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## PROTECTING NUCLEAR FACILITIES IN UKRAINE: LESSONS FROM SOUTH ASIA

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### Abstract

For more than two years, Russia's war in Ukraine, its occupation of the Zaporizhzhia nuclear power plant (ZNPP), and military hostilities in the vicinity of the plant pose an imminent danger to its safe and secure operation. The world witnessed how a previously hypothetical scenario of a state army attacking nuclear facilities has turned into reality. The international community immediately condemned Russia's actions and called for the protection of the Zaporizhzhia plant, which is the largest in Europe. The occupation of fully operating NPP is unprecedented, and procedures for dealing with such incidents have not been designed. It is primarily connected to the fact that nuclear security usually deals only with threats from non-state actors. However, currently, Ukraine is dealing with the state army and the refusal of the attacking country to withdraw its troops from the plant. The situation at the site remains fragile despite international endeavors and calls for establishing a demilitarized zone around the facility. This triggered a debate on what could be done to protect ZNPP and prevent similar incidents from happening in the future. Experts have advocated for establishing a new, more specific and reliable international legal framework for protecting nuclear facilities. This, however, was met with severe criticism. Despite that, below the multilateral instruments is the bilateral level of cooperation. Thus, the experts also pointed to the example of India and Pakistan and the Agreement on Prohibition of Attacks on Nuclear Installations and Facilities, concluded in 1988, as a path for resolving the Zaporizhzhia crises. However, there is a lack of understanding of under which circumstances it could work for Ukraine and the potential shortcomings. The article aims to examine the effectiveness of the Indo-Pakistani example for Ukraine.

**Keywords:** nuclear security, Ukraine, wartime, cooperation, India, Pakistan, CBMs, conflict zone, protection, NPP.

### Introduction

Two years since Russia's invasion of Ukraine, ongoing military activity in the vicinity of the Zaporizhzhia nuclear power plant (ZNPP) continues to pose an immediate threat to its safe and secure operation. Despite this danger, Russia and Ukraine are no closer to resolving the crisis at Zaporizhzhia and minimizing the risk of radiological catastrophe. International support and pleas for peace have had no effect. In May 2023, International Atomic Energy Agency (IAEA) Director General Rafael Grossi outlined five concrete principles (IAEA, 2023a) to ensure safety and security at the site. Although these principles are widely supported, neither Ukraine nor Russia has made a concrete commitment to implement them (Psaledakis & Mohammed, 2023). Moreover, any Ukrainian attempts to realize the principles would have been jeopardized due to Russia's occupation of ZNPP and its refusal to withdraw troops from the plant.

In an attempt to secure the Zaporizhzhia plant's safety and to prevent similar incidents in the future, experts have advocated the adoption (Alkis, 2022; Moore, 2022) of a more robust international legal

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framework for nuclear facility security. Indeed, the existing multilateral agreements on protecting nuclear facilities in times of war are both few and beset by shortcomings. Questions remain, however, concerning the prospects of developing a new regime of this sort. Critics have warned that a new system could complicate an already difficult situation or call into question the legality of the existing regime, and there is no guarantee that it would be more effective than the present instruments (Onderco & Egger, 2022).

Nevertheless, below the level of multilateral mechanisms, the bilateral level could play a crucial role in a postwar settlement and in preventing further escalation between Russia and Ukraine. In this regard, the example of India and Pakistan is particularly instructive. Experts refer to the implemented military Confidence-Building Measures (CBMs) between India and Pakistan as an effective option to protect civilian nuclear infrastructure at times of war and offer it as a solution for Ukrainian crisis at Zaporizhzhia site (Rodriguez & Sukin, 2022). Primarily mentioned CBM in this regard is the Agreement on Prohibition of Attacks on Nuclear Installations and Facilities, which India and Pakistan concluded in 1988. However, there is a lack of understanding of whether the existing military CBM framework between India and Pakistan is successful and how the continuous rivalry influences the effectiveness of the mentioned agreement. It is also unclear under which circumstances it could work in Ukraine and what the potential shortcomings of this endeavor are.

This article aims to examine the development of military CBMs between India and Pakistan and analyze the effectiveness of their example in the Ukrainian case. To reach this research goal, the article explores the history of relations between India and Pakistan, their actions towards peacekeeping, and existing shortcomings in the military CBMs framework. It also discusses how the example of India and Pakistan could be valuable for the future of post-war Russia-Ukraine relations.

To fulfill the set tasks, the research uses a complex of general empirical methods of political research: historical analysis, case study, comparative analysis, discourse analysis, normative-value approach, and critical.

