TIMUN SOCIETY

Study Guide - Week 12

NSG Plenary Session - New Members of the Nuclear Suppliers Group

1) TDLR:

The Treaty on Non-Proliferation of Nuclear Weapons [NPT] stands as the world's blueprint for stopping the spread of nuclear weapons, championing disarmament, and encouraging peaceful nuclear innovation. The Nuclear Suppliers Group [NSG] was created to regulate and control the export, sale and exchange of nuclear materials meant for non-weapon specific use. One of its primary rules was that only the states who ratified the NPT would be able to engage in nuclear trade.

A surprising agreement was reached in 2008 when NSG granted an exception for India, sparking high controversies, with many states fearing that it would undermine the NPT's authority. Today, the NSG wrestles with reforms aimed at greater transparency, modernization of its guidelines and implementation of the Security Council Resolution 1540 (2004).

2) Background Information:

The Treaty on the Non-Proliferation of Nuclear Weapons, signed in 1968, is the fundamental basis of the global effort to prevent the spread of nuclear weapons and promote peaceful nuclear cooperation. The NPT is built upon three main purposes: proliferation, disarmament, and peaceful use of nuclear energy. Through this, NPT's goal is to prevent new states from acquiring nuclear weapons, reduce the pre-existing nuclear weaponry stock, and ensure all countries can access nuclear technology utilized for peaceful means under an international framework.

Following India's nuclear test in 1974, several nuclear supplier countries formed the Nuclear Suppliers Group. The NSG is a voluntary association comprising 48 countries that operates by consensus, with all members adhering to the voluntary guidelines on nuclear trade [INFCIRC/254]. These guidelines regulate the trade of nuclear materials, equipment, and technologies that have both civilian and military uses. However, since it is not a treaty, there are no legal penalties for non-compliance.

Over time, the NSG has raised its standards, first in 1992 when all members agreed to accept and enforce the full-scope of International Atomic Energy Agency [IAEA] safeguards. Members have also

permitted comprehensive IAEA inspections and signed the Model Additional Protocol [INFCIRC/254] to confirm full transparency and allow inspections on the use of nuclear materials and facilities.

In 2008 the NSG made an exception for India, a non-NPT state, allowing it to engage in civilian nuclear trade, given its reputable non-proliferation record. This caused a divide among members, as some viewed it as practical and beneficial for global nuclear cooperation, while others believed it weakened the NPT by rewarding a non-member state. Since then, Pakistan and Israel have shown interest in joining the NSG as well. Pakistan's application process has been ongoing since 2016, but no consensus has been reached among NSG members, mainly due to the fact that allowing non-NPT states to join could weaken the purpose and credibility of the treaty and set a controversial precedent.

Recently, the NSG has continued discussions on reforms under the NPT framework, focusing on enhancing transparency and ensuring that nuclear technology is used exclusively for peaceful purposes. Recent plenary sessions have been held in detail to discuss updating the dual-use technology list and strengthening guidelines in accordance with UN Security Council Resolution 1540.

3) Key Issues:

3.1) Membership of Non-NPT States (India, Pakistan): Many countries believe that the current framework under which only members of the NPT can join the NSG is not only adequate but most importantly necessary. There are serious concerns raised over the question whether allowing non-NPT states to participate in the Nuclear Suppliers Group would effectively render that treaty obsolete. Should member states who have not signed or ratified the NPT be able to join the Nuclear Suppliers Group? Should special waivers be given to non-NPT states to be able to engage in nuclear trade? Can the NSG afford to exclude countries with nuclear technology just because they are not parties to the NPT?

3.2) Improving Safeguards, Transparency, and Export Controls: In the world of growing tensions, as major nuclear powers announce that they will resume nuclear testing, the question of safeguards is raised. Are the current guidelines proposed by the NSG and the International Atomic Energy Agency adequate? Should tighter restrictions be put on nuclear trade? Should more non-nuclear states be allowed to participate in the exchange of nuclear technology? How could this be achieved?

