A Brief Legal Commentary on Nuclear Weapons States' Contemporary Policies Through Comparative International Approaches

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Abstract

Despite the end of the Cold War, nuclear weapons remain an important issue in international relations, where efforts and cooperation worldwide have been reported toward the conceptualization of the "global nuclear order" for the purposes of mitigating nuclear dangers, inhibiting arms races, preventing the continuous spread of nuclear weapons to non-nuclear-weapons states (NNWS), as well as creating conditions for the elimination of nuclear weapons. Hence, the objective of this research paper concerns to scrutinize the effectiveness of the global nuclear order through the legal perspective of international law. For that matter, the research methods adopted by this research paper include comparative international approaches by providing a legal commentary in regards to the nuclear policies and doctrines of the nine nuclear-weapons states (NWS) currently in possession of nuclear weapons. They are classified in three main categories: (1) recognized NWS (Russia, the U.S., the U.K., France and China), (2) states declaring possession of nuclear weapons (India, Pakistan and North Korea) and (3) states indicated to possess nuclear weapons (Israel). The results obtained from this research paper implicate the clash between contrasting nuclear-related objectives of different political backgrounds demonstrating the potential to increase the risk of nuclear escalation threatening international peace and security.

Keywords: *international law; nuclear policy; international relations; NPT; comparative law.*

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1. Introduction

The existence of nuclear weapons has been a persistent security concern since the early days of the nuclear age. Over the decades, international efforts and

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cooperative measures have been designed and centered around what might be called the global nuclear order to mitigate nuclear dangers, inhibit arms races, prevent the spread of nuclear weapons to additional states and, more importantly, create conditions for their elimination.[3] In order to properly scrutinize the effectiveness of the global nuclear order, this research paper adopts a comparative international approach by providing a legal commentary in regards to the nuclear policies and doctrines of the nine nations which currently possess nuclear weapons. Five nuclear-weapons states (NWS) are acknowledged as such in the Nuclear Non-Proliferation Treaty (NPT), those being the following: Russia, the United States (U.S.), Great Britain, France and China. It may also be noted that the legal commentary for the five acknowledged NWS is provided by the author Stefani Stojchevska. The four other nuclear-armed nations refused to become signatories of the NPT, although one of them, North Korea, was a non-nuclear-armed member of the NPT before its government began conducting missile test flights and nuclear test explosions. Israel has never acknowledged that it has nuclear weapons but is widely believed to have around eighty warheads/bombs. Pakistan and India have nuclear weapons, and each denounced the NPT as discriminatory because the NTP members decline to accept these nations as NWS.[4] It is equally important to note that the legal commentary for the four remaining NWS is provided by the author Bekim Nuhija, alongside his mentorship and guidance. The nuclear policies of NWS consist of multiple elements. To be able to discern the logic and rationales of such policies, the NWS' positions on non-proliferation through the NTP, their views on nuclear deterrence, as well as the potential No-First-Use (NFU) policy objectives[5] are respectively taken into consideration by both authors in their respective legal commentaries provided for the purposes of this research.

2. The nuclear policies of recognized nuclear-weapon states (NWS)

2.1. The Russian Federation (successor to the Soviet Union)

Since the start of the Cold War, nuclear weapons have been central to Russia's political and military identity, whereas its doctrine regarding nuclear weapons has evolved over time. That is to say, Russian nuclear strategy doctrine underwent significant changes around the turn of the twenty-first century and beyond.[6]

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[3] Aderito Vicente, "The Future of the Nuclear Nonproliferation and Disarmament Regime," in *Russia's War on Ukraine: The Implications for the Global Nuclear Order*, eds. Aderito Vicente, Polina Sinovets and Julien Theron (Cham: Springer Nature, 2023), 153-54.

[4] James E. Goodby, "National Attitudes toward Nuclear Deterrence," in *Forbidden: Receiving Pope Francis's Condemnation of Nuclear Weapons*, eds. Drew Christiansen, SJ, and Carole Sargent (Washington, DC: Georgetown University Press, 2023), 105.

[5] Juha A. Vuori, *Chinese Macrosecuritization: China's Alignment in Global Security Discourses* (New York: Routledge, 2024), 95.

[6] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 350.

And although the parameters for use are believed to have remained convoluted,[7] there are strictly proscribed conditions specifying the possibility of nuclear weapons use by the Russian Federation, which are as follows:

a) *Arrival of reliable data on a launch of ballistic missiles attacking the territory of the Russian Federation and/or its allies;*

b) Use of nuclear weapons or other types of weapons of mass destruction by an adversary against the Russian Federation and/or its allies;

c) Attack by adversary against critical governmental or military sites of the Russian Federation, disruption of which would undermine nuclear forces response actions;

d) Aggression against the Russian Federation with the use of conventional weapons when the very existence of the state is in jeopardy.[8]

Russia's hard power relies on its strong nuclear and conventional military muscle to maintain international leverage and guarantee power,[9] where it is almost needless to emphasize that one major aspect of Russia's position being the center of influence in today's world is related to its military power. Within the framework of the general idea that Russia's military capacity is an indicator of its great power status, however, there is a specific emphasis on the country's nuclear capacity. In other words, Russia being a nuclear power is seen as a significant factor which has always shaped its great power status as well as its foreign policy.[10] While strategic security concerns are major reasons behind Russian government's decision to modernize, diversify and expand its nuclear capabilities, domestic politics also can play a role[11] besides an array of factors such as the emerging international security environment, prospects of the ongoing U.S.-Russia strategic stability dialogue, and Russia's relations with the West, which would ultimately determine the future trajectory of the Russian nuclear posture.[12]

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[7] Mary Boatright, "Moving Forward in a Post-INF World," in *On the Horizon: A Collection of Papers from the Next Generation*, ed. Simone Williams (Washington, DC: Center for Strategic & International Studies / Lanhan: Rowman & Littlefield, 2020), 6.

