

Nuclear Deterrence and Legal Norms: Comparing the Approaches of Pakistan and Russia

Parsegova Anna¹, Qurat Ul Ain²

¹Zhongnan University of Economics and Law, Hubei Province, Wuhan city, China

²Southeast University Nanjing, Jiangsu province, Nanjing, China.

ABSTRACT

This paper offers a comparative legal analysis of nuclear deterrence as practiced by two non-Western nuclear powers — the Russian Federation and the Islamic Republic of Pakistan — focusing on how each state's strategic doctrine interacts with international legal norms. While Russia has increasingly deployed nuclear rhetoric as a tool of coercion during its war against Ukraine, Pakistan uses deterrence to offset conventional asymmetry in its longstanding rivalry with India. By analyzing their respective doctrines, signaling practices, and the legal grey zones they exploit, the paper reveals how nuclear deterrence is shifting from a principle of conflict prevention toward a mechanism of political intimidation and normative erosion.

The study highlights gaps in the current international legal framework, particularly in distinguishing lawful deterrence from unlawful nuclear coercion. Drawing on examples from both regional contexts, it emphasizes the need for doctrinal transparency, legal accountability, and regional confidence-building mechanisms. Ultimately, this paper argues that the legitimacy of nuclear deterrence must be re-grounded in legal responsibility and that deterrence should not serve as a shield for aggression, but as a constrained and regulated last resort.

KEYWORDS: Nuclear deterrence, International Law, Russia, Pakistan, Coercion, Accountability

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INTRODUCTION

Nuclear deterrence has long been portrayed as a mechanism of peace through strength. Rooted in the Cold War's logic of mutually assured destruction (MAD), deterrence theory postulates that the risk of massive nuclear retaliation is sufficient to prevent adversaries from launching direct attacks. However, as the global strategic landscape has shifted from bipolarity to multipolarity, the assumptions that once governed deterrence have been increasingly challenged. Today, nuclear signaling is no longer confined to a superpower standoff; rather, it is employed selectively and ambiguously by regional powers in pursuit of their own geopolitical agendas.

The Russian Federation and the Islamic Republic of Pakistan exemplify this transformation. Both countries operate outside the formal command-and-control alliances that bind NATO states, both possess nuclear weapons, and both employ deterrence in regional conflict settings with significant legal ambiguity. Russia has actively integrated nuclear threats into its wartime rhetoric during the full-scale invasion of Ukraine, using them to deter Western involvement and shield unlawful territorial actions. In contrast, Pakistan frames its deterrent posture as a defensive response to conventional asymmetry with India, maintaining a policy of credible minimum deterrence that includes ambiguous thresholds for tactical use.

These contrasting uses of deterrence reflect broader tensions in the international legal framework. The UN Charter prohibits the threat or use of force against the territorial integrity or political independence of any state, yet remains silent on how nuclear signaling — particularly in the form of rhetorical threats or strategic ambiguity — fits into this prohibition. Nuclear signaling refers to the use of statements, deployments, or posture changes by nuclear-armed states to influence adversary behavior without actually using nuclear weapons. Such signaling often operates in a legal grey zone, where threats are implied rather than explicitly declared. This legal ambiguity spans both *jus ad bellum* (the law governing the resort to force) and *jus in bello* (the law governing conduct during conflict), particularly when states imply nuclear use in ways that may not amount to direct threats but still carry coercive weight. The 1996 Advisory Opinion of the International Court of Justice (ICJ) was similarly inconclusive, stating that the threat or

use of nuclear weapons would generally be contrary to international law, but stopping short of declaring all threats illegal under extreme self-defense scenarios.

Though operating in vastly different geopolitical theaters — one amid a full-scale war of aggression, the other within a volatile regional rivalry — Russia and Pakistan both challenge international legal norms through flexible deterrence postures, ambiguous signaling, and the strategic use of nuclear ambiguity. This comparative analysis reveals how diverse actors converge in using deterrence as a tool for legal evasion.

As the boundaries between lawful deterrence and unlawful coercion blur, the need for legal clarity, enforcement mechanisms, and regional risk-reduction frameworks becomes urgent — not only to preserve nuclear restraint, but to prevent the erosion of international law itself.

