troika is a secretariat that includes the previous president, the current

president and the future president. Whatever major decisions are to be taken or have taken place, the troika is at least consulted but in this peculiar case troika was never consulted. Hence Swiss are not happy because they are going to take the NSG chairmanship and still were not consulted on this process. Pakistan in any case should be prepared for the eventualities.

He said that after this decision of Grossi withdrawing from his candidature for IAEA DG-ship and with change in the US administration, the kind of vigor that Grossi displayed has been slowed down. At the same time Amb. Song has been posted out of Vienna leaving space for the new ambassador. Individuals do matter because these were the individuals who took personal interest and made extra efforts; reached out to various NSG PG's and developed this formula. If these individuals lost the steam or support, probably this process would slow down. On the contrary there is so much political investment done by major powers including the US, UK, France for India and by India itself that it continues to pursue its case taking it more as a matter of prestige. Hence the same push will be seen in the next year also whether or not whosoever gets the NSG chair. He briefly gave point wise analysis of Grossi's nine points:

- “Implement and have brought into force a clear and strict separation of current and future civilian nuclear facilities.”

While commenting on this he said “have brought into force” means that a country should already have a separation plan. India had already notified a separation plan for 2008 exemption, so it qualifies while Pakistan would become eligible only when it separates and notifies IAEA. But that's the moment Pakistan has not done that so it doesn't qualify. Technically Pakistan does have a separation plan but according to these nine points, it has to be notified to IAEA.

- “Have provided and maintain a declaration to the IAEA that identifies all current and future civilian nuclear facilities in the [non-NPT] applicant”.

He said that the non NPT applicant is within a bracket which means it could either be India or Pakistan. Pakistan has not made any declaration to the IAEA yet while India has done that.

- “Have in force a safeguards agreement with the IAEA covering all declared civilian facilities in the [non-NPT] applicant and all future civilian facilities which the IAEA and [non-NPT] applicant determine are eligible for safeguards.” India as part of its 2008 exemption negotiated umbrella safeguards in which it has attached an annex so what it promises is that whatever the facilities it builds for the civilian use, it will continue to add into that. So it has a separation plan, umbrella safeguard agreement.

Pakistan has no such agreement, it is in on the pattern of INFCIRC 66 which is facility specific but India's declaration is unique that it will not be negotiating for each and every facility, it has negotiated an umbrella agreement so it will just start adding new facilities (if constructed) into the annex. Pakistan has to negotiate for each and every facility.

- "Have in force with the IAEA an Additional Protocol."

He said India has an additional protocol signed with the IAEA, although it is much diluted, the most diluted could be as compared to other nuclear weapon states. It does not have any obligation. Pakistan also can do the same but still it will take time. It will need internal appraisal process and negotiation for the additional protocol with IAEA.

- "A commitment not to use any item transferred"

He argued both India and Pakistan can give that kind of commitment that they will not indulge into the proliferation activities.

- "A commitment not to conduct any nuclear test/ nuclear explosive test"

He elaborated it as a non legal and non binding commitment. India has been publically stating that it adheres to the principle and supports CTBT in general but it is not ready to take any obligations. Pakistan has already in a way committed itself that it will not be the one to resume testing. So, it's more of apolitical commitment that unless the country in our neighborhood tests we will not be the first. Pakistan has gone beyond that and taken the political commitment that it will not be the one to resume testing. However the irony is that this is not even being taken into consideration and our proposal of bilateral test ban treaty has not gained attraction in the Indian camp or the supporters of India. The other countries are acknowledging it and asking that since Pakistan has given the commitment is India ready to reciprocate? India remains reluctant and it's unlikely to hyphenate itself with Pakistan.

- "A clear description of the [non-NPT] applicant's intentions plans, and policies in support of the Comprehensive Test Ban Treaty"

He said that India might not commit to this. But probably the Swiss taking over after June insist on something tangible coming from these non NPT states in terms of commitment on CTBT or some other issue.

- "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."

He explained that India has been stating most of the time that it supports nuclear universal disarmament. This is more of a political commitment which they have been pursuing.

