

The role of NGOs in the Treaty on Prohibition of Nuclear Weapons TPNW

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Abstract

This research aims to investigate the influence of NGOs on International political issues, and to determine the nature of roles they can play by studying the roles played by NGO in working to mobilize world public opinion for nuclear disarmament to achieve a nuclear-weapons-free world. The research is distinguished by the diversity of the organizations it deals with, as well as the diversity of activities it observes, in addition to the comparisons it makes between the code of ethics of NGOs and the Treaty on the Prohibition of Nuclear Weapons (TPNW). This research also reviews the most important events held by NGOs to demand dismantling nuclear weapons in the world, whether by raising awareness of the risks of using nuclear weapons, or by influencing international decision-making, and diplomatic efforts exerted by these organizations. The research gives an objective comparison between the intellectual premises on which the treaty (TPNW) was based, as stated in the preamble to the treaty, and the code of ethics of the NGOs working on nuclear weapons disarmament. The study ends with conclusions affirming that these organizations were key factors in the treaty TPNW, and it clarifies the nature of their roles and the results they achieved.

Keywords: nuclear weapons, TPNW, NGOs, nuclear weapons disarmament.

Introduction

Global nuclear disarmament is one of the first goals of the UN, that it was the subject matter of the first resolution of the General Assembly in 1946 (United Nations, n. d). In 1968 the Treaty on the Non- Proliferation of Nuclear Weapons in article VI says: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” (Treaty on the Non- Proliferation of Nuclear Weapons NPT, 1968)

And since 1968 till 2017, a number of international treaties and agreements between nuclear states, aiming to the prohibition of certain nuclear activities (e. g nuclear tests), or reducing the nuclear arsenals, have been concluded. The main actors in these treaties and agreements were the nuclear states, particularly USA and the former Soviet Union, and then the Russian Federation. In 2017 there was voting on the treaty of the prohibition of nuclear weapons with the participation of 122 states, none of which were nuclear states. After signing the treaty, Nobel Peace Prize was awarded to an alliance of NGOs, namely “International Campaign to Abolish Nuclear Weapons”, as the motivation stated to give

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this alliance the prize was: “Prize motivation: “for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition of such weapons” (The Nobel Peace Prize, 2017)

This research is about the roles played by NGOs to move the wheel of international negotiations regarding nuclear weapons disarmament to reach a treaty on the prohibition of nuclear weapons, and the role these organizations play in drafting the treaty.

The research aims to investigate the influence of NGOs on International political issues, and to determine the nature of roles they can play to influence the international and local policies, and the possibilities available for them to establish trans-borders entities in organizing and influencing the global public opinion.

The importance of this search is due to the importance of disarmament as a humanitarian goal and a global priority because risks of using nuclear weapons transcend borders of states possessing them, and threatens the global security order, and the need for governments and communities to cooperate to achieve this goal.

The official documents of this treaty don't clearly refer to efforts of NGOs on the track of negotiations, or in establishing the concepts and principles, on which the treaty on the prohibition of nuclear weapons was based, that is eventually international treaties are made between governments of states parties, and consequently, they are not sufficient to know the real powers driving these governments to conclude such a treaty despite the objection of nuclear countries.

This research assumes that NGOs played an essential role in moving the wheel of negotiations of disarmament and concluding the treaty on the prohibition of nuclear weapons, and their collaboration with each other and integration of their roles were the main factor in succeeding to reach the Treaty on the Prohibition of Nuclear Weapons.

This role can be proved by observing various activities and events of NGOs during international conferences on disarmament, or outside the framework of these conferences, as well as observing code of ethics of these organizations in articles, reports, books, and published materials on the pages of these electronic organizations, and comparing them with statements and documents issued by formal conferences on nuclear disarmament and concluding a treaty on the prohibition of nuclear weapons.