### **Overview of India and Pakistan's long rivalry**

The risk of radiological incidents resulting from wartime actions against nuclear installations is not new. This concern is particularly pronounced in South Asia amid the longstanding rivalry between India and Pakistan. Even after 76 years of independence, relations between these states remain tense. Both countries have resorted to power politics (Misson, 2022), which inevitably locks bilateral relations in hostility and enduring rivalry patterns. The states' misperceptions of each other and rounds of mutual accusations have fostered an environment of conflict and distrust.

The relationships between India and Pakistan remain tense since the very partition of the Indian continent and the subsequent gain of independence by both states. Already by the end of the 20<sup>th</sup> century, Pakistan and India had fought four major wars, which ended primarily due to the facilitation of a third party. The periods of utmost hostilities alternated periods of negotiations and claims to normalize bilateral relations. More importantly, in the aftermath of these conflicts, the most significant CBMs between India and Pakistan emerged (Effendi Maria Saifuddin & Choudhry Ishtiaq Ahmad, 2016). The second war over Kashmir, the 1971 war, the escalation of hostilities over misunderstanding due to Operation Brasstacks, and the Kargil war – all these conflicts produced important bilateral agreements. Overall, a short overview of India and Pakistan's rivalry sheds light on CBMs development and reveals main shortcomings that should be considered to implement CBMs effectively.

India and Pakistan engaged in their first war not long after gaining independence. However, the unresolved conflict that started at that time still jeopardizes their bilateral relations. The prerequisite for the first war was the announcement of the decision of Kashmiri King Maharaja Hari Singh to join India (Sattar, 2007). For a Muslim-majority state, this was unacceptable. Being ignored by their king, the local Kashmiris, together with Pakistani tribesmen, launched a struggle to liberate their territory from India (Malik, 2019). The Pakistani government intervened in May 1948, which resulted in the breaking out of the first war between India and Pakistan over Kashmir. The conflict ended in 1949 with the signing of the Karachi ceasefire agreement and the establishment of a ceasefire line, i.e., the Line of Control (LOC), with facilitation from the United Nations (UN) (Clary, 2024). At that time, the conflict over Kashmir could have been resolved when the UN intervened, and a resolution to decide the final status of Kashmir was passed. The status had to be decided through a plebiscite. Eventually, India refused to hold a referendum, naming a defense deal concluded between the United States (US) and Pakistan in May 1956 as a reason for such actions (Ziring, 1980).

The second Kashmir war of 1965 had a slightly different context. For Pakistan, it meant a general improvement in its defense and receiving military hardware from the West (Malik, 2019). For India – the instability in the state's political arena after the death of Jawaharlal Nehru, its founding leader. Pakistani leaders hoped to use India's weakness to their state's advantage. Operation Gibraltar was designed to provide aid to the Kashmiri rebellion against India (Sattar, 2007). Pakistan's calculations that India would not be able to retaliate failed when Indian troops crossed the international border in September 1965, thus engaging countries in another major conflict. Again, the ceasefire was arranged with the help of the international community (Malik, 2019), and several conventional and informal norms were established as a result of the conflict (Pathania, 2021). Besides that, in 1966, the Tashkent Declaration was signed, and states expressed "their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples" as well as a willingness to "settle [...] disputes through peaceful means" (Tashkent Declaration, 1966).

The next important point in the history of Indo-Pakistani rivalry is the 1971 War. In 1970, in East Pakistan (current Bangladesh), the Awami League Party won majority votes in the elections. Despite being initially announced, the power transfer did not happen, triggering the party supporters to resort to violence and launch unrest (Malik, 2019). The situation was going out of control when India intervened, starting the third war between India and Pakistan. As a result, Pakistan was defeated and lost its Eastern part (Ahmad, 2019). After the war, there was again a prospect for India and Pakistan to calm the tension and improve their ties. It was expected as a part of the 1972 Simla Accord (United Nations Peacemake, 1972) when the two sides promised to strive for relations normalization. However, everything changed when India held a nuclear test and exploded its first nuclear device in 1974.

The relations between the two states have already not been marked by confidence or trust, and after the visual presentation of India's military nuclear program achievements, the situation worsened further. If the rest of the 1970s was relatively calm, then the 1980s were full of action (Sattar, 2007). Here, it is worth mentioning such issues as the Sikh insurgency in Punjab, blamed on Pakistan, and the new stage of the Kashmir conflict, when India managed to occupy the Siachen glacier in 1984 (Malik, 2019). However, for this study, particularly interesting instances have happened afterward. In 1984, Pakistan was anticipating India to launch an attack on its uranium enrichment plant in Kahuta (Haider & Azad, 2021). Such a plan of India was suggested by a number of intelligence reports Pakistan received in 1983-1985, as well as an alert from a friendly country on the imminence of an attack (Malik, 2019). The Hindustan Times also reported that among the allegedly missing from Prime Minister Indira Gandhi's office files was one named "Attack on Kahuta" (Sattar, 2007).