- “An understanding that due to the unique nature of the [non-NPT] party applications, the [non-NPT] applicant would join a consensus of all other Participating Governments on the merits of any [non-NPT] party application.”

He said majority of the countries maintain that any criteria developed for India should not be discriminatory. By adding this clause the supporters of India want to project that adherence to objectivity. They also want to send out the message that once India becomes a member of NSG, it will not object to Pakistan’s membership. However he reiterated that India does not have to object itself instead there are plenty of supporters of India who can object on its behalf.



Highlighting brief options for Pakistan, he opined that it’s an issue not likely to die down under the next administration so Pakistan should continue to maintain its principled stance on non-discriminatory treatment during its outreach efforts to NSG PG’s and simultaneously build its own credentials to be at least at par with India. There is also a need to remain engaged with the next NSG chair and troika constructively. It would be unrealistic to expect results just by continuing to shout about nondiscriminatory trends and objectives. This is not how the international relations work so Pakistan has to make an out of the box thinking also to ensure that it is not left out whenever the NSG develops a criterion. Also amongst the scholars there is a need to hold debate about what Pakistan can do to meet the immediate future challenges and build its case more aggressively on more solid grounds. The way India has built its case by engaging the diplomatic community, the political community and the other parts of the establishment coherently and aggressively is commendable.

As a follow up to Dr. Sultan’s talk, Dr. Cheema mentioned that Pakistan does not qualify as per the first four points mentioned in the formula while the remaining five are applicable to both Pakistan and India. The talk was followed by an extensive Question & Answer session

Dr. Ansar Pervaiz (Former Chairperson Pakistan Atomic Energy Commission) commented that Pakistan has been emphasizing that there must be a criteria based approach. He questioned as to what else Pakistan should expect to happen and what could be better for Pakistan in terms of the emphasis it has been placing on the criteria based approach? Adding to his question Dr. Cheema asked why Pakistan does not have a separation plan yet and what is the

difficulty in not signing or signing of the protocol II of the IAEA? Answering Dr. Cheema's question Dr. Ansar Pervaiz said that as far as the separation of the civil and non-civil program are concerned; the work started in commission in year 2006 and can be very easily done. There is no big hurdle in it. It's in many ways already is separate. Regarding additional protocol question he said India got something approved for it with IAEA. Pakistan could adopt the same approach and maintain that it will sign only if its position is not compromised and provided it also gets something in return. Additional protocol is not a fixed but a fluid document.

Commenting on the separation aspect Dr. Sultan suggested that separation is possible but there needs to be clarity about how exactly it is required. According to him, if it is only about separating military and civilian facilities Pakistan is ready to do that. India took six years to separate their facilities; the efforts started in 2008 and eventually got successful in 2014. According to Dr. Sultan Pakistan can do the same as it has comparatively less number of facilities than India. He added that Pakistan would probably take lesser time to come out with an ideal separation plan and recommended that Pakistan can adhere to Additional Protocol as it just deals with the civilian facilities. According to him INFCIRC 540 is the model additional protocol. He further mentioned that IAEA doesn't deal with the military side; that's how all P-5 states with nuclear weapons keep their military infrastructure outside of IAEA. In the same way Pakistan can also adhere to additional protocol while just focusing on its civilian side. He shared that India has chosen to inform about the exports and it would probably also give the multiple visas to the IAEA inspectors coming for inspection. Pakistan can consider signing some of the elements of the additional protocol. Dr. Sultan called Grossi's formula as an objective criterion which looks to be politically motivated. Pondering upon Pakistan's efforts for regional stability he said Pakistan offered regional test ban treaty initiative. He further said that if NSG is working purely on technical grounds on developing objective criteria even then Pakistan shouldn't be having any problem with accepting the proposed technical criteria as Pakistan's intentions is not to misuse any of its facilities.