This study continues with what previous modern studies started including:

- The study of Cathleen S. Fisher 1999, which documented the role of NGOs in the nineteenth in provoking a discussion about the military and political value of nuclear weapons in a changing world, and about the emerging dangers faced by nuclear deterrence, and in supporting the diplomatic efforts for facilitating extending the treaty on the Non- Proliferation of Nuclear Weapons (NPT), and concluding the Comprehensive-Test- Ban Treaty (CTBT) (Fisher, 1999).
- The study of Hyun Kim 2011, which discussed the role of NGOs in the 2010 review conference of the Treaty on the Prohibition of Nuclear Weapons, which resulted in adopting the treaty on nuclear weapons as a major item on the schedule of the conference (Kim, 2011).
- Finally, the study of Mutti Aggitta 2020, which focused on the role of the international campaign to abolish nuclear weapons (ICAN) and strategies of its global activity (Aggitta, 2021).

The research consists of three axes, the first of which deals with the role of NGOs in efforts of nuclear disarmament, whereas the second axis focuses on diplomatic efforts of these organizations to reach a conclusion of the treaty TPNW. The third axis introduces a comparison between the preamble of the treaty TPNW (reflecting its intellectual

premises) and some points of the code of ethics of NGOs that are thematically compatible with articles of the preamble. The study ends with the most important conclusions.

- First- The Role of NGOs in Efforts of Nuclear Disarmament

Nuclear disarmament efforts of NGOs go back to 1945, September, when the International Committee of the Red Cross called for the first time to abolish nuclear weapons. This call came in the wake of the atomic bombing of Hiroshima city, as representatives of the International Committee witnessed the catastrophic effects of nuclear weapons during doing their job alongside the Japanese in caring for the wounded and dying civilians (ICRC, 2022). In 1956 ICRC prepared a project entitled “Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War”. Article 14 of this project stipulated: “The use is prohibited of weapons whose harmful effects -- resulting in particular from the dissemination of incendiary, chemical, bacteriological, radioactive or other agents -- could spread to an unforeseen degree or escape, either in space or in time, from the control of those who employ them, thus endangering the civilian population”. (ICRC, 1956).

This project was submitted by ICRC to the 19th conference of the Red Cross held in New Delhi, 1957. Resolution 13 of this conference encouraged the ICRC to submit the text to the governments alongside the proposed amendments during the conference, as no other measures could be done then (ICRC, 1956).

By the end of the Cold War, the influence of NGOs on nuclear policies began to be felt toward reducing and abolishing nuclear weapons. This influence took many forms including:

1- Convincing international organizations of taking initiatives for mobilizing world public opinion for nuclear disarmament, including ,for example, what some NGOs did to convince member states of WHO then the UN General Assembly to ask for an advisory opinion of the International Court in 1994, December about whether “any threat to use nuclear weapons or using them under any circumstances is legal according to the international law”, as an initiative was launched under the title “World Court Project” by the International Association of Lawyers Against Nuclear Arms (IALANA), and The International Physicians for the Prevention of Nuclear War (IPPNW), and The International Peace Bureau (IPB) (McNeill, 1997).

2- (McNeill, 1997). Local and international popular advocacy campaigns for nuclear disarmament, an example to mention is the campaign for the Treaty on the Non-Proliferation of Nuclear Weapons, organized by 19 US and European NGOs in 1993, December, and it hosted many meetings and seminars, as its representatives held meetings with US and foreign governmental officials, and issued political pamphlets about the importance of extending the Non- Proliferation treaty.

3- Forging global networks against nuclear policies: One of the most important of these networks is “International Physicians for the Prevention of Nuclear War” (IPPNW), established in 1980 by a small group of US and Soviet physicians, who formed a team for carrying out an accurate scientific research based on data gathered by the Japanese, who studied the impact of atomic bombs dropped on Hiroshima and Nagasaki. They worked on educating health professionals, political leaders, and ordinary people about health and environmental effects of nuclear war. As a result of these efforts IPPNW was awarded UNISCO prize for Peace Education in 1984, and Nobel peace prize in 1985 (International Physicians for the Prevention of Nuclear Weapons IPPNW, n. d. a)