[8] Michael A. Peters, "Russian apocalypse, Christian fascism and the dangers of a limited nuclear war," *in Educational Philosophy and Post-Apocalyptical Survival: An Educational Philosophy and Theory Reader Volume XIV*, eds. Michael A. Peters and Tina Besley (Oxon/New York: Routledge, 2023), n.p.

[9] Mary Boatright, "Moving Forward in a Post-INF World," in *On the Horizon: A Collection of Papers from the Next Generation*, ed. Simone Williams (Washington, DC: Center for Strategic & International Studies / Lanhan: Rowman & Littlefield, 2020), 7.

[10] Mehmet Çağatay Güler, *Building a Nuclear Empire: Nuclear Energy as a Russian Foreign Policy Tool in the Case of Turkey* (Istanbul: Cinius Publishing, 2020), 25-26.

[11] Anna Wagner, "Public Opinion on Nuclear Weapons and Arms Control in Russia," in *On the Horizon: A Collection of Papers from the Next Generation*, ed. Reja Younis (Washington, DC: Center for Strategic & International Studies / Lanham: Rowman & Littlefield, 2021), 161.

[12] Abhishek Saxena, "Nuclear Doctrines of Great Powers and Vertical Nuclear Proliferation Trends," in *The Global and Nuclear Landscape: Energy, Non-Proliferation and Disarmament*, ed. Manpreet Sethi (New York: Routledge, 2023), n.p.

2.2. The United States of America (U.S.A.)

The contemporary U.S. nuclear policy is characterized by strategic deterrence, aiming to deter potential adversaries through the threat of overwhelming nuclear retaliation if attacked.[13] Other longstanding elements of U.S. nuclear policy regard the following: *First*, the U.S. would only consider using nuclear weapons in extreme circumstances to defend its vital interests, their allies and their partners. And *second*, the U.S. would not use or threaten to use nuclear weapons against non-nuclear weapons states (NNWS) that are party to the NPT and in compliance with their nuclear non-proliferation obligations.[14] Furthermore, the U.S. has considered but has never declared a NFU policy and remains the only county to have even used nuclear weapons in war – twice against Japan, in 1945.[15] Going further a couple of decades, the U.S. became a party to the NPT which it ratified in 1970 and under which a safeguards agreement has been in force since 1980. The Additional Protocol in relation to this was signed in 1998 and ratified in 2004, though arrangements to bring in into force were not completed until the end of 2008. While in NPT weapons states the Additional Protocol is largely symbolic, the State Department noted that U.S. ratification *"gives them a stronger foundation from which to encourage other states to adopt the Protocol."*[16] Be that as it may, the U.S. continues to rely on nuclear weapons to deter all forms of strategic attack – including nuclear employment of any scale, as Ambassador Bonnie Denise Jenkins, under secretary for arms control and international security has stated the following: *"The U.S. Government is working in lockstep to advance a nuclear policy that maintains e deterrence, enhances stability, and enables further progress on arms control, disarmament, and non-proliferation"*[17]

Apart from an advanced nuclear policy, the treaty between the U.S. and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, also known as the New START Treaty, enhances U.S. national security by placing verifiable limits on all Russian deployed intercontinental-range nuclear weapons. The U.S. and the Russian Federation have agreed to extent the treaty throughout February 4th, 2026,[18] where they would verify their bilateral obligations

[13] Jayson Park, *Eyes of a Typhoon: From Regional Conflicts to Global Security Crisis* (Jayson Park (Independently published), 2023), 67.
[14] "Remarks at the High-Level Briefing on U.S. Nuclear Policy at the Tenth Review Conference on the Treaty of Non-Proliferation of Nuclear Weapons," U.S. Department of State, accessed April 12, 2024, https://www.state.gov/remarks-at-the-high-level-briefing-on-u-s-nuclear-policy-at-the-tenth-review-conference-on-the-treaty-of-non-proliferation-of-nuclear-weapons/.
[15] Ankit Panda, "'No First Use' and Nuclear Weapons," Council on Foreign Relations, July 17, 2018, https://www.cfr.org/backgrounder/no-first-use-and-nuclear-weapons.
[16] "US Nuclear Power Policy," World Nuclear Association, December 12, 2023, https://world-nuclear.org/information-library/country-profiles/countries-t-z/usa-nuclear-power-policy#non-proliferation.
[17] "Remarks at the High-Level Briefing on U.S. Nuclear Policy at the Tenth Review Conference on the Treaty of Non-Proliferation of Nuclear Weapons," U.S. Department of State, accessed April 12, 2024, https://www.state.gov/remarks-at-the-high-level-briefing-on-u-s-nuclear-policy-at-the-tenth-review-conference-on-the-treaty-of-non-proliferation-of-nuclear-weapons/.
[18] "New START Treaty," U.S. Department of State, accessed April 12, 2024, https://www.state.gov/new-start/.