This paper is structured into four main sections. The introduction lays out the conceptual background and core research questions, highlighting the legal ambiguity surrounding nuclear deterrence in regional conflicts. Section 2 examines the existing legal framework governing nuclear weapons, including relevant treaties, general principles of international law, and the limitations of current enforcement mechanisms. Section 3 provides a comparative analysis of Russia and Pakistan's deterrence doctrines, focusing on their legal justifications, operational behavior, and the emergence of strategic exceptionalism in both contexts. Section 4 offers legal and policy recommendations aimed at clarifying the boundary between lawful deterrence and unlawful coercion, reinforcing accountability, and promoting regional confidence-building measures.

METHODOLOGY

This study employs a comparative legal-analytical methodology to examine the interaction between international law and contemporary doctrines of nuclear deterrence. It focuses on how states—particularly Russia and Pakistan—navigate, reinterpret, or exploit the legal ambiguities surrounding nuclear signaling and the threat or use of nuclear weapons. The research combines doctrinal legal interpretation, comparative case analysis, and contextual normative evaluation.

Materials and Data Sources

The research relies on both primary and secondary sources. Primary materials include international legal instruments such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and the Treaty on the Prohibition of Nuclear Weapons (TPNW). It also draws upon the UN Charter (Articles 2(4) and 51), the Additional Protocol I to the Geneva Conventions, and the 1996 Advisory Opinion of the International Court of Justice (ICJ) on the Legality of the Threat or Use of Nuclear Weapons.

Secondary materials encompass state policy documents, including Russia's Basic Principles of State Policy on Nuclear Deterrence (2020) and Pakistan's Full Spectrum Deterrence doctrine (2013), as well as reports by international organizations such as the United Nations, IAEA, and SIPRI. Additionally, the study incorporates academic publications, verified policy analyses, and intelligence assessments from 2022–2025 concerning nuclear testing, signaling, and modernization activities.

Methods of Analysis

The analysis proceeds through three interconnected stages:

- **Doctrinal Interpretation:** Treaties and customary international law are interpreted to identify how legal norms define permissible and impermissible conduct related to nuclear deterrence, threats, and use.
- **Comparative Case Study:** The doctrines and practices of Russia and Pakistan are compared to reveal similarities and differences in how each state applies or circumvents international legal obligations. This comparison emphasizes the contextual dynamics of the Ukraine conflict and the Indo-Pakistani rivalry.
- **Normative Evaluation:** The study assesses whether the existing legal frameworks adequately respond to the strategic evolution of deterrence. Particular attention is paid to the growing practice of strategic ambiguity, which enables states to operate in legally grey areas without formal treaty violations.

Data Collection and Validation

The data were collected from treaty repositories, official statements, government publications, UN records, and academic databases (HeinOnline, JSTOR, SSRN). To ensure credibility, a triangulation approach was employed: cross-referencing state rhetoric, international legal sources, and independent analyses to minimize interpretative bias.

While qualitative rather than quantitative, this approach provides a comprehensive legal and contextual picture. It reflects how the evolving practice of nuclear deterrence challenges the stability and applicability of existing legal norms.

Methodological Rationale

This qualitative comparative method is particularly suited to the subject matter, as it allows for the examination of both formal legal doctrines and state practice. Nuclear deterrence is not only a strategic but also a normative construct — one that operates at the intersection of legality, morality, and politics. Therefore, combining doctrinal and empirical sources enables a more precise understanding of how legal norms are stretched, reinterpreted, or eroded in practice.

In summary, this methodology provides the analytical basis for the subsequent evaluation of Russia's and Pakistan's approaches to deterrence within the framework of international law.

RESULTS AND DISCUSSION

Regional Practice and Strategic Behavior: Russia–Ukraine and India–Pakistan

The comparative findings reveal that both Russia and Pakistan rely on nuclear signaling as a means of political coercion and deterrence, yet their strategic motivations and legal contexts differ fundamentally. The Russian Federation employs nuclear rhetoric as an instrument of strategic intimidation in a large-scale war of aggression, while Pakistan utilizes its nuclear posture to compensate for conventional military asymmetry in a regional security environment shaped by its rivalry with India.

It is essential to underscore that the purpose of this comparison is not moral or political equivalence, but rather a legal-analytical distinction: both cases demonstrate how legal ambiguity in deterrence doctrines enables states to manipulate international norms, albeit in divergent ways.

Russia's nuclear behavior represents a deliberate violation of international law, cloaked in the language of defense and deterrence; Pakistan's, meanwhile, illustrates the normalization of doctrinal vagueness within a fragile regional order that lacks effective arms-control mechanisms.