- Second- The Diplomatic Efforts of NGOs to Reach the Conclusion of TPNW

Diplomatic efforts of NGOs for the conclusion of TPNW were prominent in the Review Conference of the Parties to the Treaty on the Prohibition of Nuclear Weapons in 1995, as for the first time in the history of this conference, NGOs were allowed to participate. So,

more than 700 representatives of 195 NGOs, and they were almost all against nuclear weapons (Johnson, 1995). Because of not putting the issue of nuclear disarmament on the agenda of the conference, activists from NGOs held a meeting to put a statement demanding to continue negotiations regarding the conclusion of a treaty and a prompt pledge not to use nuclear weapons or threatening to use them, and to accelerate the conclusion of comprehensive nuclear- test- ban, and to stop producing new systems of nuclear weapons and proliferating them, as well as withdrawing and stopping proliferated nuclear weapons systems, and the prohibition of the production of radioactive materials that can be used in military activities, and putting all radioactive materials usable in military activities and nuclear facilities to international accountability, guarding and monitoring. In addition to that they called for the prohibition of nuclear weapons researches, for having new Nuclear- Weapon- Free Zones, and for the acknowledgment and declaration of illegality of threatening to use nuclear weapons, as well as for establishing an international agency for renewable energy to encourage and support developing sustainable and environmentally safe energy resources, and finding mechanisms to ensure the participation of citizens and NGOs in planning and monitoring the process of abolishing nuclear weapons (Abolish 2000, n. d. a).

A movement of NGOs network was created under the name (Abolition 2000) (referring to the demand of concluding a treaty to abolish nuclear weapons in 2000). This network succeeded in recruiting more than 2000 groups (in more than 90 countries) to relate the name to the number 2000. The movement continued its popular track through establishing regional networks in various places, and it organized signature- gathering campaigns for petitions to express the collective will of the international civil community to witness the beginning of negotiations on nuclear weapons, and submitted them to review conferences for the years 2000 and 2010, as it succeeded in gathering 4,13 million signatures in the year 2000 and more than 17 million signatures in the year 2010 (Abolition 2000, n, d, b).

These efforts of NGOs through the movement of (Abolition 2000) came concurrently with launching the International Campaign to Abolish Nuclear Weapons (ICAN) by (IPPNW) Melbourne, Australia in 2007 after the failure of 2005 Review Conference to be the strongest world campaign of an alliance of NGOs in 100 countries to support the Treaty on the Prohibition of Nuclear Weapons (The International Campaign to Abolish Nuclear Weapons (ICAN), n. d. a). The goal of this campaign was to start world talks and to mobilize world public opinion about the idea of a nuclear- weapons- free world (Hawkins, 2019).

(ICAN) carried out a multitude of mass activities along with forging the alliance itself, including for example: a three days conference it organized on the 16th of October, 2009 in France with the participation of 57 NGOs about the need for a world ban of nuclear weapons, and the International Day of (ICAN) on the 5th of June, 2010, in which thousands of people participated in 50 simultaneous events in 25 countries as part of the International Day of ICAN after the Review Conference of the Nuclear Non-Proliferation Treaty, which had the message: “Begin negotiations now on a nuclear weapons convention”, and launching a world initiative on March 5. 2012 in order to withdraw investments from the industry of nuclear weapons, and holding the nuclear abolition week organized by ICAN, and many more of mass activities it organized or participated in organizing, which qualified it to win Nobel Peace Prize in 2017 (ICAN, n.d. a). The role of NGOs was not limited to public pressure methods, as they respond to any international resolution that enhance conducting negotiations for nuclear weapons ban. In 1997, on the basis of the General Assembly resolution issued on the 10th of December, 1996, called for by all countries to conduct multilateral negotiations that lead to an early conclusion of a convention , which bans producing, testing, spreading, stockpiling and transferring nuclear weapons, and using or threatening to use them and which stipulates eliminating these weapons (UN, 1997), a committee of experts in the field of nuclear policy law -from the USA affiliate of the International Association of

Lawyers against Nuclear Arms (IALANA), and the International Network of Engineers and Scientists Against Proliferation (INESAP), and the International Physicians for the Prevention of Nuclear War (IPPNW)- prepared an international agreement template for banning nuclear weapons, then submitted to Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations, who in turn sent a message to the secretary general for the circulation of the draft agreement, as it was one of the documents of the General Assembly (IALANA, INESAP & IPPNW, 1999). This cooperation developed further through the Middle Powers Initiative (MPI), taken by the former Canadian senator and diplomat Hon. Douglas Roche in March, 1998 in collaboration with seven NGOs.

