
AGREEMENT BETWEEN INDIA AND PAKISTAN ON THE PROHIBITION OF ATTACK AGAINST NUCLEAR INSTALLATIONS AND FACILITIES (INDIA- PAKISTAN NON-ATTACK AGREEMENT)

Signed: 31 December 1988.

Entered into Force: 1 January 1991

Treaty Text

The India-Pakistan Non-Attack Agreement is a unique bilateral agreement that expands, in a sense, the scope of Articles 56 and 15 of the first and second protocols to 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.”

Provisions: The agreement provides for refraining 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. It describes a nuclear installation or facility and requires each party to inform the other of the precise locations (latitude and longitude) of installations and facilities by 1 January of each calendar year and whenever there is any change. The agreement does not provide for detailed disclosures of nuclear-related activities.

The agreement defines nuclear installation or facilities against which attack is prohibited 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.”

India has consistently proposed extending the agreement to include non-attack on civilian and economic targets, but Pakistan has continuously rejected these proposals. However, India’s recent draft nuclear doctrine involves a deterrent capability based on unacceptable damage to an opponent; thus, the likelihood of expanding the agreement to include counter-value (non-military) targets may now be small.

Starting in January 1992, India and Pakistan have exchanged lists of their respective civilian nuclear-related facilities. However, each side has questioned the completeness of the other’s list.

Verification and Compliance: The Agreement requires an annual exchange of lists detailing the location of all nuclear-related facilities in each country. The measure further pledges both sides not to attack listed facilities. Though lists of nuclear facilities have been exchanged each year, the definition of nuclear facilities to be declared is unclear. There are no compliance measures in this Agreement.