The intelligence reports indicated that the plan might be executed with the assistance of either Israel or a Soviet-installed regime in Kabul. Later, Israel stated that these allegations were untrue, and Washington informed Islamabad of this (Sattar, 2007). Afterward, the Pakistani government also informed New Delhi that such an attack would be treated as an act of aggression. Another version suggests that India was prevented from attacking because of the fear of Pakistan's retaliatory air strike on the Bhabha Atomic Research Center (Schumann, 2022). Considering that earlier Pakistan acquired the US F16 fighter jets – the same type that the Israelis used during the attack on the Osirak reactor in Iraq – the concern was fair (Benjamin, 1982). After these allegations, Pakistan and India informally agreed not to attack each other's nuclear facilities in December 1985 (Pathania, 2021).

From late 1986 to early 1987, the relations between the two countries were further jeopardized by Operation Brasstacks (Schumann, 2022). The operation was the largest combined military exercise in South Asian history and was held by India (Malik, 2019). A massive number of Indian Army personnel, including the Navy and Air Force, was mobilized and deployed at places hardly 50 kilometers from the Pakistani border (Sattar, 2007). The situation was also complicated by the fact that Pakistan was not informed of the exercise's location, schedule, or scale. Despite the issue being discussed on a Prime Minister level in a meeting during the South Asian Association for Regional Cooperation (SAARC) summit in November 1986, the exercise was not scaled down as promised (Malik, 2019). Such actions urged Pakistan to begin counter-mobilization with claims that India would allegedly attempt to strike Pakistan's nuclear installations (Schumann, 2022).

It is considered that this operation brought India and Pakistan closer to a war breakout than any other crisis since 1971 (Sattar, 2007). In February 1987, two sides agreed to call back their troops and started to implement preemptive measures to preclude the recurrence of unintentional crises. First, one of the main CBMs, namely the Agreement on Prohibition of Attacks on Nuclear Installations and Facilities, was signed

in 1988. Another two crucial agreements between India and Pakistan were concluded in April 1991 (Pathania, 2021), i.e., the Agreement on Advance Notice on Military Exercises, Maneuvers and Troop Movements and the Agreement on Prevention of Air Space Violations and for Permitting Over Flights and Landings by Military Aircraft.

Rivalry is prolonged further by the non-ending conflict over Kashmir. In 1999, another war between India and Pakistan broke out after armed Pakistani personnel invaded the Kargil Heights in Kashmir. Despite the war lasting only a few months, it deteriorated the implementation of the Lahore Declaration, concluded earlier in the same year, and became a significant contributing factor to its failure (Haider & Azad, 2021).

### **Peacemaking efforts in India-Pakistan relations: third-party endeavors**

As was already stated, the tension between India and Pakistan has not yet scaled down. Their relations seem wavy: periods of escalation of impulsive hostilities followed by a sudden, paradoxical, and unexpected desire to negotiate and normalize cooperation. Sometimes, the initiative to follow the peace path comes from the adversaries themselves; sometimes, it requires international intervention. Thus, the peace efforts were designed in two ways: a) by international and third-party mediation and b) by bilateral cooperation. This section discusses international and third-party mediation.

The overview of international efforts should start with the UN interventions partly discussed above: they played a vital role in the first Kashmir war. First, the United Nations Security Council (UNSC) adopted resolution 39 in 1948, in which the special UN Commission for India and Pakistan (UNCIP) was established to mediate the dispute (Malik, 2019). The war ended due to the UN-facilitated ceasefire in 1949 when India and Pakistan signed the Karachi Agreement (Clary, 2024). The resolution of the UNSC that followed the same year was also vital for conflict resolution as it suggested a detailed mechanism to settle the Kashmir issue through a plebiscite. In different circumstances, the mechanism could have worked. However, a lack of trust and confidence in its counterpart resulted in India's intransigence and doubts regarding the newly signed US-Pakistan Defense Agreement (Malik, 2019).

