



ANALYSIS & NEW INSIGHTS





Each January, India and Pakistan diligently exchange the coordinates of at least a set of their nuclear facilities. They have done so for more than three decades-even in times of crises or in the absence of official communication channels. The two countries exchange this information as a commitment under the 1988 Agreement between India and Pakistan on the Prohibition of Attack against Nuclear Installations and Facilities. This agreement, informally known as the Non-Attack Agreement (NAA), is the only instrument between the two countries that has been unfailingly

implemented. It is the longest-lasting confidence-building measure observed in South Asia. Historically, the global nuclear policy discourse has rarely invoked the agreement's existence or acknowledged its relevance to broader practices of risk reduction and nuclear safety.

In February 2022, Russian forces attacked the Zaporizhzhia Nuclear Power Plant (ZNPP) in Ukraine. It was the first time in history that an operational nuclear power plant was directly



targeted in a military operation. The situation put new urgency behind proposals to ensure the safety and security of nuclear facilities during armed conflict. In this context, the NAA merits closer examination—both to evaluate its efficacy for risk reduction between India and Pakistan and to assess the agreement as a template for wider emulation.

The factors that generated interest and opportunity for India and Pakistan to engage in positive reinforcement are in fact more consequential than the text of the agreement, given that international law also provides, albeit heavily caveated, for the protection of nuclear facilities during war. Against that background, this paper engages with two questions: Why has the NAA stood the test of time? How can it serve as an example for the future of global arms control in conflict regions?

Confidence-Building Measures between India and Pakistan

The relationship between India and Pakistan is one of deepseated animosity, characterized by fault lines reinforced over the course of many decades. Despite attempts to establish a confidence-building or risk-reduction regime, such measures have had minimal impact on the overall relationship because of the highly contentious nature of the disputes plaguing the region for generations. Rather than being embraced as a proactive approach to conflict resolution, confidence-building measures (CBMs) have typically been employed in response to external pressures or as a result of looming crises threatening to erupt into full-blown conflict. As modern conflicts tend to be characterized by hybrid forms of warfare, ranging from covert actions to surgical strikes and low-intensity conflicts, the efficacy of traditional CBMs becomes increasingly limited. However, there is still hope, considering the long-standing legacy of Indo-Pak CBMs that have endured the trials of time.

Early achievements stemmed from external parties facilitating treaties and agreements, leading to positive outcomes for both states. The 1949 Karachi Agreement, an extension of a UN Security Council resolution after the 1947–48 war over Kashmir, set guidelines for troop conduct along the Line of Control. UN observers monitored deployment, and troops on both sides have mostly followed the agreement since. Over the years, some treaties and agreements were brokered by external parties, such as the Indus Water Treaty of 1960 and the Tashkent Declaration of 1966.

The 1960 Indus Water Treaty between India and Pakistan is a significant agreement governing the sharing of the Indus River water, brokered by the World Bank. It's hailed as one of the most successful water-sharing agreements globally. The Tashkent Declaration, after the 1965 war between India and Pakistan, aimed to enforce a ceasefire. The 1972 Simla Agreement focused on settling all issues, including Kashmir, and acknowledging the Line of Control as a de facto border. The Lahore Declaration in

1999 aimed to continue the Simla progress for lasting peace and, though not fully realized, showed efforts for Kashmir resolution through diplomacy.

The Non-Attack Agreement

The Non-Attack Agreement was signed December 31, 1988, and entered into force January 27, 1991. On paper, it serves as a crucial mechanism for enhancing mutual trust and reducing the likelihood of nuclear incidents. The prevention of accidental or unauthorized use of nuclear weapons has been a key priority for both countries. India and Pakistan have successfully fulfilled the agreement's specific mandate over the years regardless of highs and lows in the political relationship, making it the most enduring CBM between the two countries.

Agreement between India and Pakistan on the Prohibition of Attack against Nuclear Installations and Facilities

(India-Pakistan Non-Attack Agreement)4

The Government of the Islamic Republic of Pakistan and the Government of the Republic of India, herein after referred to as the Contracting Parties,

Reaffirming their commitment to durable peace and the development of friendly and harmonious bilateral relations;

Conscious of the role of confidence building measures in promoting such bilateral relations based on mutual trust and goodwill;

Have agreed as follows:

Article I

Each party shall refrain from undertaking, encouraging or participating in, directly or indirectly, any action aimed at causing the destruction of, or damage to, any nuclear installation or facility in the other country.

