

NSG Norms: Critical Issues and Criteria

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Abstract

Nuclear Suppliers Group (NSG), once created in response to the Indian nuclear weapons tests in 1974, emerged as one of the significant cartel particularly in the South Asian context. One of the interesting aspects with regard to the NSG is that it includes all recognized nuclear weapons states that matter much when it comes to the politics of the NSG amongst its members. The NSG's emergence is significant because of its revised provisions urging both nuclear and non-nuclear weapons states to be party to the Non-Proliferation Treaty (NPT) in order to prevent the transfer of nuclear technology to states that are not party to the NPT. The NSG urges states to abide by the provisions of the International Atomic Energy Agency. Although the NSG is a cartel not legally binding upon the states, it is indeed casting its influence on both nuclear and non-nuclear weapons states party to the NPT. Therefore, it also influences nuclear weapons states outside the NPT to eventually secure the benefits of the NSG while becoming party to the NPT. This article talks about the challenges that the NSG confronts and provides options to strengthen the prospects of the emerging cartel group particularly with reference to the South Asian region.

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Introduction

Although the Nuclear Suppliers Group (NSG) was created in response to the 1974 Indian nuclear test, it is surprising to observe that even the NSG's revised guidelines of June 2013 does not mention India directly whose nuclear weapon test became reason for the creation of NSG in the first place.¹ One may question why NSG hides the fact of its origin when it exempted the same nuclear weapons state, India, which is neither a party to the Non-Proliferation Treaty (NPT) nor CTBT and conducted more nuclear weapons tests in May 1998. Is not this the violation of the NSG's norms for which this was first created? Or is it ok for the NSG to remain flexible in its policy guidelines giving exemptions to a nuclear weapons state not party to the NPT? Should the future NSG's members need to become part of the NPT first? This becomes the utmost critical issue when it comes to the growing normative posture of NSG.

The NSG works on the principle of consensus by following the two prominent sets of its normative posture. One, it is responsible to strictly follow the guidelines for nuclear exports. Two, it also has a role related to the nuclear related exports.² It is imperative to note that the first set of NSG guidelines deals with elements such as a) nuclear materials, b) nuclear reactors and equipments, c) non-nuclear materials for reactors, d) plants and equipments for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production, and e) nuclear technology for each of the above nuclear export elements. The second set of NSG guidelines largely deals with nuclear export related

¹See the NSG document "The Nuclear Suppliers Group: Its Origins, Role and Activities," INFCIRC/539/Revision 6, IAEA, January 12, 2015 Accessed Feb ,2016 <https://www.iaea.org/sites/default/files/infirc539r6.pdf>.

²For more technical details of these nuclear-related exports elements, see "Guidelines for Transfer of Nuclear-Related Dual-use Equipment, Material, Software, and Related Technology," NSG Part 2 Guidelines –INFCIRC/254/Rev. 10/Part 2. Accessed May 9, 2016 <https://www.iaea.org/sites/default/files/publications/documents/infircs/1978/infirc254r10p2.pdf>.

materials such as fuel cycle and nuclear explosives for industrial purposes only.³ Both of these two sets of NSG guidelines are consistent with the provisions of internationally binding treaties in the field of nuclear non-proliferation such as the Non-Proliferation Treaty (NPT), the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), the African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba), the Treaty on the Southeast Asia Nuclear Weapon Free Zone (Treaty of Bangkok), and the Central Asian Nuclear Weapon Free Zone Treaty (Treaty of Semipalatinsk).⁴

One of the major aims of making the NSG consistent with the international non-proliferation treaties, including that of its consistence with the International Atomic Energy Agency (IAEA), is to make the NSG members binding to follow the peaceful uses of nuclear technology by prohibiting the transfer of nuclear export and nuclear related exports technology that could be diverted from peaceful to military purposes. Therefore, the NSG makes all endeavors ensuring that these two sets of guidelines for ensuring that the nuclear technology be only used for peaceful purposes and all the nuclear related materials need to come under the IAEA's additional safeguards. One of the major consistencies of the NSG is to enforce the IAEA's credibility in the field of international non-proliferation endeavors.