under such treaty, as based on bilateral inspections.[19] As a matter of fact, some scholars of international relations believe that there is an acute need for cooperation on nuclear issues between the U.S. and Russia, where Washington and Moscow are by virtue of being the two biggest nuclear powers having a special role and special responsibility. The New START extension is an example of such cooperation.[20] This treaty is the last major remaining arrangement in the sphere of strategic arms.[21]

2.3. The United Kingdom (U.K.)

The U.K. became the third country to develop nuclear arms, testing its first fission weapon in 1952. And although the British bomb was home-grown, the U.K.'s nuclear program soon became intertwined with the U.S., as the U.K. acquired some complete U.S. weapons, and also began building its bombs using U.S. designs. Be that as it may, the British government simultaneously ensures its citizens and the world that its nuclear forces, despite being developed in cooperation with the U.S., are under independent control by the U.K.[22] Such statement consequently implies of the U.K. establishing its independent nuclear policy, as well its primary political motivation for possessing nuclear weapons. Interviewing British nuclear policy makers for his research, for example, Nick Ritchie found that *"the possession of nuclear weapons imbues a subtle political confidence and has a quiet, intangible effect on the political decisions of other states, not as crude, overt means of exercising influence, but as a deeply embedded, unstated form of political authority."*[23] For that matter, the U.K. states that it will not use, or threaten to use, its nuclear weapons against any non-nuclear state party to the NPT. This negative security assurance does not apply to any state in material breach of its obligations under the Treaty.[24] Moreover, the view of successive U.K. governments is that a minimum, credible, independent nuclear deterrent, declared to the defense of NATO, is essential to its security and that of their NATO allies. The U.K. maintains only the minimum amount of destructive power needed to guarantee its deterrent remains credible and effective against the full range

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[19] Götz Neuneck, "Verifying Nuclear Disarmament – Old Challenges, New Options," in *Nuclear Risks and Arms Control – Problems and Progresses in the Time of Pandemics and War: Proceedings of the XXII Edoardo Amaldi Conference, Accademia Nazionale dei Lincei, Rome, Italy, April 6-8, 2022*, eds. Paolo Cotta-Ramusino, Micah Lowenthal, Luciano Maiani and Enza Pellecchia (Cham: Springer Nature, 2023), 185.

[20] Vladimir A. Orlov and Sergey D. Semenov, "Introduction," in *Russian-American Nuclear Nonproliferation Dialogue: Lessons Learned and Road Ahead*, ed. Vladimir A. Orlov and Sergey D. Semenov (Singapore: Palgrave Macmillan, 2022), 9.

[21] Sergiy Galaka, "The Crisis of Global Security Architecture and Challenges for Nuclear Nonproliferation and Arms Control," in *Russia's War on Ukraine: The Implications for the Global Nuclear Order*, eds. Aderito Vicente, Polina Sinovets and Julien Theron (Cham: Springer Nature, 2023), 20.

[22] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 353-354.

[23] Ray Acheson, *Banning the Bomb, Smashing the Patriarchy* (London: Rowman & Littlefield, 2021), 25.

[24] Peter Watkins. "Brief: British Nuclear Policy." *International Center for Defense and Security*. Tallinn: Rahvusaheline Kaitseuuringute Keskus (January 2023), 2.

of state nuclear threats. The U.K. is deliberately ambiguous about precisely when, how, and at what scale they would use their weapons, which would ensure the deterrent's effectiveness is not undermined and complicates the calculations of a potential aggressor.[25] In other words, the U.K. government's policy is to consider using nuclear weapons *"only in extreme circumstances of self-defense, including the defense of its NATO allies."* U.K. and NATO policy does not rule out the first use of nuclear weapons.[26] Ultimately, it is against such political objectives that the U.K. had repeatedly faces criticisms in regard to its nuclear stockpile amount. For instance, in the December 2023 issue of *Arms Control Today*, Vienna Center for Disarmament and Non-Proliferation (VCDNP) Research Associate Louis Reitmann discusses ways the U.K. could reform its nuclear weapons policy and reinvigorate its global leadership role in nuclear risk reduction and disarmament, considering that under the Johnson government, the U.K. garnered criticism for raising the limit on its nuclear stockpile and reducing arsenal transparency.[27] These ways would additionally impose a deepened sense of security for the international community.

2.4. France

France, which chose nuclear power for domestic electricity to avoid dependence on imported fossil fuels, is also independent in its military nuclear posture.[28] France had been forced to realize that in the nuclear age national defense must begin with nuclear weapons. Under their protection other forms of conflict, even of the "conventional" kind, may be possible through, in a war between nuclear powers, unlikely. Without nuclear weapons, a country is at the mercy of any power that possesses them.[29] Hence, France's nuclear deterrence has been the main pillar of its defense strategy for sixty years. The French nuclear policy, as well as its European and allied dimensions, however, tends to be misunderstood abroad, including by those who rely on French military involvement in the pursuit of their national security goals.[30] Successive French heads of state, from Presidents Sarkozy to Macron, have consistently asserted the strictly defensive nature of France's nuclear doctrine,

[25] "The UK's nuclear deterrent: what you need to know," GOV.UK, March 28, 2024, https://www.gov.uk/government/publications/uk-nuclear-deterrence-factsheet/uk-nuclear-deterrence-what-you-need-to-know.