The term "nuclear installation or facility" includes nuclear power and research reactors, fuel fabrication, uranium enrichment, iso-topes separation and reprocessing facilities as well as any other installations with fresh or irradiated nuclear fuel and materials in any form and establishments storing significant quantities of radio-active materials.



Article II

Each Contracting Party shall inform the other on 1st January of each calendar year of the latitude and longitude of its nuclear installations and facilities and whenever there is any change.

Article III

This Agreement is subject to ratification. It shall come into force with effect from the date on which the Instruments of Ratification are exchanged.

Done at Islamabad on this Thirty-first day of December 1988, in two copies each in Urdu, Hindi and English, the English text being authentic in case of any difference or dispute of interpretation.

[Signed:] Humayun Khan Foreign Secretary Islamic Republic of Pakistan

K.P.S. Menon Foreign Secretary Republic of India

Instruments of Ratification Exchanged: December 1990 (Entry into Force)

The agreement is imperfect. Some argue that the original agreement has become mostly symbolic or that it lacks practical relevance and effectiveness in contemporary strategic contexts. There have been proposals to modernize the agreement by expanding its scope to include other critical infrastructure like large dams and by establishing mechanisms for sharing information on terrorist threats to these facilities.

Such critiques and proposals may not adequately appreciate the resilience and significance of the original agreement's success over the decades. They overlook the inherent value of the agreement's durability and psychological impact, achieved through its narrow focus and modest goal setting. Despite geopolitical tensions and conflicts, the agreement has indeed been faithfully adhered to by both India and Pakistan, indicating a mutual recognition of the catastrophic consequences of targeting nuclear facilities. The agreement's unbroken compliance, even during intense crises, signifies a foundational trust and respect for mutual survival. Any efforts to expand or alter the NAA should proceed with caution, ensuring that they do not inadvertently undermine the solid foundation already in place. Recognizing the risks involved in modernizing and broadening the agreement to tackle a wider array of threats and infrastructures, there is a

legitimate concern that the foundational core and the simplicity of the initial agreement could be jeopardized. This overreach might lead to a framework that is too cumbersome to be practically useful or too broad to be meaningfully enforceable.

Vulnerability, Geopolitics, and the Role of Leadership

At the time the NAA was negotiated, India and Pakistan were deeply concerned about the vulnerability of their nuclear facilities. These concerns were influenced by specific geopolitical events and power dynamics in the region at that time. However, the continued recognition of mutual vulnerability by those in positions of power on both sides over the past 33 years—since the initial exchange of lists—has played a pivotal role in maintaining the effectiveness and longevity of this agreement.

Perceived Vulnerabilities

Pakistan's decision to seek the NAA was initiated by the Israeli attack on the Osirak nuclear research reactor in Iraq. In June 1981, a sortie of Israeli F-16 and F-15 fighter jets attacked and partially destroyed the unfinished reactor. The event brought concerns regarding the vulnerability of Pakistan's own nuclear installations sharply into focus. Pakistan's strategic and regional environment at the time was already rife with tension. The Osirak attack demonstrated the potential for military strikes against nuclear facilities in the region. The fear of such strikes led Pakistan to take measures aimed at addressing potential threats toward its nuclear facilities.

Underlying security perceptions and concerns about the power imbalance in the region added to Pakistan's anxiety. India's conventional military superiority, especially showcased during the 1971 war, when Pakistan lost its eastern wing and ceded parts of its territory to India, further exacerbated Pakistan's concerns. Pakistan's acquisition of US F-16s significantly altered the country's threat perception concerning its nuclear installations. In 1984, when Pakistan reportedly received intelligence about a potential Indo-Israeli plan to attack its nuclear facilities at Kahuta, it responded by showcasing its enhanced military capabilities. The visibility of this deployment, confirmed by American satellite imagery, emphasized Pakistan's ability to employ advanced aerial technology in safeguarding its strategic interests. ⁷

For India, the supply of F-16s to Pakistan was perceived as an act that would tip the regional balance of power in favor of Pakistan. There was a real fear that Pakistan's newly acquired warplanes could be used to launch attacks on India's nuclear installations or other strategic targets. Coupled with simmering tensions between the two countries, this created a potentially volatile situation that had serious implications for India's security.