One of the major challenges that may fall within the critical issues of the NSG as it confronts 21st century nuclear politics is the induction of more members especially the states not Party to the NPT. Since the revised NSG's provisions talk about criteria-based principles based on unanimous consensus among the members, it would be challenging to see how the NSG could induct non-NPT states particularly possessing nuclear weapons into the NSG. There are two options. One, the NSG could follow its

³ Ibid. p. 1.

⁴ Ibid. p. 1.

principles, and allow only these non-NPT states that become part of the NPT first before they join the NSG. However, this strict criteria may not be acceptable to, say, India and Pakistan, who are de facto nuclear weapons states, but they have never joined the NPT. Rather these states would like to be recognized; that is, obtain a formal nuclear legitimacy like the P-5 major nuclear weapons states before they could become part of the NPT.⁵ Two, the NSG could relax the conditions through mutual consensus that are acceptable for both India and Pakistan as non-NPT members and allowing both India and Pakistan simultaneously into the NSG enjoying the similar rights for peaceful uses of nuclear technology under the IAEA's comprehensive safeguards without compromising on their nuclear weapons status. In contrast, creating exceptions for one state against the interest of another could jeopardize the credibility of the NSG in general and affect the strategic stability of South Asia in particular.

This article talks about the NSG norms and the critical issues it confronts in the 21st century international non-proliferation politics. In addition to mainly talking about the NSG norms, this article talks about the critical issues, and various options the NSG may opt not only to sustain the credibility of NSG and international non-proliferation, but also allow the induction of more states, especially nuclear weapons states not Party to the NPT. It concludes that NSG rises up as one of the leading international non-proliferation regimes that could lose its credibility if it creates discrimination and promotes exceptions allowing one state at the expense of another. However, its credibility could be restored if it makes endeavors ensuring either a specific criteria for all states or relax the bar of restriction in order to accommodate new states without compromising on its credibility.

⁵For an excellent work on the NSG option for inducting more states in future, see Mark Hibbs, *The Future of the Nuclear Suppliers Group*, Washington: Carnegie Endowment for International Peace, 2011).

NSG Guidelines

The formation of the NSG is based on normative principles that it would promote the ideals of non-proliferation while encouraging member states, including nuclear weapons states, to strictly follow the peaceful uses of nuclear technology. The NSG would make sure that its principles are not violated and that, even if it has to increase its membership, it will be based on criteria it sets for. For example, any decisions the NSG members would take will be based on unanimous agreement ensuring its normative principles. Any exemptions or country-specific decision without meeting the provisions of the NSG it could undermine the credibility of the NSG in general and international non-proliferation regime in particular. The revised guidelines based on unanimous agreement make few important provisions binding upon the NSG members.

First, one of the important factors taken into account by the NSG for its membership is that a participant or a member needs to adhere to one or more treaties such as the Non-Proliferation Treaty (NPT) or other international treaties on nuclear weapons free zones with full compliance with obligations of such agreements.⁶ This factor can simply be interpreted that the NSG requires a participant/member to become part of the NPT or other international treaties with full compliance of the provisions of these treaties when it comes to the NSG's membership in the first place.

Second, when it comes to the special controls on sensitive exports that largely include the Enrichment and Reprocessing Nuclear Technology (ENR), the NSG's revised guidelines clearly depicts that the Suppliers should not authorize the transfer of these sensitive materials if the recipient does not meet at least all of the following criteria:

⁶For more technical details of these nuclear-related exports elements, see "Guidelines for Transfer of Nuclear-Related Dual-use Equipment, Material, Software, and Related Technology," NSG Part 2 Guidelines –INFCIRC/254/Rev. 10/Part 2. <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc254r10p2.pdf>.

