

Nuclear Disarmament and UN Reforms

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This paper¹ is divided into three parts. I first describe the journey from the prioritisation of nuclear nonproliferation in the 1968 Nuclear Non-Proliferation Treaty (NPT) to the 2017 UN Nuclear Ban Treaty's reprioritisation of nuclear disarmament. In the second section, I discuss the impact of Russia's invasion of Ukraine on the global nuclear discourse. In the final section, I address the question: What does all this mean for the agenda of UN reforms?

Introduction

In January last year, for the first time, a global treaty came into force outlawing the bomb. The Treaty on the Prohibition of Nuclear Weapons (TPNW or Ban Treaty) is the most significant multilateral development in nuclear arms control since the NPT's entry into force in 1970. It establishes a [new normative settling point](#) on the ethics, legality and legitimacy of the bomb.

Regardless of the NPT's historical record in underpinning strategic stability, in recent years nuclear risks have grown with heightened geopolitical tensions, additional roles for nuclear weapons, blurred boundaries between nuclear and precision conventional munitions, and between nuclear, space, cyber and AI domains, and sharpened rhetoric normalising nuclear weapons discourse.

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The transformation of the Cold War-era nuclear dyad into interlinked nuclear chains, some in geographical theatres of contiguous nuclear-armed rivals in our own Indo-Pacific region, diminishes the relevance of traditional approaches to managing strategic stability among nuclear-armed states. As Norway's [Sverre Lodgaard](#) put it: 'The NPT is in miserable shape, betrayed on the disarmament dimension, stuck in the Middle East and mostly irrelevant to the Asian nuclear-armed states.'

The mounting frustrations among NPT non-NWS gradually turned into anger and a determination to seize control of the disarmament agenda. The Ban Treaty's new normative standard is not an effort to undermine the NPT, but to strengthen it: redress the weakness and complete its disarmament agenda.

Reframing the debate from disarmament as a national security issue into a pressing international humanitarian concern was critical to the successful conclusion of negotiations. The old paradigm had proven unable to break through 'the [wall of the nuclear deterrence dogma](#)'. The reframing of a traditional security debate into a humanitarian discourse had an important precedent in the Ottawa Treaty that banned landmines. Another feature of the Ottawa Treaty was the role of a state champion in the carriage of state-civil society partnership to successful conclusion at an international conference. In forging a global coalition of civil society groups and like-minded states, the International Campaign to Abolish Nuclear Weapons (ICAN) was to the Ban Treaty what the International Campaign to Ban Landmines (ICBL) was to the Ottawa Treaty. This also facilitated a democratic shift in the nuclear debate, with non-NWS using the UN General Assembly, the central democratic body of the international system, as the site and forum of negotiations and adoption.

There's no legal incompatibility between the NPT and Ban Treaty. Yet the Ban Treaty impacts non-NWS countries like Australia that have relied on the nuclear deterrence-based security architecture of US nuclear weapons. The NPT had camouflaged the underlying inconsistency in professing support for nuclear disarmament—just not yet, like St Augustine's plea on chastity—while hosting nuclear weapons and infrastructure, relying on nuclear deterrence for national security and sheltering under the US nuclear umbrella. While the NPT had enabled the umbrella states to fudge the tensions between membership of a nuclear alliance and commitment to nuclear disarmament, the Ban Treaty has compelled them to confront the hypocrisy head on.

This might well explain the ferocity of their opposition: it shows the mirror of their disingenuousness to their own peoples and they do not like it. The Ban Treaty forces the issue: do the nuclear-dependent states intend to continue to shelter under the nuclear umbrella or start behaving like non-NWS? Thus, the treaty has the potential to embarrass umbrella states by reopening fundamental domestic debates on the role of nuclear weapons and deterrence strategies.

At the same time, says former Canadian disarmament ambassador [Paul Meyer](#): 'To fold the metaphorical "nuclear umbrella" it will be necessary to convince those sheltering under it that it is safe to come out and to recognise that the umbrella may be more of a danger than a protection' – a nuclear lightning rod more than a repellent.