In recognition of the strategic and existential threats posed by potential nuclear incidents, India and Pakistan saw fit to prioritize the security and safety of their respective nuclear installations.

This shared concern, rooted in the realization that any mishap could lead to catastrophic consequences, provided a critical common ground for their respective leaders to come together and engage in fruitful discussions, leading to a mutual understanding and collaborative efforts in the realm of nuclear safety.

The Geopolitical Context

The NAA can and must be situated within its broader geopolitical environment—especially as it relates to cooperation between rivals and nuclear disarmament.

The Non-Aligned Movement, of which India and Pakistan are members, was at peak prominence during this time. Through nonalignment, states sought to carve a foreign policy trajectory that was independent of great power conflict between the United States and the Soviet Union, to give greater primacy to their own priorities and on their own terms. Nuclear disarmament was a big focus of this agenda. The 1984 Six Nation Five Continent Peace Initiative, for example, included Argentina, India, Mexico, Tanzania, Sweden, and Greece. The initiative did not go far. An Indian journalist wrote at the time, "There is no evidence that the appeal issued by the six leaders of the non-aligned world, which was described in India as 'stirring,' had any impact on Washington and Moscow." Nuclear disarmament was nevertheless later taken up as a great priority by Rajiv Gandhi when he became prime minister, evident in speeches such as the one he delivered at the Six-Nation Summit of 1985. 10 He also proposed the Rajiv Gandhi Action Plan for a Nuclear Weapons-Free World to the Third Special Session of the UN General Assembly on Disarmament in 1988. 11

In roughly the same period, the Cold War between the United States and the Soviet Union was peaking and, in retrospect, in its last phase. It was marked by a thawing of bilateral tensions. The diplomatic factors and global political environment that contributed to cultivating cooperation between adversaries would have been of particular relevance to India and Pakistan. In 1987, US President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev signed the Intermediate-Range Nuclear Forces Treaty. In 1990, South Africa dismantled its nuclear weapons program—the 1996 Treaty of Pelindaba is named after South Africa's main nuclear research center. This positive turn in the global geopolitical environment was in clear alignment with Indian and Pakistani engagement on confidence building.

The Enduring Significance of Leadership Commitment

In January 1988, Prime Minister Gandhi was scheduled to fly to Stockholm to speak at the Six-Nation Five Continent Peace Initiative summit on nuclear disarmament. He decided abruptly and without warning to first fly to Peshawar, Pakistan, to offer condolences on the passing of Abdul Ghaffar Khan, a prominent Pashtun leader known for his nonviolent resistance against British rule in India. President Zia ul Huq cleared the flight to land, which Gandhi thanked him for in a public message. This visit by Gandhi, his family, and some members of his cabinet was significant as it underscored the deep respect and admiration that

Indian leaders had for Bacha Khan and his contributions to the Indian independence movement. 14

This historical anecdote demonstrates several forces that would culminate in the NAA. India and Pakistan were interested in resetting ties, while Gandhi was invested in reducing nuclear risks and creating a legacy of nuclear disarmament. Leadership and personal relationships between the countries' leaders—while understudied in the literature—contributed to the success and sustainability of the NAA.

The NAA was one of a series of issues discussed between India and Pakistan in the period 1985–1989. It can be traced back to Pakistani president General Zia ul Haq's offer of a no-war pact to Indian Prime Minister Indira Gandhi. This was followed by Prime Minister Rajiv Gandhi's reported 1985 proposal to enter a bilateral agreement that committed both parties to not attack each other's nuclear facilities. ¹⁵ Rajiv Gandhi also invited Zia to the inauguration of a nuclear reactor in 1985 that coincided with Zia's visit on December 16, giving impetus to the initial thought of nonattack. ¹⁶

During 1986–1987, the Indian Army conducted a massive military exercise known as Operation Brasstacks. ¹⁷ This display of military power raised Pakistan's fears of an Indian attack on its nuclear facilities. Although there is clear evidence to suggest that serious consideration of the NAA began much earlier, Brasstacks could have increased political momentum to sign it.