1. The recipient is a Party to the NPT and is in full compliance with the NPT provisions;
2. The recipient is not identified as breaching the International Atomic Energy Agency (IAEA)'s safeguard agreement;
3. The recipient follows the NSG's guidelines and implements effective export controls as identified by Security Council Resolution 1540;
4. The recipient has concluded an inter-governmental agreement with the supplier which includes assurances regarding non-explosive use, effective safeguards in perpetuity (lasting) and retransfer;
5. The recipient has made a commitment to the supplier to apply physical protection of the transferred nuclear technology based on the current international guidelines as agreed between the Suppliers and Recipient;
6. The recipient has committed to the IAEA's safety standards and adheres to the international safety conventions.⁷

Third, in addition to these criteria based provisions, the NSG's guidelines also mention that the Suppliers should not transfer the enrichment and reprocessing nuclear materials that enable the recipient to produce greater than 20% of enriched uranium. To satisfy the non-proliferation measures, the NSG's guidelines for the Suppliers envisages that their transfer of these nuclear technologies would not contribute to the proliferation of nuclear weapons or other nuclear explosive devices or be diverted to acts of nuclear terrorism. The NSG makes sure that the Suppliers have legal measures when it comes to the effective implementations of the NSG's guidelines including "export licensing", "enforcement measures" and "penalties for violations".⁸

⁷See the revised NSG's revised guidelines, "Guidelines for Nuclear Transfer," NSG Part 1 Guidelines INFCIRC/254/Rev.13/Part 1. Accessed June 2016. <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc254r13p1.pdf>.

⁸Ibid. p. 6.

As part of the NSG's guidelines, it claims to increase its membership on the basis of mutual consensus. However, the NSG is not substantially clear whether the factors for future membership be based on criteria or country-specific exceptions, with special exceptions granted. For example, if India goes into the NSG, it will be a nuclear weapons state, not Party to the NPT. This will go against the NSG's revised guidelines when it comes to norms and specific criteria of the NSG unless otherwise the NSG brings some structural reforms for new members especially that are nuclear weapons states, not signatory to the NPT. It is not clear how this could affect the norms of the NSG in the 21st century nuclear politics. This raises more questions than answers: Will this be good enough for NSG or a failure for international community which would in turn undermine the strategic stability of South Asia in general and international security in particular? What options the NSG will then have in order to restore the balance making sure that India's inclusion into the NSG alone could not trigger new arms race? Can Pakistan be accepted as a member of the NSG after it grants India a membership? Has the NSG thought of the strategic consequences about India's inclusion into the NSG as a non-NPT member leaving Pakistan behind?

NSG plays an absolutely essential role that governs the set provisions for both nuclear exports and nuclear-related exports. Gradually, the NSG makes sure that it keeps itself updated, effective and credible. Currently, NSG seems to have increased its credibility much more making sure that its members would follow the strict guidelines by not exporting the nuclear related technology to both nuclear and non-nuclear weapons states if they are sure that these nuclear related items/technology/materials could be diverted for nuclear weapons program. NSG confronts critical issues with regard to its long lasting efforts for meeting the principles of non-proliferation and peaceful uses of nuclear technology. This is discussed next.

NSG and the Critical Issues

The NSG currently confronts critical issues as majority of its members have already provided certain exemptions in terms of providing nuclear technology to India. Most of the NSG major powers possessing nuclear weapons have shown commendable amount of leniency to India including the recent Grossi Formula paving the ways for India to secure a smooth entry into the NSG. Creating exceptions in most of the cases for India, whilst ignoring the set criteria by lowering the restriction bar, undermines the credibility of the NSG and the international non-proliferation regime. Since the NSG rises up as one of the important cartels in the field of non-proliferation, it is not free from a number of critical issues it confronts.