The UN majorly contributed to settling the conflict in 1965 in the second Kashmir war. The military hostilities between India and Pakistan erupted along the ceasefire line in Kashmir, which urged the UN Secretary General to claim the collapse of the ceasefire agreement of July 1949. In September 1965, the first step towards peace was made by adopting UN Resolution 209, which called for a ceasefire (Dixit, 2002). It is worth mentioning that despite both sides' desire to cease the hostilities, India and Pakistan posed conditions that made accepting the ceasefire difficult for their adversary. The sides were advised to withdraw their military personnel, with the request of both Heads of Government to meet and settle their disputes in a friendly country. It was also decided to establish the UN India-Pakistan Observation Mission (UNIPOM) (United Nations Peacekeeping, 2024) to supervise the ceasefire along the border outside the State of Jammu and Kashmir.

The Commission was notified of ceasefire violations, and the hostilities continued without any prospect of withdrawing troops (United Nations Peacekeeping, 2024). This urged the UNSC to adopt more resolutions to bring peace; for instance, Resolution 215 called for India and Pakistan to instruct their armed forces to cease military activity and cooperate. Due to the constant support and action of the UN (Malik, 2019), the relations between India and Pakistan were again on a peace track after the conclusion of the Tashkent Declaration in 1966. Both sides announced the troops withdrawal to the positions they held before August 5, 1965, thus settling the conflict (Tashkent Declaration, 1966).

The UN, however, could not prevent the violation of Pakistan's territorial integrity in 1971, when the state lost its Eastern part (Sattar, 2007). Despite that, the UN remains the most influential international platform for highlighting the hostilities and tension existing between India and Pakistan, as well as facilitating dialogue between the two states on the Kashmir problem and other disputes.

Apart from the UN efforts, other countries and organizations serve as mediators between India and Pakistan, which is a generally successful effort. The first attempt at such mediation was made in 1960 with the mediation of the World Bank (Malik, 2019). The organization was facilitating the signing of the Indus Water Treaty (Haider & Azad, 2021). Despite India and Pakistan's continuous mutual accusations of agreement violation, it has survived through tension and wars. The abovementioned Tashkent Declaration, which ended the 1965 war, is also a good example of third-party mediation, where the Soviet Union played the role of a friendly country and provided a platform for India and Pakistan to meet and resolve their disputes.

In the 1980s, this mediation was specifically valuable, considering the fears Pakistan had over the potential attack on its nuclear facilities. It was for the US mediation to shed light on the actual situation,

which helped to avoid misunderstanding and another possible escalation and conflict (Malik, 2019). During Operation Brasstacks in 1986-1987 and the restoration of Kashmir violence in 1989-1990, the US intervention also helped India and Pakistan to step back and resolve the issues peacefully (Dixit, 2002). These were, however, not the only occasions when the US intervention came in handy. Other examples include the effort US President Bill Clinton took during the Kargil War in 1999 (Clary, 2024; Dixit, 2002), meeting and talking with the Head of the Indian and Pakistan Governments and arranging the truce (Haider & Azad, 2021).

The SAARC platform can also be considered as an example of third-party mediation, as this organization was founded to promote regional cooperation. The organization's effectiveness is controversial for many scholars (Haider & Azad, 2021; Malik, 2019; Sattar, 2007). However, it is undeniable that for India and Pakistan, it has served as a great platform for several side-line meetings between state officials (Pathania, 2021). The SAARC Summits, however, also suffer from the tension between the two states, with the one in 2016, for example, being canceled due to the Indian-promoted boycott (The Hindu, 2016).

### **India and Pakistan's Cooperation Paradox**

Although international efforts to bring peace to the relations between India and Pakistan should not be underestimated – these one-moment adversaries themselves have a paradoxical habit of seeking cooperation amid the hostile rhetoric expressed publicly. It is particularly interesting how countries cooperate on a bilateral level and what their motivations are when they return to the negotiating table. Over the last seven decades, India and Pakistan have taken several bilateral measures to resolve their disputes, however, typically for these two states, attempts to bring peace have their ups and downs.

It should be noted that the bilateral efforts often only promised great results rather than achieved them. The controversy over the success of the bilateral efforts is primarily connected to the Kashmir issue. As mentioned in previous sections, the dispute settlement is equally jeopardized by both sides. Besides the official agreements and the UN resolutions, several attempts to agree on a ceasefire along the LOC were made in 2000-2001, 2003, 2013, 2018, and 2021. Nevertheless, only the 2003 and 2021 ones can be considered successful (Clary, 2024). It is worth mentioning that the 2003 ceasefire lasted for almost a decade without violations, possibly because it occurred alongside a broader confidence-building process.

However, several successful measures have also been taken at the bilateral level. Among the first ones – the 1950 Nehru-Liaquat Pact addressing the protection of religious minorities after partition (Malik, 2019), then the Simla Accord was signed in 1972, which allowed two countries to communicate and resolve all differences through bilateral means (as both parties claimed it) (United Nations Peacemaker, 1972). In the context of the 1971 war, the latter was of particular importance since it helped to secure the release of 90 thousand prisoners of war (Sattar, 2007).