Following the 1988 general elections in Pakistan, Prime Minister Benazir Bhutto extended an invitation to Rajiv Gandhi to discuss matters further. The Indian prime minister visited Pakistan on December 31, 1988, and engaged in talks with Bhutto in Islamabad. The discussions culminated in the signing of the momentous NAA. ¹⁸ The first list of India and Pakistan's nuclear facilities was exchanged on January 1, 1992, as part of this mechanism. ¹⁹

One essential factor that contributed to the NAA's success was the leaders' personal commitment to finding diplomatic solutions to long-standing issues. Earlier, Rajiv Gandhi and Haq, and subsequently Rajiv Gandhi and Bhutto, recognized the importance of confidence-building measures in developing sustainable peace between the two countries. Their commitment helped establish a foundation of trust between the two nations. Both sides recognized the potential dangers posed by attacks against each other's nuclear installations and facilities and shared an understanding of the importance of preventing conflict from escalating. So they prioritized communication and collaboration, which allowed them to reach an agreement that benefited both nations.

International Legal Context

The NAA is unique both in how it reflects the international legal discourse of the time and in its departures. The agreement emerged from an era where states were increasingly concerned with noninternational armed conflict and protection of civilians in wartime. Developments in modern warfare along with



geopolitical dynamics—including decolonization, Cold War polarization, and fears of nuclear use—highlighted the insufficiency of the 1949 Geneva Conventions for regulating combatant behavior and safeguarding civilians during armed conflict. This led states to negotiate the Additional Protocols I and II to the Geneva Conventions, which were adopted in 1977.

The Additional Protocols (AP) established a prohibition of attacks on critical infrastructure. ²⁰ AP I, Article 56 and AP II, Article 15 are concerned with the "protection of works and installations containing dangerous forces" such as nuclear facilities, which, if compromised, could jeopardize civilian populations through radioactive fallout. ²¹ AP I, Article 5, clause 6 urges parties to "conclude further agreements among themselves to provide additional protection for objects containing dangerous forces," which is precisely what India and Pakistan did about a decade later. ²²

The NAA aligned well with several major international arms control and security measures that characterize the later stages of the Cold War. A relevant example is the Intermediate-Range Nuclear Forces Treaty (INF Treaty) signed in 1987 between the United States and the Soviet Union, which called for the elimination of an entire category of nuclear weapons. ²³ This agreement was part of a broader movement toward mitigating the risk of nuclear confrontation globally, a goal shared by the India-Pakistan agreement in aiming to reduce regional nuclear tensions.

In addition to the INF Treaty, the India-Pakistan agreement reflects the objectives of the Convention on the Physical Protection of Nuclear Material (CPPNM), adopted in 1980. ²⁴ The convention establishes robust security measures for the protection of nuclear facilities and materials, particularly against theft or sabotage. By agreeing not to target each other's nuclear facilities, India and Pakistan were contributing to a safer regional security environment, in line with the CPPNM's goals of enhancing global nuclear material security.

The agreement also aligned with the shift toward CBMs popular in the 1980s, underpinned by initiatives like those promoted by the Conference on Security and Cooperation in Europe, which fostered dialogue and cooperation to enhance security and stability in the region. ²⁵ These examples underline how the India-Pakistan NAA was part of a broader international trend toward reducing the likelihood of nuclear conflict and enhancing security protocols around nuclear installations, reflecting a significant alignment with the international legal discourse on nuclear risk reduction and stability during that period.

Following the Israeli attack on Iraq's Osirak reactor in 1981, the international legal discourse gave greater focus to measures to prevent armed attack on nuclear facilities. In 1987, for example, the International Atomic Energy Agency (IAEA) General Conference adopted GC(XXXI)/RES/475 on the "Protection of nuclear installation against armed attacks," which noted the "urgency of concluding an international agreement." Further, the resolution advised the IAEA director general to build on earlier work at the Conference on Disarmament. In the early 1980s, the conference

reportedly compiled draft provisions for a multilateral treaty to ban military attacks on nuclear facilities, including extending this provision specifically to facilities under IAEA safeguards. ²⁷ Unfortunately, the discussions did not proceed further, though they consequently provided useful context for IAEA deliberations on the subject.