[26] Tim Street, Harry Spencer, and Shane Ward, "The British government doesn't want to talk about its nuclear weapons. The British public does," Bulletin of the Atomic Scientists, April 6, 2023, https://thebulletin.org/2023/04/the-british-government-doesnt-want-to-talk-about-its-nuclear-weapons-the-british-public-does/.

[27] "How the Next UK Government Could Reduce the Risk of Nuclear War," Vienna Center for Disarmament and Non-Proliferation (VCDNP), December 1, 2023, https://vcdnp.org/next-uk-government/.

[28] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 353.

[29] Henry A. Kissinger, *Nuclear Weapons and Foreign Policy* (Delhi: HOW Academics – Highlyy Publishing, 1957), 213.

[30] Jean-Louiz Lozier. "Brief: French Nuclear Policy." *International Center for Defense and Security*. Tallinn: Rahvusaheline Kaitseuuringute Keskus (January 2023), 1.

reserved for extreme circumstances of legitimate self-defense involving vital interests.[31] The French president confirmed the main tenets of French nuclear doctrine: the use of nuclear weapons only in self-defense when its vital interests are under threat, the rejection of their tactical (battlefield) use, refraining from the designation of potential opponents, and maintaining the ability to inflict unacceptable damage on the political, economic, and military centers of an aggressor.[32] In other words, France is very clear that its nuclear weapons are "strictly defensive" and would only be used only in "extreme circumstances of legitimate self-defense."[33] However, the precise definition of these "vital interests" remains elusive, where two crucial elements warrant attention in this context: (1) *the officially declared doctrine*, and (2) *its practical implementation contingent upon various challenges and circumstances*.[34] To begin with the first-mentioned element, we give an emphasis that French nuclear deterrence is, first and foremost, strictly conceived as defensive. Its fundamental purpose is to prevent a major war waged by a state actor that would threaten France's vital interests, wherever the attack may come from and whatever its form may be. It is the ultimate guarantee of France's security, protection, and independence. It ensures its autonomy of decision and freedom of action, including against blackmail that could occur in the time of crisis.[35] Furthermore, French nuclear doctrine is one of calculated ambiguity regarding first-use of nuclear weapons. France adheres to its principle of "strict sufficiency" whereby it keeps its nuclear arsenal at the lowest possible level in accordance with the strategic context.[36] In other words, France does not have a NFU policy and reserves the right to conduct a "final warning" limited nuclear strike to signal an adversary that they have crossed a line – or to signal the French resolve to conduct further nuclear strikes if necessary – in an attempt to "reestablish deterrence".[37] This means that France would conceivably use nuclear weapons to prevent a conventional attack on its territory.[38] Regarding the second-mentioned

[31] Polina Sinovets and Aderito Vicente, "Nuclear Spring is coming": examining French nuclear deterrence in response to Russia's actions in Ukraine," Fondation pour la Recherche Stratégique, March 11, 2024, https://www.frstrategie.org/en/publications/notes/nuclear-spring-coming-examining-french-nuclear-deterrence-response-russia-s-actions-ukraine-2024.

[32] Łukasz Kulesa, "Nuclear Deterrence in French Security Policy," The Polish Institute for International Affairs, February 18, 2020, https://pism.pl/publications/Nuclear_Deterrence_in_French_Security_Policy

[33] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 353.

[34] Polina Sinovets and Aderito Vicente, "Nuclear Spring is coming": examining French nuclear deterrence in response to Russia's actions in Ukraine," Fondation pour la Recherche Stratégique, March 11, 2024, https://www.frstrategie.org/en/publications/notes/nuclear-spring-coming-examining-french-nuclear-deterrence-response-russia-s-actions-ukraine-2024.

[35] Jean-Louiz Lozier. "Brief: French Nuclear Policy." *International Center for Defense and Security*. Tallinn: Rahvusaheline Kaitseuuringute Keskus (January 2023), 1.

[36] Arms Control Association. "Arms Control and Deterrence: France." Accessed May 6, 2024. https://www.armscontrol.org/factsheets/franceprofile.

[37] Hans M. Kristensen, Matt Korda and Eliana Johns, "Nuclear Notebook: French nuclear weapons, 2023," Bulletin of the Atomic Scientists, July 17, 2023, https://thebulletin.org/premium/2023-07/nuclear-notebook-french-nuclear-weapons-2023/.

[38] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 353.

element, one particular circumstance challenging the implementation of France's nuclear doctrine in practice concerns its reaction to threats from other international actors. Namely, after repeated Russian threats in October 2022, Macron stated that France would not deploy nuclear weapons in response to a Russian nuclear strike on Ukraine or "in the region". He explained that this policy was in line with French practices because such a response would not be in the "vital interests of France", which surprised many observers, as France's nuclear deterrence policy was usually one of carefully calculated ambiguity.[39] For this reason, it may be recognized that France's "carefully calculated ambiguity" is subjected to exceptions depending on whether the military strength and nuclear capabilities of the threatening state in question is superior or inferior to those of France.