In the case of India and Pakistan, a lack of confidence and trust is one of the main reasons for the deterioration of bilateral efforts. This explains the popularity of adopting the CBMs to enhance the effectiveness of negotiations and prepare the ground for mediation. This measure should be considered not as a solution but as a tool for bringing adversaries to negotiations by fostering trust and providing evidence of the absence of feared threats (Mason & Siegfried, 2013). Generally, CBMs are entirely voluntary and, in contrast to international or bilateral treaties, do not impose obligations and, subsequently, do not provide punitive measures for non-compliance. These measures can be defined as a set of practices and actions mutually agreed upon by states in or facing a conflict, aiming to build trust and prevent escalation of existing tensions (Nair & Basu, 2021). Eventually, the CBMs are meant to establish a cooperative peace.

CBMs in India and Pakistan can be categorized in two ways. First, there are formal and informal CBMs (Pathania, 2021). The formal ones take place at the governmental level with the consent of both sides, e.g., military CBMs; informal ones occur at the unofficial level, e.g., the Neemrana dialogues or Chaophraya Track II dialogues (Pathania, 2021). Second, there are four groups of formal CBMs: military and nuclear, political and conflict resolution-related, socio-cultural, and economic (Haider & Azad, 2021).

Military and nuclear CBMs include various actions to enhance transparency by exchanging vital information, sharing notifications of the tests, military exercises, reduction measures, etc (Pathania, 2021). Both countries possess nuclear weapons and have a well-developed civilian nuclear program. Along with this, both countries have severe security anxiety towards each other, which not only increases the chances of a nuclear exchange in case of a potential conventional attack but also creates significant step-backs in the implementation of the CBMs. The most recent example included the Pulwama attacks in 2019, which almost brought states to the brink of nuclear war (Matamis, 2023).

The first attempt to implement CBMs in the military domain was made after the end of 1971 by establishing a hotline between militaries, similar to the one that existed between the US and the Soviet Union for military communication (Malik, 2019). However, such communication does not clearly benefit disputes resolution since the hotline is usually suspended at times of conflict (Haider & Azad, 2021).

In December 1985, India and Pakistan moved forward on protecting their nuclear installations by informally agreeing not to attack each other's nuclear sites (Pathania, 2021). Both triggered by another round of doubt regarding their counterpart's intentions, India and Pakistan tried to de-escalate hostilities this way. Eventually, these endeavors resulted in adopting the 1988 Agreement on Prohibition of Attacks on Nuclear Installations and Facilities – the informal 1985 deal that has finally officially entered into force.

From a global perspective, this agreement is unique due to its unambiguous prohibition of attacks on nuclear installations and its extensive list of protected facilities. The requirement to provide an annual report on the latitude and longitude of nuclear installations facilitates transparency between the parties. In the 33 years since this practice was adopted, these exchanges have proceeded without interruption, even in times of intense tension (The Hindy, 2024). However, a downside of this agreement is that while it prohibits each side from attacking the other's nuclear facilities, it does not provide the same protection against attacks by foreign allies (Nair & Basu, 2021). The regime also does not provide details on implementing the acquired information and generally lacks an institutionalizing component (Matamis, 2023).

The earlier-mentioned Agreement on Advance Notice on Military Exercises, Maneuvers, and Troop Movements and the Agreement on Prevention of Air Space Violations and for Permitting Over Flights and Landings by Military Aircraft concluded in 1991 are also part of the military CBMs. Unfortunately, due to the lack of implementation structures, these measures have not achieved the desired results (Haider & Azad, 2021).

A year later, in 1992, India and Pakistan made another significant step towards transparency and trust building by agreeing on the complete prohibition of chemical weapons (Sattar, 2007). Despite being quite a promising endeavor, it created even more suspicion in already problematic relations. In 1997, after ratifying the Chemical Weapons Convention, India declared a stockpile of 1,044 tons of sulfur mustard (Arms Control Association, 2024), subsequently violating its agreement with Pakistan. Due to a new outburst of distrust, there were no significant developments in bilateral relations until the conclusion of the Lahore Declaration in 1999 (Haider & Azad, 2021), which was of the utmost importance considering the 1998 nuclear tests. By the provisions of the agreement, a new set of military CBMs was employed to reduce the possibility of future conflicts, including those happening due to untoward nuclear launches (The Lahore Declaration, 1999). This time Pakistan undermined the agreement, and no desired advantages were achieved due (but not limited) to the start of the Kargil war (Clary, 2024; Haider & Azad, 2021). The problem lay within the disagreement of political and military leadership, which once again highlighted the importance of institutionalizing CBMs to avoid interference from any state institution and uninterruptedly proceed with implementing the CBMs (Matamis, 2023). Moreover, some mechanisms stated in the Lahore Accord have never been implemented (Haider & Azad, 2021), which include, for example, the discussions on security concepts and nuclear doctrines (The Lahore Declaration, 1999) to make the implementations of already agreed on CBMs, as well as the new ones, more effective.