Prohibition of armed attack on nuclear facilities is also part of the Treaty of Pelindaba, which established the African Nuclear-Weapon-Free Zone. Preparatory work on a draft treaty began in 1991, and the treaty was adopted in 1996. Among other provisions, the treaty commits parties to not "take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African Nuclear-Weapon-Free Zone."28 In the aftermath of the Osirak attack, there was heightened concern among states, including those in Africa, about the security of nuclear installations. This concern influenced the formation of agreements like Pelindaba, which explicitly includes provisions to prevent attacks on nuclear facilities-a principle shared by the India-Pakistan agreement. 29 Both reflect a commitment to stabilize regions where the potential for nuclear conflict could have devastating implications, underlining a shared international agenda for nuclear safety and nonproliferation.

However, several unique features of the NAA set it apart from other measures of its time.

One, it is a bilateral agreement between two adversarial and then-undeclared nuclear states.

Two, the prohibition of armed attack in the 1988 India-Pakistan agreement is unconditional and unqualified. AP I and II recognize only "nuclear electrical generating stations," or civilian nuclear power plants, as prohibited military targets. ³⁰ Both protocols also identify conditions under which their protections for nuclear generating stations cease, which creates some ambiguity around the prohibition. APs I and II do, however, also identify other critical infrastructure-dams and dikes-to be protected during armed conflict. The India-Pakistan agreement is limited to "nuclear installations and facilities," albeit in their all-encompassing definition. 31 The Pelindaba Treaty was negotiated after the signing of the NAA. For its unqualified prohibition of armed attack, it contains a similar, broad definition of "nuclear installation" that encompasses "any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present."

Three, the Pelindaba Treaty, 1977 APs I and II, even the 1987 IAEA resolution are extensive and much broader nuclear-relevant instruments that *include* sections relating to the protection of nuclear facilities. The India-Pakistan agreement, on the other hand, is a pithy, two-page document that lists three articles—pertinent only to the issue of nonattack. The NAA's narrow scope and specificity have in fact been critical to its success.

Aligning the India-Pakistan agreement to international norms of behavior—but without tying one to the other—has the distinct

strategic benefit of multiplying the costs of violating an otherwise strictly bilateral agreement.

Conclusion

India and Pakistan signed the NAA with a specific purpose: to prohibit military attacks on each other's "nuclear installations and facilities" as a way to safeguard civilians from radioactive fallout. In helping meet this narrow objective, the instrument is successful.

The NAA excels in upholding the norm of consistency by maintaining unwavering adherence to the agreement between India and Pakistan, irrespective of the fluctuating nature of their bilateral relations. That the norm is faithfully upheld reinforces its consistency and predictability—particularly in the absence of trust. To view it as a reliable factor of stability in an otherwise volatile relationship is thus neither a stretch nor an overassessment. Through its observation, the norm is a foundation that supports the broader goals of regional and global nuclear stability.

The instrument also scores highly on norms of transparency and information sharing, though only in theory. In the absence of information on whether *all* nuclear installations, as covered by the definition in the NAA, make it to the lists (which in any case neither country is obligated to share publicly), it is impossible to ascertain how it holds up in practice. This opacity deters a realistic assessment of the extent of the CBM's practical utility, especially as the NAA does not stipulate verification and compliance measures.

Some of the dismissiveness surrounding the potential broader applicability of India-Pakistan CBMs derives from overtly politicized analytical lenses, such as South Asia being "the most dangerous place in the world." The general assumption is that these instruments are relevant only to the regional equations within which they exist. In fact, this line of thinking has had prominent discursive relevance, which could have encouraged more ideologically driven narratives rather than balanced analysis. With muted calls at the time for the decolonization of international relations as a field of study or of knowledge production on nuclear policy, there would have been little possibility of extrapolating from crisis management in South Asia for adversarial relationships elsewhere.

Despite its narrow focus and practical limitations, the NAA could be of contemporary relevance, especially in the context of the current situation at ZNPP in Ukraine, which remains under Russian control amid ongoing conflict. The NAA, which prevents attacks on nuclear facilities, offers an interesting example for mitigating risks in conflict zones where nuclear installations might become potential targets or collateral damage. NAA demonstrates that even states with intense rivalries can establish effective protocols to safeguard against nuclear disasters. As Europe's largest nuclear power facility in an active conflict zone, ZNPP faces risks that extend far beyond regional borders, posing significant environmental and humanitarian threats globally. The NAA model

highlights the feasibility and necessity of diplomatic engagements that prioritize nuclear safety and security over strategic military objectives. It serves as a compelling precedent for international diplomacy that could, and arguably should, be replicated in similar contexts globally.