First, the US-India nuclear deal and the NSG's nuclear exemptions to India has become a critical issue for the NSG in terms of sustaining its credibility. This indicates that NSG undermines its own credibility by violating its own set guidelines; raising the question if and for how long the NSG would continue to follow the criteria and guidelines making the provision that any new state becoming part of the NSG need to be Party to the NPT. Although India theoretically claims to follow the IAEA's additional protocol by accepting its safeguards, it is not clear whether or not India is following the comprehensive safeguards. India states that it would follow the principles in phases in terms of bringing its nuclear reactors under the IAEA's safeguards.⁹ The phased-manner implementation of IAEA's safeguards in terms of bringing its nuclear reactors under the IAEA's safeguards could provide India opportunity to exploit the IAEA's additional protocol, thereby, undermining the credibility of the NSG and the IAEA's safeguard agreement when India would have already acquired much fissile materials for making nuclear warheads out of its currently 8 nuclear reactors not under the IAEA's safeguards. India also claims to retain its nuclear moratorium that it will not carry out more nuclear weapons tests, but the evidences show at Karnataka that India could go for more nuclear

⁹Kamran Akhtar, "NSG Membership of Non-NPT States," *Islamabad Papers*, 2016, Institute of Strategic Studies Islamabad.

weapons tests including building more nuclear reactors for its nuclear submarines.¹⁰ Nuclear moratorium is not binding and that can be broken as France did in 2005 by carrying more nuclear weapons tests for its deterrent force modernization undermining the provisions of the NPT and its provisions towards the international non-proliferation regime.¹¹ If India goes for more nuclear weapon tests, as it desires to, it would undermine the credibility of the NSG where India is trying hard to become part of it and NSG may not have any provisions to act against India then. The NSG is not clear on the implications for India if it conducts more nuclear tests after becoming part of the NSG and how this could affect the credibility of the international non-proliferation regime. Despite the NSG's exemptions, India tends to remain outside the CTBT and the NPT at large. It tends to keep many of its civilian nuclear activities outside the IAEA's comprehensive safeguards, reflecting that it could acquire more deterrent forces.¹² India has already aspired for a grand nuclear strategy and such a grandiose journey would require India to build more nuclear reactors and produce more fissile materials that could suffice its aspiration to be the regional rising power. This development would have implications on the strategic stability of South Asia where there could be a new arms race between India and Pakistan. Also, this could create a security dilemma in the South Asian region.¹³

Second, NSG is not clear about how and when it would need to increase its membership. Whether or not, it would include India as a

¹⁰ Adrian Levy, "Experts, Locals In The Dark As A Massive New Atomic City Rises In India," *huffingtonpost*, December 17, 2015, http://www.huffingtonpost.in/2015/12/17/india-new-fuel-h-bombs_n_8816564.html

¹¹ Oliver Meier, "Chirac Outlines Expanded Nuclear Doctrine," *Arms Control Today*, (March 2006). Also, see "France: Nuclear" Nuclear Threat Initiatives, May 2016: <http://www.nti.org/learn/countries/france/nuclear/>.

¹² For interesting analysis on this, see Adeela Azam, Ahmed Khan, Syed Muhammad Ali and Sameer Ali Khan, *India Unsafeguarded Nuclear Program: An Assessment*, (Islamabad: Institute of Strategic Studies Islamabad, 2016).

¹³ Zafar Khan, "India's Grand Nuclear Strategy: a Road towards Deployment of Ballistic Missile Defense System," *Regional Studies*, Volume XXXIV, No. 1, (winter, 2016), pp. 48-64.

nuclear weapon state, not party to the NPT. Also, it is not clear if it intends to bring both India and Pakistan into the NSG simultaneously by widening its scope of nuclear politics, as not Party to the NPT. As both India and Pakistan prepare the grounds for joining the NSG, the cartel needs to bring Pakistan when and if India becomes part of it. India, without Pakistan, into the NSG would have far reaching implications on the strategic stability of South Asia. And this will completely go against the norms and values of the NSG. Once the NSG accepts India's membership for whatever reasons leaving Pakistan behind, it could make Pakistan's membership into the NSG more complex and hard because then India will have veto power to block Pakistan's chances for membership, which means that Pakistan may not be able to acquire nuclear technology for peaceful purposes as its energy requirements demand. If the NSG needs to sustain and strengthen its norms and non-proliferation values, it should not allow India in the first place to become part of the NSG as a nuclear weapon state not party to the NPT. If it does show flexibility in terms of allowing a member in possession of nuclear weapon and not Party to the NPT, then the NSG will need to allow Pakistan too to help prevent the adverse strategic consequences for South Asia.