After that the implementation of the military CBMs was occasionally disrupted by reoccurring tensions, rounds of mutual accusations, transparency issues, lack of trust and suspiciousness military and political leaderships in both countries projected on each other. From 1999 to 2000, the tensions between countries strengthened again, with terrorist attacks on the Indian Parliament and in Srinagar, along with large-scale deployments on the LOC (Sattar, 2007). The ceasefire route was again sponsored by the UN, which mediation brought India and Pakistan to negotiations and outlining of new CBMs in the military and nuclear domain (Haider & Azad, 2021). However, the terrorist attacks in Mumbai put an end to these endeavors. India blamed the attacks on Pakistan, and that made the trust deficit only worse, bringing more and more accusations of terrorist activity (Ghosh, 2009). Along with this, the rising security concerns undermine the political will to negotiate and resolve conflicts. Successful implementation of military and nuclear CBMs is vital for preventing future crises between India and Pakistan, which was underscored by such critical incidents as the 2019 Pulwama-Balakot crisis and accidental BrahMos launch in 2022 (Matamis, 2023).

The problems of transparency, trust issues, lack or absence of supporting mechanisms and institutions, and finally, non-flexible red lines the governments of both countries set sabotage possible positive outcomes. The same is true for political and conflict resolution CBMs, when the lack of transparency contributed to the failure of an agreement to protect the people migrating from both sides (Haider & Azad, 2021; Malik, 2019).

The analysis of the major diplomatic engagements between India and Pakistan and their outcomes outlines either partial success or failure, primarily due to the abovementioned reasons.

### **Path for Ukraine's post-war regulation**

The war between Russia and Ukraine lasts for over two years, and the prospects of resolving the conflict are still blurry. While providing major economic and military support, the international community is calling for peace and the ceasing of hostilities (UN News, 2024). However, neither state has reached a point where they can willingly cooperate or negotiate. On October 4, 2022, Ukrainian President Volodymyr Zelenskyy signed a decree thus stating that any direct talks with Russia are “impossible” (Reuters, 2022). The Russian side has also stressed the absence of a basis for negotiations (Reuters, 2023).

An essential thing to consider is that the war between Russia and Ukraine is a result of a long-existing tension and conflict that followed the Russian annexation of Crimea (Idowu, 2023). So, the attempts to bring peace to bilateral relations, including those facilitated by the international community and mediation, started in 2014 with the emergence of the “Normandy Format.”<sup>1</sup> The format comprised Ukrainian President Petro Poroshenko, Russian President Vladimir Putin, French President François Hollande, and German Chancellor Angela Merkel, and meant to be a platform to negotiate a ceasefire in Donbas (Fischer, 2022).

As a result of negotiations, the Minsk Agreements were produced, and by the agreements' provisions, the terms for a ceasefire were outlined. However, up to the point of a large-scale Russian invasion of Ukraine, the agreements were not implemented. A major contributing factor was a Russian denial of its role in the conflict, along with its officials referring to the war in Donbas as a Ukrainian “internal conflict” (Fischer, 2022). Then, in 2019 Russia started a gradual naturalization of the Donbas people (Burkhardt, 2020), which, in essence, created a “basis” for Russia to recognize the independence of Donetsk and Luhansk just three days before invading Ukraine (“Secretary-General...”, 2022). These actions have also shattered all previously existing formants of negotiating.

After the war started, several attempts were made to bring the conflict to an end, involving those initiated by belligerent states and by the international community. This, however, has not led to desirable outcomes yet. During the negotiations that were taking place between Ukraine and Russia in the first months of the war, despite their initial willingness to come to a resolution (Fischer, 2022), states faced the same problem existing in Indo-Pakistani relations – the goals of each of the belligerent states were unacceptable for the other. Moreover, the conditions Russia set are unthinkable not only for Ukraine but for the international order in general, as they imply the violation of Ukrainian territorial integrity, let alone the establishment of a new regime to Russia's liking in Ukraine (Fischer, 2022; Watling & Reynolds, 2024). The military context also influenced the toughening of the negotiation process. Eventually, the hostilities against the civilian population in Ukraine and understanding of Kyiv of its ability to resist Russian assault resulted in both sides' official withdrawal from the negotiation process (Idowu, 2023).