These NGOs are: The Global Security Institute, The International Association of Lawyers against Nuclear Arms (IALANA), The International Network of Engineers and Scientists for Global Responsibility, The International Peace Bureau, The International Physicians for the Prevention of Nuclear War (IPPNW), The Nuclear Age Peace Foundation, Women's International League for Peace and Freedom (WILF).

MPI published strategy briefs and dispatched formal delegations to the capitals of the Middle Powers in Europe, Asia, and the Pacific Ocean to consult with leaders, who had considerable influence on politics and law- making.

The initiative also made a number of informal consultative meetings with ambassadors and top officials in the states parties to the treaty of the Non- Proliferation of Nuclear Weapons to have one united position in review conferences of the treaty of Non- Proliferation of Nuclear Weapons (NPT) and these meetings yielded important outcomes including the agreement on the thirteen practical steps, which 2000 review conference came out with (The Middle Powers Initiative MPI, 2017a), one of which is: "Unequivocal undertaking by the nuclear weapons states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all states parties are committed under article VI". (UN, 2000).

After the failure of 2005 review conference of the Treaty on the Non- Proliferation of Nuclear Weapons the Middle Powers Initiative (MPI) constituted Article VI Forum (A6F), which is a constant series of consultations aiming at motivating active responses to the crisis of the non- proliferation/ disarmament which was manifested in the collapse of 2005 review conference on the Treaty of the Non- Proliferation of Nuclear Weapons. The Forum was named after Article VI of the 2005 Treaty of the Non- Proliferation of Nuclear Weapons in which nuclear states are committed to hold negotiations for eliminating their nuclear weapons. So, six meetings were held and sponsored by the governments of: Canada (Ottawa Forum, 2006), Austria (Vienna Forum, 2007), Ireland (Dublin Forum, 2008), and Germany (Berlin Forum, 2009). 2006 Hague Forum was co-sponsored by The Netherlands Institute of International Relations: Clingendael". A6F was culminated in the third consultative meeting of Carter Center in Atlanta, which focused on issuing an objective document by consensus to be presented at the Review Conference of the Nuclear Non- Proliferation Treaty, 2010. The governments of two Nuclear states, USA and Britain and 20 non- nuclear states participated in the three days meeting in 2010, January to discuss the main proposals (MPI, 2017a). The third Atlanta consultative meetings and Article VI forum series reached a number of proposals submitted to the 2010 Review Conference on The Treaty of the Non- Proliferation of Nuclear Weapons including asserting the pledge of the state's parties in general and the nuclear states in particular to work on complete elimination of nuclear arsenals, and initiating a collective preparatory work for negotiations regarding an agreement or instrument framework about world elimination of nuclear weapons in a sustainable, enforceable and verifiable manner (Carter Center, 2010). The concluding document of the 2010 Review Conference on The Treaty of the Non- Proliferation of Nuclear Weapons presented many recommendations resulted from the third Atlanta Consultative meeting (MPI, 2017a).

In the final agreement of the 2010 Review Conference, the conference decided: “All states parties have to exert efforts to establish the necessary framework for achieving a nuclear- weapons- free world and preserving it”. To implement this resolution, on the basis of the successful Article VI Forum, a framework forum was established by the Middle Powers Initiative (MPI) and the network of The Parliamentarians for Nuclear Non- Proliferation and Disarmament (PNND) to gather governments in meetings to start working on establishing a framework to achieve a nuclear- weapons- free world, as these meetings aimed particularly to study the legal, technical, political and institutional requirements to achieve a nuclear- weapons- free world, as well as to determine what should be developed of these elements by governments of the middle powers on the short run, and to investigate the way these governments push nuclear states to start negotiations of comprehensive nuclear disarmament. The framework forum was launched in 2012, May in a round table meeting hosted by the Austrian government in Vienna in collaboration with the Middle Powers Initiative (MPI), attended by more than 50 representatives of governments and NGOs (Basel Peace Office, n.d.). The second meeting was held in New York, 2012, November, and hosted by the German mission to UN, and attended by representatives of 29 governments. This event contributed to the deliberations of the UNGA about initiatives of nuclear disarmament, including the establishment of an UN open- ended working group in 2013 to proceed in multilateral nuclear disarmament negotiations. After that the German foreign ministry hosted a two days event for the framework forum in Berlin, 21-22 February, 2013 under the title “Creating conditions and building the framework for a nuclear- weapons free world”, as representatives of 26 governments along with 15 prominent parliamentarians met with experts of MPI in discussions guided by a MPI briefing paper prepared for the event. In addition to that, six activities of the objective framework forum were held in Geneva from 2013 till 2016, where the focus was on issues and proposals to be discussed in the 2016 meeting of the open- ended working group and in the conference of disarmament (MPI, 2017b).