The recent two-page Grossi formula prepared by the former Chair of the NSG, Ambassador Rafael Mariano Grossi, has been rejected by Pakistan¹⁴, because the so-called Grossi formula remains discriminatory by lowering the restriction bar and paving ways for India that can then theoretically claim to have a smooth entry into the NSG without actually fulfilling the existing provisions of the NSG.¹⁵ The Grossi formula forms the basis for exceptionalism.

If the NSG members unanimously consider India's NSG's membership, then it is equally imperative for NSG to consider Pakistan's membership as

¹⁴Baqir Sajjad Syed, "Pakistan rejects new formula for NSG membership," *Dawn*, December 30, 2016: <http://www.dawn.com/news/1305297/pakistan-rejects-new-formula-for-nsg-membership>.

¹⁵Daryl G. Kimball, "NSG membership proposal would undermine nonproliferation," *Arms Control Today*, December 21, 2016.

well. This scenario brings the NSG into a complex decision making dilemma. Because, once India and Pakistan go into the NSG, then Israel, who has not yet tested its nuclear capability nor announced its nuclear policy, could also become a claimant for membership of the NSG and so would North Korea as a non-NPT member. Perhaps, the NSG would buy more time to consider both India and Pakistan's membership. However, unless otherwise the NPT accepts both India and Pakistan as recognized nuclear weapons states, it would be a difficult decision for both India and Pakistan to join the NPT as non-nuclear weapons states in order to secure a membership in the NSG. Since the NSG's guidelines create a bar for both India and Pakistan to become members of the NSG without being Party to the NPT, there are a couple of options for both the NPT and the NSG.

Options for NSG: Sustaining its Credibility

The NSG can strengthen its prospects as one of the major and influential cartels leading towards a formal and serious treaty formation by accommodating more states Party to the NPT. The NSG could also pave the ways by devising acceptable formula for nuclear weapons states not Party to the NPT that would both allow these states to become ultimately part of the NSG and commit themselves that they would use nuclear technology for peaceful purposes and would not undermine the principles of the NSG. Moreover, certain options may also be considered. One, the NPT would recognize both India and Pakistan as nuclear weapons states before they think of joining the NPT. Presumably, as India and Pakistan get more maturity in their nuclear weapons program, the NPT and NSG could eventually recognize these nuclear weapons states with the ultimate motive to strengthen the non-proliferation regime. Nevertheless, there are both merits and demerits to this perspective. For instance, bringing Pakistan and/or India into the NPT as nuclear weapons states would strengthen the prospects of nuclear non-proliferation regime rather than keeping them outside the NPT. The more India and Pakistan, as nuclear weapons states, remain outside the NPT, the more there is a risk of a

consistent arms race in South Asia affecting deterrence stability in the South Asian region. And the more this could risk major military escalation leading to a nuclear level. However, as the international non-proliferation regime makes serious endeavors for bringing both India and Pakistan into these non-proliferation regimes, the more the world goes towards an international arms control regime. But, there are still those who could argue that the induction of both India and Pakistan as nuclear weapons states party to the NPT could encourage other nuclear weapons states, say, North Korea and Israel, to get recognized by achieving the nuclear weapons status by the NPT. Also, it could open the Pandora Box for non-nuclear weapons states to quit the NPT, declare themselves to be the next nuclear weapons states paving the ways for a third atomic age and demand for nuclear legitimacy before the international non-proliferation regime. This dilemma would continue to stay unless major structural reforms are brought into the international non-proliferation regime both by sustaining the life and spirit of the international non-proliferation regimes and by encouraging India and Pakistan to ultimately become part of the NPT/NSG.