The Ban Treaty has converted a long-standing *political aspiration*, into a *legal framework*. The legal obligations of the treaty cannot apply to non-signatories. The possession of nuclear weapons by nine countries did not suddenly become illegal with the treaty's entry into force in January 2021. Equally, however, the claim that a UN-negotiated treaty, following a UN-authorized process and conference, has *no* implications for the legality and legitimacy of nuclear-weapon possession and practices is also disingenuous and implausible. For an Australian of Indian origin, the *schadenfreude* of Australia's discomfort considering the effort to [harness UN legitimacy to pressure India](#) on the Comprehensive Test Ban Treaty (CTBT) in 1996 is delicious.

Ukraine

Russia's invasion of Ukraine has profoundly shaped the global discourse on nuclear weapons over the utility and limits of nuclear weapons as a deterrent and as tools of coercive diplomacy, the [wisdom of having given them up](#), the incentives to either acquire them or shelter under others' nuclear umbrella and, above all, the cataclysmic risks of an all-out nuclear war that no one wants, but everyone dreads.

At the Ban Treaty's inaugural meeting of States Parties in Vienna in June, participants expressed alarm and dismay at the 'threats to use nuclear weapons and increasingly strident nuclear rhetoric', condemned unequivocally 'any and all nuclear threats, whether they be explicit or implicit and irrespective of the circumstances', and also their use, not to preserve peace and security, but 'as instruments of policy, linked to coercion, intimidation and heightening of tensions.'

The first, most important lesson is that the existence of [11,405 nuclear weapons in Russian \(5,977\) and US \(5,428\) arsenals](#) (90 per cent of world totals), far from helping to stabilise the crisis and calm the tensions, has added to the dangers and threats of the Ukraine war. That is, the world would have been infinitely less dangerous had the bomb become history already.

A popular pastime, going back to the Euromaidan revolution in 2014 and the annexation of Crimea, is to claim that Russia would not have dared to attack and dismember Ukraine had the latter not given up its nuclear arsenal after the Soviet Union imploded. The claim does not withstand serious scrutiny. Like US nuclear sharing arrangements with some NATO allies (and in the past also South Korea), the bombs were not owned by the host, but by Russia which retained exclusive operational control and launch authority. Not one of the P5, who are also the only five recognised nuclear weapon states under the NPT, would have tolerated the emergence of another nuclear power with a stockpile of [1,900 strategic and 2,500 tactical nuclear weapons](#): several times more than Britain, China and France combined. Ukraine would have struggled to survive as an international pariah state and the whole history of the region would have been so different that the deterrent claim for the events of 2014 and 2022 are simply not a credible counterfactual.

Eight months into the war, what I find most striking with respect to nuclear weapons is their near complete lack of utility. The presence of nearly 6,000 bombs in Russia's arsenal as a

back-up for the biggest ground war in Europe since 1945, and none in Ukraine's, failed to intimidate Ukraine into surrendering. Kyiv has simply got on with the job of defending its territory confident that, having failed as a tool of coercive diplomacy, nuclear weapons are not militarily useable. Their global political costs would exceed any battlefield gains.

Repeated reminders of nuclear weapons signal Russian weakness and desperation more than strength and self-confidence and, probably, more of an effort to intimidate NATO than a threat to incinerate Ukraine. Ukraine's heroic resistance, led by the larger-than-life persona of President Volodymyr Zelensky, highlights both the power of the weak when fighting for the homeland, and the fragility of the strong when engaged in imperial adventures.

Having already suffered severe damage from the illegal invasion, Russia's reputation would tank completely were it to use the bomb. Nor could Russia protect its own troops, the Russian-speaking enclaves of Ukraine and even parts of Russia proper from the radioactive fallout. Thus, the bomb exercises a self-deterrent function.

It's true that President Vladimir Putin has pointedly and repeatedly reminded NATO of his formidable nuclear arsenal, publicly placed them on 'special alert' and warned of 'unpredictable consequences' if outsiders dared to intervene. None of this has stopped NATO from providing increasingly lethal and highly effective arms to Ukraine that have taken a deadly toll on Russia's military.