Eventually, this diplomacy resulted in adopting the proposal of the agreement that has been coined by international NGOs since 1997 and its amendments, which turned into a legal instrument approved by the UNGA after signing it in 2017, July 7. So, these organizations, through diplomatic efforts, succeeded in issuing a legal instrument that banned possession, production, use and threatening to use nuclear weapons.

- Third- A Comparison between TPNW and Code of Ethics of NGOs:

The influence of NGOs was reflected in TPNW, in preamble, which included texts that clearly align with code of ethics of NGOs, which express their major starting points demanding complete elimination of nuclear weapons. The most important aspects of alignment can be shown through a comparison between texts from the preamble of TPNW and samples from the code of ethics of NGOs within six axes.

The First Axis: The Catastrophic Humanitarian Consequences of Nuclear Weapons

In more than one article the preamble of TPNW pointed out to the humanitarian consequences of nuclear weapons. In articles 2 and 3 of the preamble of TPNW some of the catastrophic aspects of nuclear weapons were pointed out as shown in the following text: “Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons, and recognizing the consequent need to completely eliminate such weapons, which remains the only way to guarantee that nuclear weapons are never used again under any circumstances, [...]”

Cognizant that the catastrophic consequences of nuclear weapons cannot be adequately addressed, transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and the health of current and future generations, and have a disproportionate impact on women and girls, including as a result of ionizing radiation,” (Treaty on the Prohibition of Nuclear Weapons TPNW, 2017).

The previous text referred to seven fields of catastrophic consequences, which are: “Human survival, environment, socioeconomic development, global economy, food security, and the health of current and future generations and have a disproportionate impact on women and girls”, the preamble didn’t explain in details these implications, so we cannot realize the magnitude of these implications without resorting to the code of ethics of NGOs, which had elaborated in explaining these implications since the 1960s, as regarding the consequences of nuclear weapons on “the human survival”, an article entitled “Human and Ecological Effects in Massachusetts of an Assumed Thermonuclear Attack on the United States” was published in 1962 by a group of doctors, who put in details the short- term human and ecological effects, in the state of Massachusetts, especially in Greater Boston, of an assumed “limited” nuclear attack on the United States during the agenda of a seminar held by the organization of “Physicians for social responsibility” about the health consequences of a nuclear war (Frank, 1962).

Since the 1980s, the network of “International Physicians for the Prevention of Nuclear War” published tens of studies and reports about the catastrophic health and ecological consequences of nuclear weapons, and it won Nobel Peace Prize for achievement in this field (IPPNW, n.d. b). One of the important resources which pointed out to the six consequences of nuclear weapons (apart from impact on women and girls) was the report published on the website of “Women’s International League for Peace and Freedom”, entitled “Unspeakable suffering- The Humanitarian Impact of Nuclear Weapons”. This report included several articles that addressed the aspects of destruction of a nuclear explosion: intense heat, fires, radiation, radioactive fallout, electromagnetic pulse, as well as deaths, injuries and health complications on the short, mid, and long terms, and the effects of a nuclear explosion on the environment including animals and plants, and the genetic impact on them which could be far reaching as the radioactive waste moves through the food chain, and it talked about the big climate disturbances a regional nuclear war could cause in all parts of the world and lead to a big reduction in the agricultural production and consequently a catastrophic lack of food on a world scale and indeed a massive famine in the whole world.