Two, currently, it may not be acceptable for both India and Pakistan to join the NSG as non-nuclear weapons states, party to the NPT. In international politics in general and nuclear politics in particular, states would always go for effective cost and benefit analysis as to how much they are winning and losing before becoming part of a treaty. In the realist paradigm, states would prefer to have maximum gain out of something. That being said, neither India nor Pakistan could agree to stringent criteria of the NSG that would not allow by consensus or by the revised guidelines both India and Pakistan to become part of the NSG unless they join the NPT. Rather, India would desire to have a complete nuclear legitimacy and entrance into the NSG to enjoy the acquisition of nuclear technology. By following certain non-proliferation guidelines and principles, Pakistan can also pave the ways and means to become part of the NSG as a nuclear weapons state. The inclusion of both India and Pakistan into the NSG as nuclear weapons states and including that of all major nuclear weapons

states recognized by the NPT would enhance the NSG's stature as one of the strongest cartels in the field of non-proliferation and the peaceful use of nuclear technology. The prospects for turning the NSG as a cartel into a formal treaty could get enhanced.

Three, one of the fundamental critical issues for the NSG in general and the non-proliferation regime in particular, is the NSG's principle of non-proliferation and the use of peaceful nuclear technology. The issue of disarmament still remains at large, however. The promise that the major nuclear weapons states would one day make endeavors for a complete disarmament is not happening anytime soon as they still continue to possess and modernize their deterrent forces in the 21st century nuclear politics. Nuclear weapons are still considered to a broader part of deterrence theory and the prospects of a complete disarmament remain a dream. Although the US President, Barrack Obama, made statements that he would desire a world free from nuclear weapon during his historic Prague speech in April 2009, but at the same time he stated in his speech that this would not be possible in his life time.¹⁶ This reflected the stark difference between the desirability and a reality. This had also shown the complexity of the matter with regard to a complete nuclear disarmament.

Four, the Fissile Material Cut-off Treaty becomes a proposed treaty. The international community particularly the major nuclear weapons states, have failed to convince the smaller nuclear weapons states to enforce the proposed FMCT because of the outstanding issues that the proposed FMCT confront. One, there is still no agreement on the existing fissile materials reduction which would then pave the ways for the future fissile materials cut-off. Many states, in accordance with the so-called Shannon Mandate, are opposed to only future fissile material cut-off whilst ignoring the existing materials. That being said, those states who are in greater possession of the existing fissile materials would talk about the

¹⁶“Barack Obama launches doctrine for nuclear-free world,” *The Guardian*, April 5, 2009, <https://www.theguardian.com/world/2009/apr/05/nuclear-weapons-barack-obama>

future reduction, thereby, putting themselves into an advantageous positions against those whose fissile materials volume are lower. The difference could generate a security dilemma and begin a new arms race especially between the two or more than two rival nuclear weapons states. In addition to this, the CTBT is yet to be enforced. The Prevention on Arms Race in the Outer Space (PAROS) is still an outstanding issue for the non-proliferation regime. Therefore, all nuclear weapons states party to the NPT and the NSG have not kept their promises that these nuclear weapons states would one-day disarm. These nuclear weapons states not only retain their deterrent forces, but also modernize both of their conventional and nuclear force posture impacting other nuclear weapons states' strategies.