2.5. The People's Republic of China (PRC)

Even though nuclear weapons are recognized as status symbols and are admired in some countries, they have nonetheless been perceived as hegemonic in the non-industrial world and, accordingly, the NPT has been bitterly criticized for its discriminating 'have and have-nots' nature, especially the PRC which had argued that it developed nuclear weapons precisely to counter hegemonic aspirations, the nuclear monopoly of the superpowers, and that it supports the total prohibition of nuclear weapons.[40] The PRC first tested a nuclear weapon in 1964 and quickly developed a modest nuclear arsenal probably numbering several hundred warheads. The goal of Chinese nuclear strategy is a "lean and effective" deterrent, aimed primarily at preventing a nuclear attack by the U.S.[41] In its nuclear disarmament policies, the PRC is still officially in line with the anti-nuclear stance with its call for the abolition of nuclear weapons: "*The complete prohibition and thorough destruction of nuclear weapons and the establishment of a nuclear weapon free world is the common aspiration of the international community and an unswerving goal for China.*"[42] The most recent Chinese Defense White Paper,[43] released in July 2019, has reiterated the enduring aspects of the PRC's proclaimed nuclear doctrine: *"China is always committed to a nuclear policy of no first use of nuclear weapons at any time and under any circumstances, and not using or threatening to use nuclear weapons against non-nuclear weapon states or nuclear weapon-free zones unconditionally…China pursues a nuclear strategy of self-defense, the goal of which*

[39] Caroline L. Kapp and Liana Fix, "German, French, and Polish Perspectives on the War in Ukraine," in *Polarization, Shifting Borders and Liquid Governance: Studies on Transformation and Development in the OSCE Region*, eds. Anja Mihr and Chiara Pierobon (Cham: Springer Nature, 2023), 326.
[40] Juha A. Vuori, *Chinese Macrosecuritization: China's Alignment in Global Security Discourses* (New York: Routledge, 2024), 96.
[41] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 351.
[42] Vuori, *Chinese Macrosecuritization: China's Alignment in Global Security Discourse*, 96.
[43] The State Council Information Office of the People's Republic of China, "China's National Defense in the New Era," *The State Council Information Office of the People's Republic of China*. Beijing: Foreign Languages Press Co. Ltd (July 2019), 9.

is to maintain national strategic security by deterring other countries from using or threatening to use nuclear weapons against China"[44]

Until recently, the PRC had slowly built a capability for producing nuclear warheads and delivery systems, and the pace of the new deployments of nuclear weapons had been in keeping with the PRC's policy of avoiding excessive provocation while building its economic strength.[45] This trend, while consistent with the PRC's philosophy of maintaining a modest nuclear deterrent, is likely driven by concerns about changes in the U.S.'s nuclear posture. Such considerations may suggest that the coming decade may see considerable enhancement of the PRC's nuclear capability but without it approaching those of the U.S. and Russia.[46] Nevertheless, it ought to be believed that such trend would also depend on circumstances of the PRC's relations with other NWS within the international community.

3. The nuclear policies of states declaring possession of nuclear weapons

3.1. India

Despite India's early days of independence where the peaceful use of atomic energy for development and simultaneously expressed apprehensions about nuclear weapons for military purposes were initially favored, the discriminatory international nuclear regimes, as well as the perceived nuclear threats from China and Pakistan compelled India to adopt a more active defense stance in support of its nuclear option, thus leading to the decision for overt nuclearization. This nuisance security posture reflects India's complex and evolving approach to nuclear capabilities in response to regional geopolitical challenges.[47] On the other hand, such approach may simultaneously be perceived as successful when considering that the Indian nuclear doctrine and the development of its credible nuclear forces have enhanced India's security against nuclear and WMD threats, providing it with great strategic autonomy and freedom of maneuver in managing its foreign policy.[48] The strategy of "secrecy" has been integral to India's nuclear program ever since it started its nuclear journey, whereas nuclear power is still an exclusively governmental affair. "Secrecy" as a policy is also infused into the governing structure of its nuclear assets for obvious

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[44] Abhishek Saxena, "Nuclear Doctrines of Great Powers and Vertical Nuclear Proliferation Trends," in *The Global and Nuclear Landscape: Energy, Non-Proliferation and Disarmament*, ed. Manpreet Sethi (New York: Routledge, 2023), n.p.

[45] James E. Goodby, "National Attitudes toward Nuclear Deterrence," in *Forbidden: Receiving Pope Francis's Condemnation of Nuclear Weapons*, eds. Drew Christiansen, SJ, and Carole Sargent (Washington, DC: Georgetown University Press, 2023), 109.

[46] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 351.

[47] Putta V. V. Satyanaryana, "Evolution of India's Nuclear Policy: A Pragmatic Analysis," *International Journal of Creative Research Thoughts (IJCRT)* 11, no. 12 (December 2023): 620-21.