3.3) Disciplinary mechanisms: Since the Nuclear Suppliers Group has never been formalised with an appropriate treaty and its members are bound only by their own consensus the NSG has no way of disciplining or expelling a country who is not following the agreed upon guidelines. Moreover, no legal obligations truly arise from the NSG agreement. Should NSG and its guidelines be formalised into a binding treaty? Should a formalised NSG have disciplinary mechanisms for non-compliance?

4) What can the NSG Plenary Session actually do?

Although the Nuclear Suppliers Group plays a significant role in shaping global nuclear trade, it has not been formed by a treat, meaning that decisions of its Plenary Session are not binding. Member states voluntarily implement them through national export-control legislation, so it's real power

comes from the fact that the major nuclear-states are involved in creating the guidelines it implements. Among the things that the Plenary Session can do are:

- Updating and creating guidelines on the export and trade with nuclear materials, technologies, etc;
- Recommend implementation of national legislation about nuclear trade;
- Coordinate exchange information on threats and opportunities arising from the nuclear trade;
- Evaluate the candidates for NSG member ships and admit or reject their application;
- Grant special waivers for non-NPT members to engage in nuclear trade;
- Issue statements on topics of nuclear trade, non-prolifferation, peaceful use of nuclear technologies, etc;

5) Major Stakeholder's:

5.1) India (Observer): After receiving the special waiver for nuclear trade in 2008, India in the Plenary Session would advocate for its full membership to the NSG. Having participated in the trade for decades and presenting strong compliance with the required guidelines and IAEA safeguard they would advocate for acceptance of non-NPT states, technology sharing for developing countries.

5.2) Pakistan (Observer): Pakistan, in the Plenary Session would strongly advocate for equal treatment of non-NPT countries. They would likely argue that if India was granted a special waiver for nuclear trade the same should be considered for other countries according to clear criteria. In their next step they would push forward their own membership to the NSG and support expanding the Group's membership beyond the NPT parties to best utilize the nuclear technologies present among states who have not ratified the treaty.

5.3) China: China, as one of the most prominent nuclear-states in the NSG, is opposed to expanding the memberships of the group to non-NPT states. They advocate against India's membership though they are not as strict in regards to Pakistan's application. They would most likely only consider an acceptance for non-NPT states if it included both of these states together without favoring India.

5.4) United States: Being one of the most influential countries in the NSG, playing a major role in providing the waiver for India in 2008, the US is a supporter of expanding the membership of the NSG in specific circumstances. They would likely require high entry criteria about compliance with the NSG guidelines and IAEA safeguards, which could exclude countries they would not want to see in the NSG like Pakistan. They would also heavily oppose creation of disciplinary mechanisms, emphasising the respect of national sovereignty and pragmatic cooperation.

5.5) Russian Federation: As a major nuclear state, Russian Federation is cautious about expanding the membership for NSG for non-NPT members, Though they are open to the idea of India's and Pakistan's membership, for geopolitical reasons they would likely treat those as exceptional cases. Russia would also emphasise the need for national sovereignty and the need to support the global south in development of peaceful nuclear technologies. They would strongly oppose any form of enforcement or mechanisms and stress the need for non-politization of the topic.

6) Sources and further reading:

https://www.iaea.org/topics/safeguards

https://www.nuclearsuppliersgroup.org/index.php/en/guidelines/nsg-guidelines

https://disarmament.unoda.org/en/our-work/weapons-mass-destruction/un-security-council-resolution-1540

https://www.worldwidejournals.com/paripex/recent_issues_pdf/2016/October/indias-membership-in-the-nsg-challenges-and-prospects_October_2016_9003619954_2607339.pdf

https://www.eurasiareview.com/09092025-the-geopolitics-of-the-nuclear-suppliers-group-nsg-pakistan-and-indias-competing-bids-oped/

https://www.nuclearsuppliersgroup.org/index.php/en/

https://economictimes.indiatimes.com/news/india/iaea-chief-backs-indias-entry-into-nuke-club-nsg/articleshow/119353255.cms?from=mdr