Of course, NATO has refrained from introducing its own ground troops or jets over Ukraine. Yet it is debatable how much of this caution rests in consciousness of Russia's nuclear capability and how much arises from internalised memories of the failure of NATO military operations in Africa, the Middle East and Asia.

Who would want to 'own' the chaos of the vast Russian landmass even if battlefield military victory was achieved? The catastrophic miscalculations of Napoleon and Hitler too, surely, play some role in injecting caution into rushing into a direct military fight with Russia, nukes or no nukes. Russia's stakes and vital interests in Ukraine are greater. NATO's stakes in Ukraine are simply not high enough to risk a major ground war with Russia which would then be fighting grimly for its very existence.

Yet, the Ukraine crisis is likely to damage the already enfeebled efforts to promote nuclear arms control and disarmament. Russia's actions will not reassure the 184 non-nuclear weapon states on their security concerns. On the contrary, it might confirm North Korea in the strategic foresight of having gone down the nuclear path and encourage Iran to do the same.

It has already reopened debates in some Western allies in the Pacific as well as Europe about nuclear-sharing arrangements as an insurance policy, in the belief that the presence of US bombs on their territory, even if they remain in American hands and control, will create new facts on the ground and serve as tripwires against aggression.

The fact that Finland and Sweden—the latter a major champion of nuclear disarmament and the former of a regional nuclear-weapon-free zone in the past—are the latest to join NATO is yet more evidence that history does irony. For [NATO's unbroken eastwards expansion](#) is a major *explanation*—albeit no justification—for Russia's actions in Ukraine. NATO's northwards expansion into the Baltic in turn becomes a major *consequence* of Russia's aggression against Ukraine.

Several [Russian generals](#) have been killed with the help of intelligence provided by the US. Washington also supplied information that helped Ukrainian forces to [locate, strike and sink the Moskva](#), the flagship of Russia's Black Sea fleet. Britain likely helped Ukraine plan and train for blowing up the Russia-Crimea [bridge](#). Based on motive, means and opportunity of classic whodunnits, the US remains a leading contender for responsibility for the Nord Stream [pipeline explosions](#).

Despite these provocations, Russia has not hit supply depots and lines beyond Ukraine's borders. [Lewis and Stein](#) argue that 'American nuclear weapons, as well as those of France and the United Kingdom, have deterred Russia from striking lethal arsenals piling up across the border in Poland for delivery into Ukraine.' But President Putin has said absolutely nothing to indicate any insane desire to widen the geographical theatre of the conflict to a NATO country directly. The existence of nuclear weapons is simply irrelevant to his calculation. He has enough problems trying to subdue and digest the Donbass region of Ukraine and to hold on to Crimea.

Implications for UN Reforms

The UN is the biggest incubator of global norms to govern the world and the vital core of the rules-based global multilateral order. The 15-member Security Council is the world's only body with the authority to make war and peace decisions that are legally binding and enforceable on all countries. The P5 can protect their interests with the veto. All this makes it the geopolitical cockpit of the global security order.

But the normative centre of gravity is the 193-member General Assembly, for the UN's unique legitimacy flows from its universal membership and one-state-one-vote formal equality in its decisions. With the adoption of the Ban Treaty in 2017, for the first time in UN history, the General Assembly asserted its normative primacy over the united opposition of the P5 geopolitical heavyweights. The NPT embedded the geopolitical preferences of the two superpowers in 1968. The Ban Treaty reflects the normative vision of the global South, backed by like-minded states from the North. Rebalancing the SC-GA relationship is critical for restoring the legitimacy, and therefore the effectiveness, of the UN.

The pandemic has demonstrated inadequacies in the existing architecture of international health governance centred on the WHO. The crisis reaffirms the indispensable role of the WHO in addressing global health emergencies but also revealed critical flaws in its operations. It is a sharp reminder of the limits of unilateralism in an age of shared threats and fragility but unequal resilience.

The health, economic and environmental crises underscore the inter-connectedness of peoples' security. These threats will persist in the wealthy industrialised countries so long as they are still active in the developing countries. Thus, they also highlight the policy utility of reconceptualising security threats within the analytical framework of human security that has been promoted by the UN system since 1994.

