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Indo-Pak Exchange of Nuclear Asset List: A CBM that has Sustained

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On January 1st, under a long-standing agreement between the two neighbours, India and Pakistan simultaneously shared a list of their nuclear sites and facilities through diplomatic channels in New Delhi and Islamabad.¹ According to India's Ministry of External Affairs (MEA), the list was exchanged in accordance with Article-II of the Agreement on the Prohibition of Attack against Nuclear Installations and Facilities between India and Pakistan.² “India and Pakistan today exchanged, through diplomatic channels simultaneously at New Delhi and Islamabad, the list of nuclear installations and facilities, covered under the Agreement on the Prohibition of Attack against Nuclear Installations and Facilities between India and Pakistan”, the MEA statement read.³

The Agreement, which was signed on December 31, 1988, and came into effect on January 27, 1991, among other things, mandates that India and Pakistan notify one another on January 1 of each calendar year of the nuclear sites and facilities that will be covered by the Agreement.⁴ The first exchange of these lists took place on January 1, 1992, and this one is the 32nd in a row between the two nations.

The Agreement is a distinctive bilateral agreement that extends the application of Articles 56 and 15 of the first and second protocols of the Geneva Convention. These articles state, “Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population”.⁵

The necessity for the agreement was evident in the aftermath of Israel's 1981 attack of the Osirak nuclear power plant in Iraq, which was close to Baghdad. The attack by Israeli fighter planes across hostile airspace had severely hindered Iraq's nuclear weapons programme. The deal had also arrived at a time when Pakistan was extremely anxious about its territorial integrity. Already rattled by the memories of 1971 defeat that tore the nation apart, Islamabad had been alarmed by military advancements in India in the 1980s, such as *Operation Brasstacks* in 1987, a wargame exercise conducted to train Indian army for deep strike offensive capabilities.

The agreement forbade India and Pakistan from launching surprise attacks on each other's nuclear infrastructure and facilities (or from aiding other powers to launch attacks). The treaty provides a confidence-building measure (CBM) and refrains each party from “undertaking, encouraging, or participating in directly or indirectly, any action aimed at causing destruction or damage to any nuclear installation or facility in each country”.⁶ However, the Agreement on the Prohibition of Attack against Nuclear Installations and Facilities does not contain any compliance measures binding both signatories.

The agreement defines “nuclear installations and facilities” as “nuclear power and research reactors, fuel fabrication, uranium enrichment, isotopes 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 radioactive materials in any form”.⁷ India currently has 22 operational reactors, totalling 6780 MWe in installed capacity.⁸ There are four light water reactors and eighteen pressurised heavy water reactors (PHWRs) in total (LWRs).⁹ Pakistan, on the other hand, has six operational reactors.¹⁰

CBMs like the Agreement on the Prohibition of Attack against Nuclear Installations and Facilities have gained significance even more after the Indian subcontinent had gone nuclear in 1998. According to Jyoti Pathania, they serve as a regulatory mechanism for “war prevention, war termination, war limitation, thereby enhancing the peace building mechanisms created by habits of cooperation and patterns of consistent communication between the adversaries, and ultimately establishing significant bilateral or multilateral cooperation”.¹¹ By providing convincing proof of “the absence of feared threats”, India and Pakistan have utilised CBMs as a conflict-resolution technique to promote confidence and trust between the two nations.¹² Territorial CBMs between New Delhi and Islamabad, however, haven't been able to completely stop small scale acts of infractions of norms like Pakistan's border incursions and ceasefire violations.

Contrarily, despite the escalation of hostilities between New Delhi and Islamabad since its signing, the Agreement on the Prohibition of Attack Against Nuclear Installations and Facilities has so far resulted in norm compliance since neither state has attempted to attack the other's nuclear facilities.¹³ Although the excessively destructive capabilities of the nuclear weapons that both countries possess could be credited for much of this behaviour, but CBMs still have a great deal of potential to be used as a diplomatic tool for effectively resolving bilateral tensions, even outside the nuclear sphere.¹⁴

NOTES:

¹ ANI, “India Pakistan share list of nuclear installations through diplomatic channels”, *Livemint*, 01 January 2023, available at <https://www.livemint.com/news/india/india-pakistan-share-list-of-nuclear-installations-through-diplomatic-channels-11672558525412.html>. Accessed on January 2, 2023.

² “India, Pakistan Exchange Lists Of Nuclear Installations And Facilities”, *Outlook*, 01 January 2023, available at <https://www.outlookindia.com/international/india-pakistan-exchange-lists-of-nuclear-installations-and-facilities-news-249983>. Accessed on January 2, 2023.

³ ANI, n. 1.

⁴ “India, Pakistan Exchange”, n. 2.

⁵ Nuclear Threat Initiative, “India-Pakistan Non-Attack Agreement”, *James Martin Center for Nonproliferation Studies*, 26 October 2011, available at <https://www.nti.org/education-center/treaties-and-regimes/india-pakistan-non-attack-agreement/>. Accessed on January 2, 2023.

⁶ “Agreement on the Prohibition of Attack Against Nuclear Installations and Facilities”, *Federation of American Scientists*, undated, available at <https://nuke.fas.org/guide/india/doctrine/nucl.htm>. Accessed on January 2, 2023.

⁷ Ibid.

⁸ Atomic Energy Regulatory Board, “Nuclear Power Plants”, *Government of India*, undated, <https://aerb.gov.in/english/regulatory-facilities/nuclear-power-plants>. Accessed on January 2, 2023.

⁹ Ibid

¹⁰ “Country Nuclear Power Profiles: Pakistan”, *International Atomic Energy Association*, updated 2022, available at <https://cnpp.iaea.org/countryprofiles/Pakistan/Pakistan.htm>. Accessed on January 2, 2023.

¹¹ Jyoti M. Pathania, “Military Confidence Building Measures between India and Pakistan: An Analysis”, *Centre for Land Warfare Studies*, April 2021, p. 2. available at https://www.claws.in/static/IB-284_Military-Confidence-Building-Measures-between-India-and-Pakistan-An-Analysis.pdf. Accessed January 5, 2023.

¹² Aman Nair and Arindrajit Basu, “Confidence-Building Measures and Norm Diffusion in South Asia”, *Observer Research Foundation*, July 2021, p. 3. Available at <https://www.orfonline.org/research/confidence-building-measures-and-norm-diffusion-in-south-asia/>. Accessed on January 5, 2023.

¹³ Ibid, p. 14.

¹⁴ Ibid.