A question from the audience enquired whether Pakistan would be giving too much without gaining any substantial advantage if it strives to meet the clauses and or set of criteria without asking for exemption in return. Following this Dr. Zafar Nawaz Jaspal (Associate Professor, School of politics and international Relations, QAU) asked two questions. First he asked what did India negotiate with IAEA and what are the reciprocal benefits for India? He added if Pakistan is prepared and hopes to gain similar advantages for which it should sign the protocol? Responding to these questions Dr Sultan said the Additional Protocol (AP) is about civilian facilities. This AP is different for countries having NPT nuclear weapon status and

different for NPT non-nuclear weapon status. He said IAEA is bringing certain norms and practices. One of the practices is to offer a multiple entry Visa, giving more access to inspectors, remote monitoring of their surveillance etc. He said Pakistan has its facilities under safeguards. IAEA inspectors come and they inspect as per the routine. Pakistan doesn't have to lose much if it signed the AP, however it should only be done in reciprocity. Probably IAEA would insist that all states with nuclear weapons program should follow this model. Pakistan is a responsible state to IAEA and has good credentials. So if Pakistan wants to remain that, it will have to pick and choose certain elements without signing AP or sign the AP or dilute it like India has done which encompasses all aspects. He said Pakistan doesn't have to give anything in return. Pakistan is providing complete transparency to IAEA on civilian side. Signing AP should be in



reciprocity just as India got Indo-US nuclear deal in return. He added that Pakistan has not been offered any such concession. If NSG comes with this criterion, then Pakistan has to think whether or not to join NSG. He said seeking exemption is a technical issue. In NSG guidelines there are many issues. NSG guidelines have a definition of nuclear weapon state and non-nuclear weapon state that is as per the NPT. He mentioned that they are treating India as a nuclear weapon state but at the same time don't want to give legitimacy to India. So there are technical issues. He said some states suggested the NSG guidelines be amended to deal with non- NPT states, but when it comes to membership this would be equally problematic for India also. Under NSG guidelines India does not qualify for ENR technology because then India has to have a comprehensive safeguard agreement that it doesn't have at present. He said India considered the 2008 waiver as clean waiver even though the US warned that NSG was still discussing this issue. In June 2011 it was agreed that states without comprehensive nuclear safeguards would not be eligible for enrichment and reprocessing of the facilities. He said that if a state is the member of NSG, it would be difficult to keep it from entering into trade with nuclear states. He said India was at that time asking for exemption because it had to operationalize Indo-US nuclear deal. If Pakistan becomes a member, it will not need a separate exemption to enter into trade with NWS. There would not be any exemption for Pakistan as NSG works on consensus.

Dr. Jaspal commented that linking everything to NSG especially dealing with IAEA is not a wise policy. Pakistan will have to engage IAEA on different projects. Pakistan can work with the assistance of IAEA. He said Pakistan should keep its IAEA related engagements regarding AP or other protocol separate from its NSG lobbying or its stance on Conference of Disarmament. Pakistan must now have to adopt multilateral approach in order to engage with

the world on other issues too otherwise Pakistan would be easily isolated. Dr. Sultan in response to this comment said that Pakistan is proactively engaging with the IAEA however IAEA doesn't offer any nuclear cooperation agreements since the nuclear cooperation agreements are offered by the nuclear cartel. He further said that Pakistan is not linking NSG with IAEA and is debating that NSG should develop an objective criterion which should be relevant within the domain of the NSG. If Pakistan is technically out then India should also be out because both have similar credentials.



Admiral Tasneem Ahmed asked why Pakistan has not shown reservations and concerns on these criteria. Adding to this question Dr. Cheema said that the government of Pakistan at times suffers from inertia and it doesn't do things which it should have done. The Partial Test Ban Treaty was signed in 1963. He said there are no fundamental reasons why it signed this treaty in 1989. Taking forward the discussion Mr. Rana Athar (Director Pakistan House) asked if there is any information regarding the extent to which India has implemented its separation plan? Do countries share this information? Asking his second question he said if Pakistan becomes a party to NSG, is there any possibility that individual respective countries later refuse to deal with it bilaterally? Dr. Sultan commented that the debate is within the NSG, while Pakistan is yet outside the debate. Between 5-9 December Pakistan held several meetings with the NSG PG's and conveyed the reservations. Pakistan objected that since it is outside and not part of decision making, there will be adverse implications of this country specific approach. Foreign secretary and the advisor to Prime Minister have spoken on telephone with various counterparts around the world. In a way there was a consensus at the national level. Pakistan sent special envoys that visited capitals and handed over official letters containing Pakistan's reservations. Because of extensive diplomacy Pakistan achieved more than what was initially expected in just 6-7 months. Commenting on Mr. Athar's question, Dr. Sultan said that usually the separation plan literature is circulated which is to some extent credible also. Belfer Centre reports and those written by Australian head of safeguard are quite credible. Pakistan shared these reports with NSG PG's also. Resultantly several states showed skepticism regarding India's intents behind its separation plan negotiated with the IAEA. Any fuel which comes from the outside, without tracking, if used in military applications would make the country a violator of NPT Article I. However a big number of countries