The impact of a nuclear explosion is not limited to the immediate effects on humans and the environment, as any use of nuclear weapons will affect negatively on the world economic order, development goals and immigration, that one or more nuclear explosions in any part of the world would lead to economic costs that are far more the cost of a big natural disaster, and in the major metropolitan areas the costs of the immediate destruction and the long term economic disturbance could reach tens of billions or hundreds of US billions. In addition to that, the use of nuclear weapons also affects relevant issues like: development, poverty, hunger and lack of food and fuel supply in the country in which the nuclear explosion took place (Fihn, 2013).

Finally, many reports and studies addressed the effects of nuclear weapons on women and girls, the most prominent of which is a report of Mary Olson, issued by Nuclear Information and Resource Service in 2011, in which she mentioned a report issued by The National Academy of Sciences (NAS) in 2006 that showed that the atomic radiation is 50% more hazardous to women than to men as women have much greater risk of dying of radiation – induced cancer than men who receive the same dose of ionizing radiation.

The Second Axis: Accidental Detonations of Nuclear Weapons

Article 3 of the preamble of TPNW referred to the risks of accidental nuclear explosions, as the article says: “Mindful of the risks posed by the continued existence of nuclear weapons, including from any nuclear-weapon detonation by accident, miscalculation or design, and emphasizing that these risks concern the security of all humanity, and that all States share the responsibility to prevent any use of nuclear weapons” (TPNW, 2017).

This issue could go back in details to a report on the site of IPPNW issued in 1998 entitled “Accidental Nuclear War – Post- Cold War Assessment”, which reached the

conclusion that keeping US and Russian nuclear weapons systems on high alert, as well as that the Russian technical systems are getting old, increase the risk of an accidental nuclear attack. At a conservative estimate, accidentally launching medium sized nuclear weapons from one Russian submarine could probably claim the lives of 6838000 people as a result of firestorms in eight US cities, and probably millions of other people would be exposed to fatal radiation from the fallout, and that removing all nuclear missiles from hair-triggered alert and aborting the prompt-launch status could put an end to this risk. The report also affirmed that the risk of accidental nuclear attack increased, which threatens of unprecedented general health disaster. Doctors and health organizations called for actively working to help in providing support for political changes that would prevent such a disaster (FORROW et al., 1998).

The third Axis: Ethical Imperatives for Nuclear Disarmament

The preamble of TPNW referred to the ethical imperatives for the prohibition of nuclear weapons in article 5, which says: “Acknowledging the ethical imperatives for nuclear disarmament and the urgency of achieving and maintaining a nuclear-weapon-free world, which is a global public good of the highest order, serving both national and collective security interests,”

Ethical considerations related to nuclear weapons were remarkably highlighted in the discussions of the judges of the International Court about the advisory opinion request submitted by the General Assembly regarding the legality of using nuclear weapons or threatening to use them in the international law, and we can refer to an article published by Jonathan Granoff on the website of Nuclear Age Peace Foundation in 1999, May 26 about aspects of incompatibility between the ethical considerations of the international humanitarian law and possessing nuclear weapons, as it included statements of some of the judges of the international law, by which they expressed their points of view that possessing nuclear weapons and threatening to use them are unethical, and so they are illegal according to the international law. It also referred to ethical principles of main religions in the world, which contradict the possession of nuclear weapons and the threat to use them by nuclear states (Granoff, 1999).

The Fourth Axis: Compliance with Applicable International Law

8 to 10 articles of the preamble of TPNW referred to compliance with the International Law, pointing out to rules related to the prohibition of nuclear weapons, as they included the following: “Reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law and international human rights law, Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, the rule of distinction, the prohibition against indiscriminate attacks, the rules on proportionality and precautions in attack, the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering, and the rules for the protection of the natural environment, Considering that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law” (TPNW, 2017).

So, the advisory opinion of the international Court is considered one of the references to be the basis on which illegality of using nuclear weapons or threatening to use them is acknowledged, as the International Court adopted, in its advisory opinion, the principles and rules of the International Humanitarian Law that are applied in armed conflicts, and the law of neutrality. It laid emphasis on two cardinal principles:

A- The distinction between combatants and non-combatants; states must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets.