Despite the collapse of bilateral talks initiatives, international attempts to bring peace are present. This process is also uneasy, which was vividly demonstrated by Russian actions after the UN Secretary General António Guterres visited Moscow in April 2022 (Hazan & Milnes-Smith, 2024). During his visit, Guterres directly offered mediation to the Russian president. However, Putin answered brutally the following day – when Guterres was leaving a meeting with the Ukrainian president, Moscow launched an attack on Kyiv (Henley, 2022). Despite that, the UN does everything possible to enhance dialogue between Ukraine and Russia.

On March 4, 2022, Russian troops occupied Zaporizhzhia NPP (Lister et al., 2022), which naturally created concerns from the international community. The occupation of fully operating NPP is unprecedented, and the procedures or mechanisms to deal with such incidents have not been designed (Alkis, 2022). It is primarily connected to the fact that nuclear security usually deals only with threats from non-state actors (Khripunov, 2018). Currently, Ukraine has to deal with the state army and the refusal of attacking country to withdraw its troops from the plant.

Following this worrisome news, the international community started its action. During the first six months of military activity, nuclear safety and security of the ZNPP were a constant focus of the IAEA. The allegations pointed to the deployment of heavy weapons by the Russians at the site and their attempts to turn the ZNPP into a military base (IAEA, 2022a). Besides that, there were constant notifications of fire at the site, a hostile working environment for personnel of the ZNPP, and more (Tobias & Peter, 2022). The Director

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<sup>1</sup> The Normandy Format (also known as the Normandy contact group) is a diplomatic grouping created in 2014 and aimed at finding a peaceful resolution to war in Ukraine's eastern Donbas region.

General of the IAEA, Rafael Grossi, called for the establishment of a nuclear safety and security zone around Ukraine's nuclear facilities (IAEA, 2022b); however, the possibility of implementing this measure remains blurry due to the problems in negotiations between Russia and Ukraine.

In this regard, a huge step forward has been taken by allowing the IAEA team to be on-site at the beginning of September 2022 (Michael Amdi Madsen, 2022). IAEA Director General Raphael Grossi personally led a mission of 13 experts who visited ZNPP (IAEA, 2022b). This visit was essential because experts could assess the physical damage to the facility and provide unbiased information on the actual situation at the site (IAEA, 2022b). One of the primary outcomes of the organization's September visit to ZNPP was the establishment of the IAEA Support and Assistance Mission to Zaporizhzhya (ISAMZ). Also, permanent IAEA nuclear safety and security missions are present at all of Ukraine's nuclear facilities (IAEA, 2023b). The experts at Zaporizhzhia NPP continuously report explosions and artillery fire in the vicinity of the plant, and the situation remains highly fragile (IAEA, 2024).

In his turn, IAEA Director General Rafael Grossi continues to call both states to observe the five concrete principles established at the UNSC in May 2023 (IAEA, 2023a). However, implementing these steps is still problematic due to the occupation of ZNPP.

Along with the UN and its nuclear watchdog, new mediators entered the field, remarkably Turkey, which contributed significantly to the conclusion of the grain deal between Russia and Ukraine (Hazan & Milnes-Smith, 2024). The agreement involved a highly complex procedure to open blocked Ukrainian Black Sea ports to allow grain export. Russia, on its part, received a commitment from the UN "to continue efforts to facilitate the transparent unimpeded access of food and fertilizers [...] originating from the Russian Federation to the world markets" (Fischer, 2022).

In the context of Russia-Ukraine relations, the deal was very fragile; it was pretty obvious due to both states' refusal to sign a joint document. On the one hand, the conclusion of the grain deal brought some hope for possible concessions in other areas, including, perhaps, establishing a nuclear safety and security protection zone around Ukraine's civil nuclear facilities. On the other hand, such hopes were dashed when Moscow abandoned the deal (Nichols & Faulconbridge, 2023).

Despite the international community's calls for countries to negotiate and mediation offers (Euronews, 2024), Ukraine and Russia refuse to return to talks. To resolve the conflict, the countries should make mutual concessions, which seem impossible since both parties are sure that it is possible for them to win and end the war on their terms (Ellyatt, 2024; Fischer, 2022; Idowu, 2023).