disregard this as a pre-condition in order to help India build its nuclear weapons program which means that all those states are violating the Article I of the NPT.



Lt. Gen. (R) Assad Durani said that it appears the situation is being dealt separately under the strict political and technical categories. If decision is to be taken politically; it does not mean that one cannot come up with the technical arguments. But it should ultimately mean to scuttle that political argument because the chances are that people who don't have any technical know how they will try and bulldoze it. All we need is probably the support of two or three states

on our side to scuttle the Grossi plan. He asked if that would be a reasonable conclusion. Adding to this former Chairperson of PAEC Mr. Pervaiz Butt asked if becoming an NSG member give Pakistan the advantage of buying nuclear power plants or equipments from states other than China also and if this is Pakistan's only aim. Responding to these statements Dr. Sultan said that when one has the money it can buy from various sources. At the same time it is also about legitimacy of Pakistan's nuclear program. If India is a member and Pakistan is kept out then Pakistan will be the only country other than North Korea technically ineligible for nuclear trade. As perceptions work, it will bring into question the legitimacy of Pakistan's nuclear status. Pakistan has always been demanding to be treated on par and at mainstream. Pakistan is a responsible country. India also has the same goal and wants to be treated as a responsible country but at the same time wants to disqualify Pakistan. Adding to Lt. Gen. Durrani's question Dr. Sultan said that Pakistan is not objecting to nuclear trade of India with other states. Instead it is being demanded that both India and Pakistan should be considered for NSG membership as both have energy demands. NSG gives other privileges as well such as sharing of information regarding agriculture and other issues. Pakistan is a nuclear weapon state and wants that it should be given its right place.



## **Session II**

Session II of the In-House was focused on India's ballistic missile test. Referring to this topic Dr. Cheema mentioned that India recently test fired an Agni V that it claims to be an operational test and not a development type of test. This also marks the two-year end to India's restrained policy on test fire of Agni V. He shared that the session intends to discuss politics of ballistic missile tests and the equilibrium between India and Pakistan in this regard.

First Speaker for this session Ms. Tanzeela Khalil. Ms. Khalil, Senior Research Associate, SASSI, Islamabad talked about ballistic missile testing and developments and shared that there were four key developments. Like the previous years, India continued to test more missiles than Pakistan. An emerging trend could be seen in case of Pakistan that both the tests conducted



were of cruise missiles. She said there is no indication of a tit for tat response here. Regarding India joining the Hague Code of Conduct (HCOG) she said it's a significant development. Hague Code of Conduct is considered to be a supplementary arrangement for MTCR. By joining the HCOG, states give a politically binding commitment to curb the missile proliferation and exercise maximum possible restraint in development, testing and deployment of missiles. The trends in Indian missile program reflect that India does not appear to be fulfilling its political commitment. If India becomes a member of

the Missile Technology Control Regime (MTCR) its membership in the group is going to facilitate its missile and space program and could possibly ease its way into the NSG. She said soon after becoming a member of MTCR, Russia and India have approved the proposal for extending the range of Brahmos hypersonic cruise missile. Likewise, it remains to be seen that once India becomes a member of the NSG, how it would go about nuclear testing in the absence of any legal commitments. Regarding the progress of Indian operationalization of its nuclear triad she said India is focusing on its naval nuclear weapon systems which includes the development of SSBNs, SLBMs and SLCMs. The development of K-15 and K-4 is significant in this regard. According to her the recent test of sea-based ballistic and cruise missile systems are timed with developments to complete the triad of nuclear forces in which nuclear-submarine based second-strike capability would affect deterrence drastically. The test of K-4 missile in March 2016 from INS Arihant is indicative of the operationalization of the nuclear triad. She opined that production of SSBNs in next few years suggests that India is likely to produce more warheads for its SLBMs and SLCMs. This would not only instigate arms race in the region, but will also raise questions regarding India's minimalist strategy