[48] Balraj Singh Nagal, "India's Nuclear and Foreign Policy," in *India and the Changing World Order*, ed. Shveta Dhaliwal (New York: Routledge, 2023), n.p.

reasons. As India considers nuclear weapons as "political" weapons, not for war initiating but for retaliation, "survivability" of its nuclear assets is crucial, as stated by Sitakanta Mishra.[49] Of course, there are also some apprised components of India's nuclear policy that are worth analyzing. Primarily, India maintains a credible minimum nuclear deterrence and has committed that it will not be the first to use nuclear weapons in a conflict but will respond with punitive retaliation should deterrence fail.[50] Although India has a nuclear no-first-use policy (meaning the commitment not to use nuclear weapons first against an adversary), its MIRV capability indicates that it could have a greater ability to conduct a massive first strike that could bypass missile defenses with multiple warheads and decoys if it ever chooses to abandon its no-first-use policy.[51] All things considered, it may be confirmed that with nuclear weapons and delivery capacity but no clear nuclear doctrine to help adversaries calculate the probability of the use of those weapons of mass destruction, India continues to be an enigmatic presence.[52] Nevertheless, it must also be emphasized that to date, India has demonstrated a long and clear record on nonproliferation and is considered a *de facto* member of the "nuclear club" or "NWS", a designation long restricted to the U.S., Russia, the U.K., France and China.[53] India has acted as a responsible nuclear power,[54] which is ought to be commended by international actors in the overall tendencies for international peace and security.

3.2. Pakistan

Within its broader philosophy of "credible minimum deterrence," which seeks to emphasize a defensive and limited nuclear posture, Pakistan operates under a nuclear doctrine that it calls "full spectrum deterrence." This posture is aimed mainly at deterring India, which Pakistan identifies as its primary adversary. The belief that Pakistan's nuclear weapons have been deterring India since the mid-1980s has solidified the value of nuclear weapons in the national security's calculus.[55] This indicates that Pakistan does not consider nuclear weapons for war-fighting purposes,

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[49] Sitakanta Mishra, "'Secrecy as Security Strategy' in India's Nuclear Governance," in *Varying Dimension's of India's National Security: Emerging Perspectives*, eds. Anshuman Behera and Sitakanta Mishra (Singapore: Springer Nature, 2022), 47-48.

[50] Subrata K. Mitra, Jivanta Schottli and Markus Pauli, *Statecraft and Foreign Policy: India, 1947-2023* (Dublin: DCU Press, 2023), 19.

[51] Debak Das, "How India's restructured rocket force makes conflict with China more likely," Bulletin of the Atomic Scientists, April 22, 2024. https://thebulletin.org/2024/04/how-indias-restructured-rocket-force-makes-conflict-with-china-more-likely/.

[52] Subrata K. Mitra, Jivanta Schottli and Markus Pauli, *Statecraft and Foreign Policy: India, 1947-2023* (Dublin: DCU Press, 2023), 1.

[53] Ibid, 20.

[54] Balraj Singh Nagal, "India's Nuclear and Foreign Policy," in *India and the Changing World Order*, ed. Shveta Dhaliwal (New York: Routledge, 2023), n.p.

[55] Hans M. Kristensen, Matt Korda and Eliana Johns, "Pakistan's nuclear weapons, 2023," Bulletin of the Atomic Scientists, October 2023, https://thebulletin.org/premium/2023-09/pakistan-nuclear-weapons-2023/.

but instead only to deter its adversary's conventional and nuclear threats.[56] Originally, Zulfikar Ali Bhutto, who served in different capacities (including as foreign minister) in the Ayub Khan government from 1958-66 and subsequently became president of Pakistan in December 1971, developed a deterrent concept for Pakistan that, to date, holds valid and forms one of the central pillars of Pakistan's nuclear doctrine. In *The Myth of Independence*, he argued that modern wars should be conceived of as total wars, and in this type of war Pakistan needed nuclear weapons.[57] Critics have argued that the size of nuclear forces does not really matter, but that a few survivable nuclear weapons that could cause unacceptable damage were enough to deter the adversary. They further argued that minimum deterrence is cost effective and does not burden the state's economy. Minimum nuclear deterrence, hence, suits the smaller nuclear weapon states such as India and Pakistan because of their lack of resources. Also, they learn from their nuclear predecessors that small is better and reduces risk.[58] Furthermore, it has been noted that Pakistan's political announcements demonstrate some clear features of its nuclear policy. In contrast to India's declared no-first-use nuclear policy, for instance, Pakistan decided not to endorse such policy, thus leaving open the interpretation that Islamabad might use nuclear weapons first under certain circumstances. This has been a consistent, long-standing feature of the country's nuclear posture. Another enduring feature of Pakistani nuclear policy is a unilateral moratorium on nuclear testing underscored by Islamabad's declaration that *"it was not the first country to test and will not be the first to resume testing of nuclear weapons in South Asia."* Moreover, the unsuccessful attempts of such moratorium becoming bilateral with India have raised concerns of Pakistan following suit of India's decision to resume nuclear testing at some stage.[59] It is, thus, due to the obvious indicators of the current relations between India and Pakistan that the international community needs to remain cautious of any escalations potentially foreshadowing the ominous involvement of nuclear weapons.

3.3. North Korea

The Democratic People's Republic of Korea (DPRK/North Korea) may not be recognized as a nuclear state by the international community and nuclear non-proliferation regime, but despite a dire economic situation and political isolationism, it has managed to acquire significant nuclear and missile capabilities since the end of the Cold War.[60] This had resulted in nuclear weapons becoming another pillar of North

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[56] Zafar Khan, *Pakistan's Nuclear Policy: A Minimum Credible Deterrence* (Oxon/New York: Routledge, 2015), 40.