Russia's Nuclear Signaling in the Ukraine War: Strategic Intimidation and Legal Breach

Since the outset of its full-scale invasion of Ukraine in 2022, Russia has engaged in repeated nuclear signaling—threatening to employ nuclear weapons in response to perceived “existential threats.” These declarations, coupled with official references to the 2020 Basic Principles of State Policy on Nuclear Deterrence, have functioned not as defensive safeguards but as instruments of coercion designed to deter Western military assistance to Kyiv.

From a legal standpoint, such conduct undermines Article 2(4) of the UN Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any state. The ICJ's 1996 Advisory Opinion emphasized that even a threat to use nuclear weapons must comply with the principles of necessity and proportionality. Russia's behavior, therefore, constitutes not merely a political provocation but a breach of international law, eroding both *jus ad bellum* and *jus in bello*.

Furthermore, Russia's rhetoric erases the boundary between deterrence and coercion, treating nuclear weapons as an extension of conventional warfare. This fusion of nuclear posturing with active aggression represents a strategic abuse of deterrence doctrine, in which legality is weaponized to justify illegality.

Pakistan's Tactical Deterrence Doctrine: Ambiguity and Regional Stability

In contrast, Pakistan's nuclear strategy operates within a context of structural insecurity and regional asymmetry. Its Full Spectrum Deterrence (FSD) doctrine seeks to deter both conventional and nuclear escalation by maintaining flexible response options—including tactical nuclear weapons.

While Pakistan officially claims that its deterrence posture adheres to defensive principles, its doctrinal opacity complicates international legal assessment.

Pakistan's nuclear signaling—particularly during crises such as Kargil (1999), Mumbai (2008), and Pulwama–Balakot (2019)—has relied on deliberate ambiguity to create deterrent uncertainty without overtly violating legal norms. However, this ambiguity also weakens normative clarity by allowing the state to operate in a legal gray zone where the threat of nuclear use remains politically plausible but juridically unaccountable.

Thus, Pakistan's deterrence model reflects a regionalized adaptation of nuclear legality—one that tolerates ambiguity as a survival mechanism rather than an act of aggression, but which nonetheless contributes to the gradual erosion of global legal coherence regarding nuclear threats.

Comparative Findings: Strategic Ambiguity as Legal Evasion

Both case studies demonstrate that strategic ambiguity functions as a shield for legal evasion.

Russia employs ambiguity to disguise aggression as defense, while Pakistan employs it to secure deterrence credibility without formal treaty violation. Yet the outcome in both cases is similar: the degradation of international legal norms governing nuclear threats.

In Russia's case, ambiguity masks illegality in action—a blatant misuse of deterrence rhetoric. In Pakistan's case, it conceals legality in tension—a self-justified adaptation of norms to a volatile regional environment.

Together, they illustrate that the absence of a binding legal regime explicitly regulating nuclear signaling allows states to reinterpret deterrence doctrines in ways that prioritize strategic expediency over normative consistency.

Regionalism and the Normalization of Exceptionalism

The comparative analysis further reveals that regional exceptionalism—the framing of nuclear deterrence as a “unique regional necessity”—has become a recurring justification for legal inconsistency.

Russia invokes “existential defense” to rationalize nuclear threats in a global conflict, while Pakistan appeals to “regional balance” to justify its flexible deterrence. Both narratives rely on contextual relativism, claiming that the general rules of international law must yield to regional security imperatives.

This trend underscores a deeper systemic problem: international law lacks an enforceable mechanism to constrain nuclear signaling outside the framework of actual weapon use. Consequently, regional actors reinterpret norms through the lens of self-interest, resulting in fragmented legality and the progressive normalization of strategic exceptionalism.

Synthesis and Implications

The findings suggest that nuclear deterrence has evolved from a strategic doctrine into a legal instrument of power politics.

Both Russia and Pakistan exploit ambiguity and contextual justification to maneuver within the gray zone between legality and illegality. This dynamic not only challenges the integrity of international law but also weakens global non-proliferation norms, as other states may emulate similar tactics to shield coercive behavior from accountability.

Ultimately, the comparative evidence highlights the urgent need for clearer normative boundaries and institutional enforcement within international law to prevent the manipulation of deterrence doctrines. Without such reinforcement, the legitimacy of both *jus ad bellum* and *jus in bello* risks being further undermined by states that equate nuclear threats with lawful defense rather than coercive aggression.

CONCLUSION

A comparison of Pakistan's and Russia's nuclear deterrent policies demonstrates how contemporary strategic doctrines increasingly make use of doctrinal opacity, legal ambiguity, and regional exceptionalism. Although both governments justify their actions with claims of regional inequality and national security, their actions reveal a serious breakdown in the legal framework that governs the threat and use of nuclear weapons.