While looking at the recent history of developments in Indian missile program, she said that one can identify key trends in different categories of developments i.e. Shorter and Longer range missiles, shift from liquid to solid fuel missiles, cannisterization, MIRVing or ready arsenal etc. India is developing diverse nuclear delivery systems. The development of shorter range ballistic missiles is not in conformity with its policy of massive retaliation and indicates counter force targeting potential. On the other hand, the longer range missiles surpassing 5000



km hint at its ambitions beyond Pakistan and China. This shift from liquid to solid fueled missile systems is a clear indication of India moving towards higher readiness levels. Such levels of readiness might not reconcile with Indian stated policy of maintaining centralized Command and Control. It is significant to note here that the last two tests of Agni-V missile were canister based. In canisterized missiles, it is not possible to keep the warheads and missile in de-mated form, which again increases the level of readiness and reduces the response time. DRDO also claims that Agni V will be MIRVed i.e. it will be designed to carry more than one warhead. However, this parameter has not been tested yet. In South Asian context an Indian MIRVed missile does not make much sense in the absence of Pakistani and Chinese BMD program. Chinese response after the recent Agni-V test is unprecedented and its reference to UNSC resolution is significant. She said all these trends point towards India maintaining a ready nuclear arsenal. Some of its land based systems remain at a launch-on-warning mode with warheads mated and ready to use at a short notice. This ready arsenal and development of ballistic missile defense capability is a dangerous mix.

Talking about its regional and global implications she said at the regional level advanced missile technology can reduce the chances of any arms control arrangement. As Indian missile program is not only aimed at Pakistan but China also so it will further complicate the security dilemma. She further said it is the first time that China has ever responded to any Indian missile development. If China chooses to respond to Indian missile developments and BMD system then this could lead to Russia and the US reacting against Chinese developments, affecting the overall global arms control.

Second speaker for this session was Dr. Zafar Nawaz Jaspal (Associate Professor School of Politics and International Relations, QAU). Continuing with the same debate he identified four broad areas to focus on. Talking about the first one he shared that these tests of Agni V came almost after two years and it is incorrect to link these tests with NSG debate. Reviewing India's missile program he shared that since 1983, in the first decade Agni series was not productive. The two tests fizzled out and third test which India declared successful didn't work in reality. In 1997 India went for the defense pact with Israel and got aero missile technology only after which came the perfection in the Agni project. This was because Agni was based on American scouts-based-launched vehicle, which also shows that there was collaboration in technological sphere since then. In fact the scud missile technology was already being used for navigation purposes.

He further shared that the Agni project has been slow, steady yet it is progressing. The recent Agni V missile test has given confidence to Indian scientific community and leadership. Earlier the cruise missile test had been facing major failure. Talking about Brahmos, he shared that it has a range of 290 km and is a mixture of technologies from two different countries i.e. Russia and India. He suggested Pakistan should also explore the possibility to get assistance from Russia in future. He further said that the Nirbhay missile test failed three times. That is why Agni V gives India a huge relief. Another important point to note is that Agni V is increasing its striking punch. Asia, Central Asia, China, 75% of Europe and East Asia is under India's range. The fact that Chinese reaction to this was very mild means other states do not consider India as a threat.

Focusing on the technological impacts he said Agni V is the addition of third stage in Agni III. For Pakistan Agni III is important because any state that comes within the range of Agni V is naturally covered under Agni III. Also the fact that India tested it from canister gives it an all weathered and different range of missile launching capabilities. India is using advanced and furnished new technologies of navigation and guidance. Therefore Pakistan has to see what impact the navigation and guidance technologies will have on its other programs. The navigation, guidance and propellant technology is going to be used in BMD system as well.