Moreover, the NAA illustrates how nuclear safety can be a point of consensus and cooperation, even between adversaries. This is a potent reminder of the broader applicability of such agreements in today's geopolitical climate, where the intersection of military conflict and nuclear facilities is an alarming possibility. By securing a mutual commitment to nonaggression toward nuclear facilities, the NAA not only protects the immediate regions but also contributes to global nuclear safety and security goals.

It is understandable that the paradox of India and Pakistan maintaining the 1988 NAA despite ongoing tensions raises questions about its efficacy and sincerity. However, the international community's perspective often hinges on a few key points. For example, the symbolic value of NAA. Even if skepticism exists about the depth of trust between the two countries, the agreement holds significant symbolic value. It represents a formal acknowledgment by both states of the importance of avoiding nuclear conflict. This symbolic gesture can serve as a basis for other confidence-building measures.

The agreement provides a practical mechanism for risk reduction. It might not eliminate the possibility of nuclear conflict, but it does reduce the probability of an attack on nuclear facilities. This practical aspect needs to be taken seriously by the international community as it contributes to regional stability.

The annual exchange of information about nuclear facilities does allow for a certain kind of verification. Although this does not involve inspections, the consistent adherence to this practice over years adds a layer of trust and should be seen as a positive step. There is no denying that while tensions and conflicts continue over various issues, the maintenance of this particular agreement between India and Pakistan is a crucial stabilizer. It suggests that both countries recognize the catastrophic consequences of nuclear warfare and are willing to maintain some protocols to prevent it. This agreement in fact is only one of several CBMs and dialogues. ³³

While the agreement does not solve foundational issues of trust and conflict between India and Pakistan—and perhaps never set out to do so—it is a vital component of the nuclear risk reduction framework. Its continued existence should be viewed as a positive, albeit small, step toward broader stability in South Asia.

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- 33 A discussion of several other CBMs between India and Pakistan that have also contributed to broader strategic stability and security in the region is beyond the scope of this article, but they include the establishment of a hotline between the directors general of military operations of India and Pakistan in 1965; the Agreement on Advance Notification on Military Exercises, Maneuvers, and Troop Movements, which went into effect in 1991; the 1994 Agreement on Prevention of Airspace Violations and for Permitting Over Flights and Landings by Military Aircrafts; the 2003 formal ceasefire along the International Border, Line of Control, and Actual Ground Position Line in Jammu and Kashmir; the biannual meetings between the Indian Border Security Forces and Pakistani Rangers, which have been in effect since 2004; and the Agreement on Advance Notification of Ballistic Missile Tests in 2005. For a discussion of these CBMs, see Toby Dalton, "Beyond Incrementalism: Rethinking Approaches to CBMs and Stability in South Asia," in Deterrence Stability and Escalation Control in South Asia, ed. M. Krepon and J. Thompson (Washington: Stimson Center, 2013), 187–208, https://www.stimson.org/wp-content/files/file-attachments/Dalton_-_Beyond_Incrementalism_1.pdf; Zafar Khan, "Balancing and Stabilizing South Asia: Challenges and Opportunities for Sustainable Peace and Stability," International Journal of Conflict Management 30, no. 5 (2019): 741–763, https://www.emerald.com/insight/content/doi/10.1108/IJCMA-08-2018-0093/full/html; and Maria Effendi and Ishtiaq Ahmed Choudhry, "India-Pakistan CBMs since 1947: A Critical Analysis," Strategic Studies 36, no. 4 (2016): 123–141, https://plantsghar.com/index.php/9/article/download/1024/1021.



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Analysis and New Insights are thought-provoking contributions to the public debate over peace and security issues. The views expressed in this brief are those of the authors and not necessarily those of the Stanley Center for Peace and Security.

Cover photo: The Kudankulam Nuclear Power Plant, Tamil Nadu, India. IAEA photo.



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