Currently, some circumstances can change the course of the war and bring belligerent states closer or farther from negotiations – particularly worrisome for Ukraine are the results of the US elections and the decision of a possibly new administration on the scale of its support to Kyiv (Hazan & Milnes-Smith, 2024). However, one remains unchanged, that is an understanding that any war eventually ends with some sort of peace agreement or a road map for maintaining peace. This returns us to the question of whether the example of India and Pakistan and their long-maintained "negative" peace might help post-war relations between Russia and Ukraine and resolve the existing nuclear security concerns. The 1988 Agreement on Prohibition of Attacks on Nuclear Installations and Facilities between India and Pakistan has been cited (Moore, 2022; Rodriguez & Sukin, 2022) as an example of a possible solution to the Zaporizhzhia crisis in Ukraine and not accidentally.

Agreeing on specific safety and security measures for civil nuclear infrastructure and the establishment of CBMs is an option that Ukraine and Russia could adopt once the war ends. Trust deficits and security concerns lead to tension and stalemates in negotiations between states; building trust and making room for dialogue is essential to resolving acute problems. In case designed, the agreement should contain a section on nuclear safety and security of civilian nuclear facilities and include a commitment of both states not to attack each other's nuclear installations. It is also crucial to state that such attacks cannot be conducted by the foreign allies and that the instant establishment of a demilitarized zone around such facilities should be ensured in case of further conflicts.

Despite the success of the Non-Attack Agreement, other CBMs between India and Pakistan demonstrate the potential shortcomings (Haider & Azad, 2021; Matamis, 2023) to which such an endeavor can fall prey. India-Pakistan relations continue to be marked by misperceptions and trust-shattering incidents. This is partly because their most significant CBMs were established at the end of major conflicts (Sattar, 2007), with little attention given to long-term planning or further efforts to adopt new confidence-building approaches. Ukraine and Russia should take note of this, as only well-structured and pragmatic CBMs can bring peace and stability for years to come. Both states should create an institutionalized framework



to promote transparency and ensure that state institutions cannot interfere and jeopardize the implementation of the CBMs. It is also vital to consider and include emerging threats of disruptive technologies, including cyber-attacks, in the agreement.

As for today, Ukraine and Russia lack willingness to cooperate (Euronews, 2024). In the case of India and Pakistan, attempts to cease hostilities and tension were motivated by an acknowledgment of mutual vulnerabilities and Pakistan's perception of India as a threat to its existence. These factors were supported by allegations that India was planning to attack (Chari, 2003) the nuclear facilities at Kahuta. In the case of Ukraine and Russia, attacks on (and the occupation of) Ukrainian nuclear facilities have already occurred. Russian troops are present at the site, and Russia perceives the land on which the plant is located as falling within Russian territory (Roth & Koshiw, 2022). Just how much time should be allowed to pass before the parties begin to cooperate remains unclear since the first step towards such cooperation will include a return to the status quo.

It could also be argued that India and Pakistan's possession of nuclear weapons has contributed more to norm compliance than the confidence and transparency fostered by CBMs (Nair & Basu, 2021). Indeed, such agreements do not provide a guarantee against war or attacks on nuclear installations. However, they may give both sides more confidence and facilitate negotiations in times of crisis. Despite the power imbalance between Russia and Ukraine, the importance of such stability measures and protection of civilian nuclear infrastructure should not be underestimated.

### Conclusions

In the case of Ukraine and Russia, valuable lessons from India–Pakistan relations should be learned. The history of Indo-Pakistani relations points out the significant shortcomings of implemented CBMs – since most of them were established at the end of major conflicts, not much attention has been given to long-term planning. Despite the 1988 Agreement on Prohibition of Attacks on Nuclear Installations and Facilities between India and Pakistan being successful (judging by the fact that there have been no attacks on nuclear installations since the agreement was signed), there are several shortcomings that should be considered in order to improve the effectiveness of the similar agreement in case it would be concluded between Ukraine and Russia.

First, the agreement should exclude the possibility of attacks on nuclear facilities not only by the state signatories but also by their foreign allies. Second, providing annual reporting on the latitude and longitude of nuclear installations is essential to facilitate transparency and thus enhance trust. However, it is vital to understand how this information needs to be implemented and through which structures. Third, states should create an institutionalized framework to ensure uninterrupted implementation of the agreement to ensure protection of civilian nuclear infrastructure. It is also important to exclude any interference from state institutions in the implementation of the CBMs. Finally, the agreement should consider various means of warfare, the emerging threats of disruptive technologies and cyber-attack possibilities.

If the shortcomings in the Indian-Pakistani CBMs framework are avoided and new clauses considering emerging threats are added to the agreement, India and Pakistan's case could serve as valuable example for the future of post-war Russia-Ukraine relations and the resolution of the Zaporizhzhia crisis. The influence of the India and Pakistan's possession of nuclear weapons to CBMs norm compliance should be further researched.

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