Talking about the security impacts he said that security dilemma puzzle will increase. The arms race with introduction to MIRV will force Pakistan for counter measures. Announcement of Indo-Pacific strategy and signing of joint pact bases for cooperation is important. Agni V test demonstrated that India is serious about its Asia Pacific Strategy which in turn has direct negative implications for the region. The important areas to focus on in this realm are Indo-US collaboration, monitoring, navigation and guidance and its impact on BMD system and the alarming impact of both Agni III and Agni V. India is now a member of MTCR and therefore, will be able to sell its technology to other states and import the technology also. In conclusion he said that the missile tests give an impression of great power and India is demonstrating it with its military muscle.

Taking forward the discussion Dr. Cheema said that Agni V has direct relevance to Pakistan. Agni III and other such weapons are within the range of Pakistan's target. So, if the missiles are deployed on Indian soil they all come within the range of Pakistani target. Therefore India will like to have a weapon which ranges beyond Pakistan. Agni is the type of weapon that can be deployed in the Pacific especially on its eastern side. That is why Agni V becomes a useful weapon for India to deploy against Pakistan. Hence Pakistan should not ignore the future

employment of Agni V as well. According to him, India didn't fire Agni V since two years because of its non proliferation commitments of which NSG is an important part. He added that Agni V test gives an impression that abiding by the non-proliferations rules has not served them much in their NSG case. Agni V is a symbol of great powers and India looks to be striving for a great power status. Deployment against China is not a military problem; it's a geo-strategic and more of a political problem. He said deterrence is all about psychological impact and Agni V effectively creates that impact.

This was succeeded by Question and Answer session: Ms. Khalil remarked that MIRV missile in South Asian context doesn't make much sense when there is an absence of BMD system in Pakistan and China. Dr. Jaspal said that there is only one stage difference between Agni III and Agni V. All the capabilities of Agni V are present in Agni III, other than the diameter aspect of Agni V. Similarly the navigation technologies hold a lot of significance. As Nirbhai test failed three times, he speculated that it could probably be because Russia might not be helping them in this regard. Brahmos range is increasing as well and in case of Agni, pyrogenic engine was imported from Russia in 1993. India never followed any restraint in development of its military capability. Prior to Agni V China was not in the range of India's missile and that is why Agni V gives a credible deterrence to India against China. He added that these ballistic missiles do not fit into Indian submarines only unless submarines are Russian made. However Russia will not allow this kind of submarine use.



Mr. Imran Iqbal asked why India is being given preferential treatment by the Great Powers. Is it because of India's immense purchasing power? While answering this question Dr. Cheema said that the major reason is money. Another reason is India's utility for the US against China in its Asia Pacific strategy. Additionally the US' Military Industrial Complex plays an important role in its foreign policy formulation and India offers big market for US' nuclear technology.

With this question the discussion came to an end. Dr. Zafar Iqbal Cheema extended thanks to all the speakers and audience for coming and participating in the In-House.

## **Media Coverage:**

Media covered the proceeding of the In- House Seminar/ Panel Discussion:

### **Dawn News**

<http://www.dawn.com/news/1305484>

### **The Nation**

<http://nation.com.pk/newspaper-picks/31-Dec-2016/grossi-formula-designed-to-knock-out-pakistan-s-nsg-bid>

### **Pak Telly News**

<http://www.paktellynews.com/procedure-for-nsg-attachment-politicized-pakistan.html>

### **English News**

<http://enews.shafaqna.com/EN/AL/2775734>

### **HT Media Syndication**

<http://www.htsyndication.com/htsportal/article/Process-for-NSG-membership-politicised%3A-Pakistan/18063467>

### **Zeny Online**

<http://zenyonline.com/watch-video-process-for-nsg-membership-politicised-pakistan/>

### **Al-Bab Institute for Strategic Studies**

<http://www.jassimtaqui.com/2016/12/politics-of-nsg-and-ballistic-missile.html>