Last but not least, despite the gradual increase in membership, the non-proliferation regime particularly the NPT and the NSG have got loopholes. Despite the big membership, they failed to convince both China and France to ratify the NPT in the early years of its creation with the given nuclear weapons status. Both France and China joined the NPT in 1992. They failed to stop France from carrying out more nuclear weapons tests in 2005 when France broke its nuclear moratorium on modernizing its deterrent forces. This could happen to the NSG as well when India would carry out more nuclear weapons tests thus undermining the credibility of the NSG and other non-proliferation regimes India would become part of. They failed to stop India from carrying out nuclear tests first in 1974 and later in 1998. They failed to follow their own normative posture and values by giving India the NSG's exemptions against whom the regime was created in the first place. They will fail their normative posture by allowing India a membership when India has not yet joined the NPT and the CTBT and it still lags behind from following the IAEA's comprehensive safeguards. Moreover, they have failed to prevent North Korea quitting the NPT and testing its nuclear weapons capability for many times. The non-proliferation regime failed to restructure itself by crafting a mechanism for punishment once they find a state either quitting the nonproliferation regime or be suspicious of diverting the nuclear

technology into building a nuclear weapons program. Either the NPT including (that of the NSG) unravels or brings structural reforms to strengthen the normative aspects of the international non-proliferation regime and addresses the critical issues that undermine, say, the credibility of the NPT in general and the NSG in particular.

Currently, both the NSG, as a cartel group, and the existence of the NPT have become extremely imperative for peace and security of international community. However, at the same time, they confront critical issues to actualizing the imperatives of non-proliferation, disarmament and the peaceful uses of nuclear technology to all states without any discrimination. The non-proliferation regime will need to promote the ideals of strategic restraint regime, conventional balances and avoidance of nuclear war. It is with these normative postures that the non-proliferation regimes (including that of the NSG) will have the chances of survival.

Conclusion

The rise of the NSG is one of the important and influencing cartels promoting the cause of non-proliferation. It intends to encourage India to become part of it bypassing the historical fact that the NSG was created against the Indian nuclear weapons test. Major powers possessing nuclear weapons have already given certain exemptions to India in terms of trading with India in the field of nuclear technology transfer. However, these special exceptions by the NSG members are not consistent with the so-called provisions of the NSG that does not allow a state unless it is part of the NPT and fully follows the provisions of the NPT. This goes against the revised provisions of the NSG and thereby undermines its credibility as one of the important cartels that consists of all major recognized nuclear weapons states. These special exceptions to India reflect the nuclear politics in the broader field of nuclear non-proliferation where political and economic interest and even geo-political interest could undermine the set provisions of any treaty. If this remains the case, the international community has to look into this prevailing matter of concern when India

has an arch rival Pakistan who is also a nuclear weapon state and strongly presents its case for the NSG membership. Nevertheless, it appears that a discriminatory approach is played against Pakistan where NSG becomes criteria specific for Pakistan and country-specific when it comes to India's bid for joining the NSG.

It is encouraging that the NSG could extend its membership by inducting more states that may include states either party to the NPT or those who have not yet joined the NPT. However, it will have to calculate, say, if it allows India what the consequences will be in South Asia when Pakistan is left behind. Arguably, without pondering and determining the consequences in South Asia, India could completely bar Pakistan from acquiring nuclear technology for peaceful purposes because of the fact the 'no' decision at the NSG could be undertaken without a unanimous vote. Therefore, the NSG has got a couple of options: one, it could allow India leaving Pakistan behind, but then this could have critical consequences of arms race and increased reliance on nuclear weapons in the South Asia. This may not be in the best interest of the NSG members when their geo-economic and geo-strategic stakes are high in the South Asian region. Two, the NSG could relax its provisions unanimously agreeing that it could eventually pave the ways for both India and Pakistan to join the NSG.

However, both would remain legitimate and responsible nuclear weapons states by following the essential parameters of the international non-proliferation regime including that of the additional protocol of the IAEA. Three, the NSG remains strict to its provisions without showing any flexibility by not allowing both India and Pakistan to become part of the NSG unless they fully satisfy guidelines of the NSG, particularly joining of the NPT. This may not be favorable to the NSG as this would show NSG as too rigid, discriminatory, and limited by not increasing its membership. Therefore, making both India and Pakistan obligatory to the essential parameters of non-proliferation, increasing its membership, and promoting the cause of non-proliferation the NSG could enhance its credibility in the field of non-proliferation, and the transfer of nuclear technology only for peaceful purposes.