[57] Bhumitra Chakma, *Pakistan's Nuclear Weapons* (Oxon/New York: Routledge, 2009), 40.

[58] Zafar Khan, *Pakistan's Nuclear Policy: A Minimum Credible Deterrence* (Oxon/New York: Routledge, 2015), 39-40.

[59] Sitara Noor, "Pakistan's Evolving Nuclear Doctrine," Arms Control Association, October 2023, https://www.armscontrol.org/act/2023-10/features/pakistans-evolving-nuclear-doctrine#:~:text=Unlike%20the%20Cold%20War%20practice,the%2Dblue%2Dtype%20attack.

[60] Edward Howell, *North Korea and the Global Nuclear Order: When Bad Behavior Pays* (Oxford: Oxford University Press, 2023), 2.

Korean defensive capabilities. Truth be told, North Korean leaders have always been interested in this cost-effective way to achieve deterrence. Not only did Kim Il-sung witness how nuclear weapons easily defeated Japan during World War II but also his successors are convinced that nuclear weapon is key to regime survival.[61] Within the disciplines of international relations and political science, hence, scholarship on North Korea and its nuclear program has frequently concerned the roles of deterrence, the security dilemma and rational actor behavior. In other words, North Korea values deterrence and, importantly, regime stability and survival, but central to North Korea's behavior is how it orders the world around it in social and material terms. There remains a wealth of literature analyzing North Korea's broader domestic and foreign policies, which comprises analysis of its nuclear program, human rights violation, and the evolution of domestic policy from the state's inception under Kim Il Sung to the contemporary rule of Kim Jong Un.[62] However, uncertainty over North Korea denuclearization problem has recently grown with the onset of the aggression on Ukraine and the new conservative South Korean President, Yoon Seok-Yeol. Achieving peace and prosperity within the entire Korean Peninsula is becoming increasingly challenging for the same reasons. Bargaining costs became higher as North Korea completed nuclear weapons development. This cost will increase once the DPRK succeeds in developing sophisticated weapons such as downsized missile warheads.[63] Moreover, analyses of the DPRK remain hampered by the lack of access to the state and dearth of information about domestic and foreign policymaking.[64] Nevertheless, the forecast for the future of nonproliferation on the Korean Peninsula is bleak. Given the model of regime survival in North Korea, Kim Jong-un will likely find it too risky to consider giving up this invaluable investment, even if the security situation on the Korean Peninsula improves.[65] Be that as it may, it is widely believed that every NWS, in essence, perceives its nuclear arsenal as an invaluable investment allowing global political power.

4. The nuclear policies of states indicated to possess nuclear weapons

4.1. Israel

In 1961, Israel adopted a policy that it *"will not be the first country to introduce nuclear weapons into the Middle East"*. While it is widely understood that

[61] Weiqi Zhang, "Pursuing Interdependence and Independence: North Korea's Foreign Policy on China," in *Strategies of Survival: North Korean Foreign Policy under Kim Jong-un*, eds. Jun Taek Kwon and Weiqi Zhang (Lanhan: Lexington Books, 2023), 33.
[62] Edward Howell, *North Korea and the Global Nuclear Order: When Bad Behavior Pays* (Oxford: Oxford University Press, 2023), 6-8.
[63] Bang, Chan Young, "Introduction," in *A Korean Peninsula Free of Nuclear Weapons: Perspectives on Socioeconomic Development,* ed. Chan Young Bang (Cham: Palgrave Macmillan, 2023), 1.
[64] Edward Howell, *North Korea and the Global Nuclear Order: When Bad Behavior Pays* (Oxford: Oxford University Press, 2023), 8.
[65] Tristan A. Volpe, *Leveraging Latency: How the Weak Compel the Strong with Nuclear Technology* (Oxford: Oxford University Press, 2023), 142.

Israel does possess nuclear weapons, its policy of "nuclear ambiguity", backed by the U.S., signals that Israeli leaders neither want to ratchet up nuclear tensions nor use nuclear weapons.[66] According to various assessments by experts and intelligence agencies, it is estimated that Israel possesses a relatively small nuclear arsenal[67] of at least 80 warheads, deployed primarily as submarine-launched cruise missiles and medium-to long-range ballistic missiles. Israeli aircraft are also capable of delivering nuclear weapons. Israel probably built its first nuclear weapon in 1966, but there's no firm evidence that it has ever conducted a nuclear test.[68] Nevertheless, the status and evolution of Israel's nuclear arsenal remains closely monitored by regional and international actors.[69] Every Israeli government since the late 1960s has practiced a policy of nuclear opacity that, while acknowledging that Israel maintains the option of building nuclear weapons, leaves it factually uncertain as to whether Israel actually possesses nuclear weapons and if so at what operational status.[70] Israel's nuclear program has been a subject of regional and international concerns, particularly in the context of regional stability and non-proliferation efforts.[71] Furthermore, Israel was the first country outside the NPT to develop nuclear weapons, as the country believed that nuclear armament was essential to national security against hostile neighboring states.[72] In other words, Israel is not a party to the NPT, so its nuclear activities aren't subject to international inspection. However, it's no secret that Israel's greatest worry is hostile neighbors in the Middle East, especially Iran. Although none of those neighbors currently possess nuclear weapons, Iran and possibly Saudi Arabia have nuclear ambitions.[73] Despite widespread acknowledgment of Israeli nuclear weapons, the country will neither confirm nor deny ownership.[74] Hence, the existence of Israel's nuclear weapons program and its policy of ambiguity contribute to a complex security dynamic in the Middle East region, influencing regional rivalries and potential arms races. As with any covert nuclear program, the lack of transparency surrounding Israel's nuclear arsenal poses challenges for arms control and non-proliferation efforts