Pakistan's tactical ambiguity in South Asia and Russia's strategic signaling in Ukraine serve as examples of how deterrence has changed from being a purely defensive tactic to one of coercive diplomacy and legal evasion.

These actions expose serious flaws in the application and universality of international norms, challenging the bounds of *jus ad bellum* and international humanitarian law. Treaties such as the UN Charter, the NPT, and the CTBT lose credibility when they rely on tacit nuclear positioning, implicit threats, and flexible definitions of self-defense. Furthermore, it gives legitimacy to actions that might intensify regional conflicts and jeopardize long-term disarmament and nonproliferation efforts.

Normative clarification, improved enforcement mechanisms, and the development of regional legal instruments that respect humanitarian principles and are in line with contemporary security realities are all necessary to preserve the legitimacy and applicability of international law in the nuclear age. Without these changes, nuclear deterrence risks becoming a domain where authority overrides the law and legality is based on circumstances rather than fundamentals. The law must serve as both a guide and a restraint on nuclear behavior in a world marked by growing multipolar competition and strategic instability.

RECOMMENDATIONS

Although Russia and Pakistan have different strategic and legal approaches—Russia uses nuclear deterrence to defend an illegal war of aggression, while Pakistan adopts a regional deterrence stance against conventional imbalances—both cases reveal the growing use of nuclear signaling in legally dubious or coercive ways. To prevent the normalization of nuclear deterrence as a tool of political pressure or territorial revisionism, enhance legal restraints, and reduce escalation risks, the following recommendations are proposed:

Clarify Legal Boundaries Between Deterrence and Coercion

States and international legal authorities should pursue formal clarification of the circumstances under which nuclear deterrence violates international law. UN General Assembly resolutions must affirm that nuclear threats made during illegal occupation, aggression, or hybrid conflict contravene the UN Charter. A new ICJ advisory opinion should reinterpret the legality of nuclear signaling in modern strategic contexts, building upon the 1996 Advisory Opinion on the Threat or Use of Nuclear Weapons. Moreover, states and legal bodies should define acceptable deterrence based on necessity, proportionality, and humanitarian norms. Such clarification would prevent abuse and reinforce the concept of deterrence as a stabilizing—not coercive—instrument.

Strengthen Legal Condemnation of Abusive Nuclear Signaling

To stop deterrence rhetoric from becoming politically normalized and legally invisible, international legal and diplomatic organizations must respond decisively to coercive nuclear signaling. The UN General Assembly and regional bodies should adopt resolutions condemning the use of nuclear rhetoric to legitimize aggression or unlawful escalation. Legal and academic institutions should issue public declarations and “legal alerts” identifying abusive nuclear signaling as violations of the UN Charter and humanitarian law. Additionally, independent watchdogs or coalitions could establish a “nuclear deterrence abuse register” to document and stigmatize such behavior. Systematically categorizing these actions in legal terms would erode the legitimacy of coercive deterrence and create sustained normative pressure.

Promote Regional Confidence-Building and Risk Reduction Mechanisms

Where global consensus is elusive, regional approaches offer pragmatic means to reduce nuclear risks. Supported by international legal and diplomatic institutions, regional actors should develop targeted mechanisms to mitigate miscalculation risks in deterrence. These should include pre-notification agreements for missile tests, troop movements, and strategic exercises; bilateral or multilateral No First Use (NFU) declarations; and negative security assurances regarding tactical nuclear deployment near civilians or disputed borders. Joint incident-response protocols and hotlines should be established to prevent escalation during conventional crises. Academic, governmental, and military experts should engage in regional legal forums to deliberate on the normative framework of tactical nuclear use. Such soft-law measures can foster predictability, proportionality, and restraint even without formal treaties.

Link Strategic Legitimacy to Legal Behavior and Doctrinal Transparency

Strategic legitimacy must derive from lawful and transparent conduct, not presumed status. Legal observance and doctrinal clarity should become prerequisites for participation in nuclear governance. States should disclose and subject their deterrence doctrines to international evaluation based on proportionality, humanitarian protection, and peaceful intent. Those employing deterrence to justify illegal actions should be excluded from arms control and disarmament forums. International organizations and treaty bodies must explicitly connect strategic legitimacy with compliance to legal norms, emphasizing that nuclear responsibility concerns not only capability but also its lawful expression and governance. By reinforcing this link, the international community can ensure that deterrence aligns with the rule of law and global security stability.

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