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NSG Revises List, Continues India Debate

Daniel Horner

The Nuclear Suppliers Group (NSG) has completed a revision of its list of controlled exports, the group announced in Prague on June 14 at the end of its annual plenary meeting.

At the meeting, representatives of the 48 member states continued to wrestle with the question of whether to admit India as a member, according to people familiar with the discussions. President Barack Obama proposed that step during a visit to India in November 2010. (See [ACT](#), December 2010.)

The revision of the list, which covers nuclear-specific and dual-use goods, took three years to complete, the June 14 statement said.

The lists “are not static” and must keep up with “the main security challenges, advances in technology, [and] market trends,” said Veronika Kuchyňová Šmígelová, head of the Czech permanent mission to international organizations in Vienna and the chair of the NSG for the coming year, in a June 25 e-mail to *Arms Control Today*. After last year’s meeting in Seattle, U.S. Deputy Energy Secretary Daniel Poneman, the 2012-2013 NSG chairman, said completing the review was his highest priority. (See [ACT](#), July/August 2012.)

The country that chairs the NSG starts its term by hosting the plenary meeting. The group is not a formal organization, and its guidelines are not binding, but members are expected to incorporate the guidelines into their national export control laws.

The June 14 statement said that the meeting participants discussed the role of the private sector in preventing proliferation and how NSG members could interact with companies that export nuclear goods.

In her e-mail, Kuchyňová highlighted the importance of companies’ internal compliance programs to ensure that the firms “do not inadvertently violate national laws and thereby subject themselves to sanctions and reputational damage.” Interaction with the private sector is “an important focus of our outreach,” she said.

Another target of her outreach efforts will be “non-NSG supplier states, including India, Pakistan and Israel,” she said. Those three countries never have joined the nuclear Nonproliferation Treaty (NPT) and maintain unsafeguarded nuclear programs.

In September 2008, in a move led by the United States, the NSG eased long-standing restrictions on nuclear trade with India by the group’s members. NSG rules generally forbid the sale of nuclear goods, such as reactors and fuel, to non-NPT countries.

With those restrictions lifted, Indian membership in the NSG is the “next logical step,” Ashley Tellis, a senior associate at the Carnegie Endowment for International Peace, said in a June 21 interview. While in the U.S. government, Tellis was a principal architect of the U.S. policy shift toward India that led to the 2008 NSG decision and a similar change in U.S. law.

Like the 2008 decision, the idea of admitting India is controversial within the NSG, which makes its decisions by consensus. The issue of Indian membership “raises some very difficult questions and needs to be discussed further,” a western European diplomat said in a June 26 interview. Tellis and the diplomat each listed France, Russia, the United Kingdom, and the United States among the strong supporters of Indian membership and China as a leading opponent.

A key criterion for NSG membership is that a country is a party to and complying with the NPT or a nuclear-weapon-free-zone treaty. India would be the first country that did not meet that criterion.

A British discussion paper on Indian membership argues that the NSG process for accepting new members “offer[s] the flexibility” to allow India to join. In the paper, which was obtained by *Arms Control Today*, the United Kingdom said it “believes that the NSG is best served by the inclusion and membership

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of India” because New Delhi has “an important civil nuclear industry” and “continues to uphold the international non-proliferation architecture.”

Tellis said that, with the 2008 decision, “the debate about principle is over.” The countries that were uneasy about admitting a non-NPT state with a nuclear weapons program “conceded” on the principle at that time, he said. “At the end of the day, they’ll make the same judgment they did in 2008,” he predicted.

The western European diplomat said his country is approaching the issue “with an open mind” but wants “a serious discussion” that “com[es] to grips with the implications” of the decision, for example, what it would mean for the implementation of NSG guidelines.

He said it might be possible to find a formulation that is not “damaging” to the NPT regime but “brings India closer.” India could “take a couple of steps toward the NPT community,” he said. One example would be signing the Comprehensive Test Ban Treaty, an “extremely high-value symbolic step” that would have little immediate practical effect on India, in part because the treaty has not entered into force and will not do so until India and seven other key countries have ratified it, he said. Also, he said, there already are other legal and political constraints on India’s ability to conduct a nuclear test.

The June 14 statement did not provide any information on the India discussions, repeating the language used in 2011 and last year. Kuchyřnová also declined to provide details.

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