The concurrent crises together demonstrate the need, without neglecting the harsh reality of hard security, to broaden our conception of security, the importance of North–South partnership in addressing security vulnerabilities, the indispensable role of the UN system in coordinating and leading global efforts, but also the flaws that result in a suboptimal performance and hence the need for continual reforms.

They underscore the need to reboot the ethic of global cooperation. The UN system is a trusted agent for the necessary tasks because of its universality and the resulting legitimacy; its expertise accumulated over decades of experience; its scientific objectivity alongside its political neutrality; its presence in the field in so many countries around the world that gives it a truly global footprint; and its unmatched convening authority and mobilising capacity. Conversely, the damage to any one of these attributes spills over into the others.

In the broad and extensive agenda of UN reforms, the most critical and pressing is that of the Security Council. Tackling incremental reforms that are doable, while shelving the one transformational reform most necessary, has become a political tactic of deflection. The ossified Security Council remains trapped in the power equations of 1945 and is therefore out of sync even with its core defining logic. Russia is not the only P5 member to have contributed to the growth of the widespread perception that powerful countries can break the rules of the Charter regime with impunity. Just conduct a simple thought experiment. Which country can you think of that could still function efficiently and effectively with its governmental structure essentially unchanged since 1945? Yet the world is vastly more complicated than any single country.

During the UN's 77-year history, African and Asian states have increased from one-fifth to over half the total UN membership. The Western group has shrunk from one-fourth to one-sixth. Yet the global North retains its dominance in the Security Council, with 40 percent of its total and 60 percent of the permanent membership. Non-Western countries make up 85 percent of the world's population but only 53 percent of the total and 20 percent of the permanent membership of the Security Council. Because of Security Council's crucial role in selecting the Secretary-General, the North's dominance infects the choice of senior personnel throughout the UN system, including heads of departments, funds, agencies, and SRSGs and special envoys.

This erodes the representative legitimacy of the Security Council as the UN's most critical organ and weakens its ability to make decisions guided by a full understanding of the development, security, human rights, and environmental dynamics in areas where peace is most threatened. It diminishes the UN's capacity for effective implementation of all four normative mandates (peace and security, human rights, development, and environment). Absence from the UN's top table ensures that the global South is limited to being mostly on the UN's menu. This is why structural reform of the Security Council's composition,

particularly permanent membership, is critical. But because it is highly improbable in the foreseeable future, the most likely trajectory is for the UN's legitimacy, effectiveness, and authority to continue to erode, and the organisation, in turn, to become increasingly marginalised and irrelevant.

The Flickering Flame of UN Optimism

UN officials along with UNA members the world over are, at heart, optimists. We hold human beings to be fundamentally decent and institutional change for the better to be necessary but also possible. The underlying decency means intergroup relations need not end in destructive conflict. There's no question but that the flame of UN optimism is flickering, but in both senses. Yes, it is under assault on multiple fronts but no, it has not yet been extinguished but continues to burn determinedly. The Ban Treaty represents that flickering flame of hope and optimism. Hence, I would prefer to end with that tiny light of hope shimmering across the bleak global landscape we see today.

The Ukraine crisis currently and a China-US clash prospectively add to global fears of a nuclear Armageddon, if not by design, then inadvertently by accident (system error) or miscalculation (human error). The Ban Treaty equips us with the normative framework within which the agenda of nuclear risk reduction measures, on the long pathway to eliminating nuclear threats by abolishing the weapons, remains critically important.

Some steps that we can actively promote to/through our government include:

- Reduce reliance on nuclear weapons by possessor and umbrella states;
- Take concrete steps towards fulfilling the NPT article 6 obligation to nuclear disarmament;
- Acknowledge the normative step forward of the Ban Treaty;
- Holdout US allies should engage with instead of distancing from the Ban Treaty. [Germany's statement](#) to the inaugural June conference was especially constructive in urging TPNW supporters and critics to work together in the shared goal of achieving a world free of nuclear weapons;
- Resume and revitalise nuclear arms control negotiations; and
- Universalise no first use of nuclear weapons, including by China and the US in the context of Taiwan.

The Author

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