

New Nuclear Suppliers Rules a Net Plus

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After years of discussion, the 46-nation Nuclear Suppliers Group (NSG) has agreed on a clearer, tougher set of guidelines designed to prevent the spread of uranium-enrichment and spent fuel reprocessing equipment and technology. The action should help guard against the further proliferation of sensitive equipment and technology that can be used to make fissile material for nuclear weapons.

Although country neutral, the new NSG rules fix one of the holes created by the NSG's ill-conceived 2008 decision to exempt India from most NSG trading restrictions and should ensure that sensitive enrichment and reprocessing equipment and technologies will not be transferred to India and used in its unsafeguarded military nuclear program.

The new guidelines, which were approved at the NSG's June 23-24 meeting in the Netherlands, bar enrichment and reprocessing equipment and technology exports to states that have not signed or are not in compliance with the nuclear Nonproliferation Treaty (NPT), do not allow comprehensive International Atomic Energy Agency (IAEA) safeguards, and do not allow more extensive monitoring under the terms of an additional protocol, among other criteria.

Only three states have not signed the NPT: India, Israel, and Pakistan. Iran, North Korea, and Syria are currently in noncompliance with their IAEA safeguards obligations. Dozens of states have not yet approved an additional protocol, including Algeria, Egypt, South Korea, and Saudi Arabia, whose ambassador to Washington recently threatened that his country would build nuclear weapons if Iran does.

The NSG was formed in 1975 in response to India's misuse of civilian nuclear assistance for its nuclear weapons program. Its guidelines are voluntary and designed to reinforce legal prohibitions in the NPT and elsewhere on the use of peaceful nuclear technology for military purposes.

The NSG's policy is a commonsense precaution: Enrichment and reprocessing equipment and technology cannot be safeguarded against misuse for military purposes, and all NSG states are under a legal obligation not to assist other countries, directly or indirectly, in the production of nuclear weapons. Unlike the five original nuclear-armed states, India continues to produce nuclear bomb material and refuses to transform its nuclear test moratorium into a legally binding pledge by signing the Comprehensive Test Ban Treaty (CTBT).

Not surprisingly, Indian politicians are complaining that the NSG's latest decision detracts from the so-called clean waiver from NSG rules that the Bush administration rammed through the group in 2008.

U.S. officials have responded like candidates eager not to offend campaign contributors. U.S. Ambassador to India Timothy Roemer insisted June 30 that "the White House and the Obama administration strongly and vehemently support the clean waiver for India."

In reality, the 2008 exemption for India was not clean and unconditional. The United States and other nuclear suppliers did not then and do not now intend to provide India with enrichment and reprocessing equipment and technology, but rather electricity production reactors and fuel. India

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remains in a special category, outside the nonproliferation mainstream.

The 2008 NSG decision specifically did not apply to enrichment and reprocessing equipment and technology transfers. The decision also notes that the exemption will be reconsidered and probably revoked if India conducts another nuclear explosive test or if it breaks any of its other nonproliferation pledges. In addition, the 2008 U.S. legislation that allows reactor and fuel sales to India includes a similar condition, which was strongly supported by then-Sen. Barack Obama (D-III.), that makes it clear that the United States has the right to terminate all nuclear trade with India if New Delhi's leaders resume nuclear explosive testing.

If the NSG allows India to become a member, as the Obama administration is now proposing, the group's ability to hold India accountable would be severely undermined, compounding the damage created by the India-specific exemption. Furthermore, given that India already has made a commitment to meet NSG export guidelines, it is not clear whether or how Indian membership would strengthen the NSG.

The Indian nuclear deal has prompted Israel and Pakistan to lobby for similar exemptions, so far unsuccessfully. Pakistan has accelerated its efforts to increase its capacity to produce plutonium for weapons and has blocked negotiations on a fissile material cutoff treaty. China has announced it will sell Pakistan two additional nuclear power plants in violation of NSG rules.

Before considering membership options for India, NSG members should actively encourage India to curtail the production of fissile material, sign the CTBT, and freeze further development of long-range ballistic missiles that could carry nuclear weapons.

The 2008 India exemption was a strategic blunder that has complicated relations with India and damaged the nonproliferation effort. The NSG's new policy on sensitive enrichment and reprocessing items is an important adjustment, but the effort to curtail proliferation and slow down nuclear weapons competition in Asia requires more principled and effective leadership from Washington, New Delhi, and other capitals.

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