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[66] Mai'a K. Davis Cross, *International Cooperation against All Odds: The Ultrasocial World* (Oxford: Oxford University Press, 2023), 193.

[67] Jayson Park, *Eyes of a Typhoon: From Regional Conflicts to Global Security Crisis* (Jayson Park (Independently published), 2023), 69.

[68] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 354.

[69] Jayson Park, *Eyes of a Typhoon: From Regional Conflicts to Global Security Crisis* (Jayson Park (Independently published), 2023), 69.

[70] Hans M. Kristensen and Robert S. Norris, "Israeli Nuclear Weapons, 2014," *Bulletin of the Atomic Scientists* 70, no.6 (2014): 97.

[71] Jayson Park, *Eyes of a Typhoon: From Regional Conflicts to Global Security Crisis* (Jayson Park (Independently published), 2023), 69.

[72] Chan Young Bang, "North Korea and the Nuclear Non-Proliferation Treaty," in *A Korean Peninsula Free of Nuclear Weapons: Perspectives on Socioeconomic Development,* ed. Chan Young Bang (Cham: Palgrave Macmillan, 2023), 9-10.

[73] Richard Wolfson and Ferenc Dalnoki-Veress, *Nuclear Choices for the Twenty-First Century: A Citizen's Guide* (Cambridge, Massachusetts: The MIT Press, 2021), 354.

[74] Chan Young Bang, "North Korea and the Nuclear Non-Proliferation Treaty," in *A Korean Peninsula Free of Nuclear Weapons: Perspectives on Socioeconomic Development,* ed. Chan Young Bang (Cham: Palgrave Macmillan, 2023), 9-10.

in the region.[75] Regardless, it only remains for Israel's isolated approach to be further tolerated and simultaneously scrutinized by scholars of international relations and nuclear politics.

5. Conclusions and recommendations

Despite the end of the Cold War, nuclear weapons – and the associated concerns of proliferation – remain an important issue in international relations. Under the right conditions these weapons can serve as effective deterrents, increasing the stability of the international system. Under the wrong conditions, however, nuclear weapons can decrease regional stability and produce a more conflictual international system.[76] On such accounts, it is argued that relationships with foreign countries, including great powers, should be managed with primary consideration given to the type of regime at hand. The guiding question is to what extent a proposed policy will either promote democracy, or alternatively, support authoritarianism.[77] We therefore consider the results obtained from this research paper, which demonstrate that while the contemporary nuclear policies of some NWS are primarily established for the purposes of deterrence and are characterized as purely defensive by nature, the contemporary nuclear policies of other NWS could be described as more aggressive and competitive by nature. Moreover, the clash between contrasting nuclear-related objectives of different political backgrounds may have the potential to increase the risk of nuclear escalation and the likelihood of nuclear war. Such negative occurrences lead to the conceptualization of a 'latent' violent nature hidden in the politics of nuclear deterrence and peaceful use of atomic energy as 'potential violence', having the potential to cause genocidal consequences. It is of equal importance to note how the concept of potential violence stems from the definition of 'structural violence' defined by Johan Galtung. Namely, according to Galtung, 'there is the traditional distinction between two levels of violence, the *manifest* violence and the *latent*'. Whereas 'manifest violence' is 'observable', whether personal or structural, 'latent violence' (potential violence) is 'something which is not there, yet might easily come about'.[78] Hence, the current international struggle for "nuclear superiority" among NWS must be taken seriously, as it continues to impact scholarly writings, policy planning, and government rhetoric regarding nuclear weapons,[79] hopefully towards the potential establishment of efficient strategies of global relevance for ensuring

[75] Jayson Park, *Eyes of a Typhoon: From Regional Conflicts to Global Security Crisis* (Jayson Park (Independently published), 2023), 69-70.
[76] Jacob Aronson and Paul Huth, "Conclusion: Contributions, future directions and policy implications," in *Nonproliferation Policy and Nuclear Posture: Causes and consequences for the spread of nuclear weapons*, eds. Neil Narang, Erik Gartzke and Matthew Kroenig (New York/Oxon: Routledge, 2015), 315.
[77] Raphael BenLevi, *Cultures of Counterproliferation: The Making of US and Israeli Policy on Iran's Nuclear Program* (New York: Routledge, 2023), n.p.
[78] Daisuke Akimoto, *Japan's Nuclear Identity and its Implications for Nuclear Abolition* (Singapore: Palgrave Macmillan, 2020), 25.
[79] James H. Lebovic, *The False Promise of Superiority: The United States and Nuclear Deterrence after the Cold War* (Oxford: Oxford University Press, 2023), 2.

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