B- The illegality of causing unnecessary suffering to combatants; and it follows from this that states do not have unlimited freedom in choosing the weapons they use. The court noted that, in light of the unique characteristics of nuclear weapons, it seems that the use of these weapons is rarely compatible with respecting the requirements of the law applicable in armed conflicts. The Court was led to observe that “in view of the current state of international law and of the elements of fact at its disposal, [it] cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State is at stake.”. The court finally added that there exists an obligation to pursue in good faith, and bring to a conclusion of negotiations leading to nuclear disarmament in all its aspects under strict and effective international control (International Court of Justice ICJ, n. d.).

The NGOs relied on the advisory opinion of the International Court, especially that related to the continuation of negotiations in good faith to reach the type of nuclear weapon in all its aspects, and it has sought in various ways to resume negotiations to conclude a legal instrument completely banning nuclear weapons. The International Association of Lawyers Against Nuclear Arms, the International Human Rights Clinic, and Human Rights Program, Harvard Law School published a study entitled: “Negotiations Leading to the Total Elimination of Nuclear Weapons” to help in clarifying what negotiations in good faith regarding nuclear disarmament requires from governments as called for by the International Court. The study also recommended that the General assembly request a new advisory opinion from the International Court of Justice determining how to implement the obligation to negotiations in good faith on nuclear disarmament by governments, and suggesting and explaining a set of questions to be asked to the court (IALANA et al., 2009).

The Fifth Axis: The Suffering of Victims from the Use of Nuclear Weapons and Nuclear Tests

The preamble of TPNW referred to the suffering of victims from the use of nuclear weapons in Hiroshima and Nagasaki and areas in which nuclear tests were conducted, as Articles 5 and 6 of the preambles say: “Mindful of the unacceptable suffering of and harm caused to the victims of the use of nuclear weapons (hibakusha), as well as of those affected by the testing of nuclear weapons, Recognizing the disproportionate impact of nuclear-weapon activities on indigenous peoples” (TPNW, 2017).

Survivors of the Nagasaki and Hiroshima bombings are called hibakusha, and they are among the most prominent global activists for the abolition of nuclear weapons (ICRC, 2015). In addition to (hibakusha), there are other categories of victims of nuclear tests, especially in Algeria, Australia, China, French Polynesia, India, Kazakhstan, Kiribati, Marshall Islands, North Korea, Pakistan, Russia, Turkmenistan, Ukraine, the United States and Uzbekistan. Some of those belong to what is known as indigenous peoples, such as the Kokatha people in Australia, who were led by nuclear tests of the United Kingdom to leave their lands and leave their historical legacy. Since the 1980s, many of those victims have joined anti-nuclear-test movements such as the Nevada-Semipalatinsk movement that emerged in Kazakhstan in the 1980s, whose protests led to the closure of the Semipalatinsk nuclear test site. All of them have become among the most prominent civil activists who contributed to the pressure for the conclusion of the Nuclear Weapons Convention in its current form (ICAN, n.d.b).

The Sixth Axis: Peace and Disarmament Education

The preamble referred in the last articles to the importance of peace and disarmament education, as they say: “Recognizing also the importance of peace and disarmament education in all its aspects and of raising awareness of the risks and consequences of nuclear weapons for current and future generations, and committed to the dissemination of the principles and norms of this Treaty” (TPNW, 2017).

The peace and disarmament education approach is aligned with the orientation of a number of peace movements and NGOs, on the top of them a group of Hibakusha from Hiroshima and Nagasaki, who exerted relentless efforts to create awareness among students and the public about the catastrophic humanitarian effects of nuclear weapons. This awareness is created through talking about their painful personal experiences and visiting schools and having instructive visits to museums, archaeological sites and landmarks exposed to nuclear bombings.

NGOs in Japan, through close work with Hibakusha, participated in educative activities in the field of disarmament and non- proliferation. For example, Peace Boat organization has run since 2008 a program entitled: “A Global Voyage for a Nuclear- Free World”, as they travel around the world to share experiences and educate people, especially young people, around the world, and calling for the abolition of nuclear weapons. Peace museums in Hiroshima and Nagasaki also played very important roles in educating people, especially the younger generations, and spreading accurate information about nuclear weapons (Ciobanu et al., 2013).

Table of the Most Prominent Contributions of NGOs in TPNW

| Time period | Most Prominent Activity | NGOs |
|--------------------|---|------------------------|
| 1980s | Studying effects of nuclear weapons on human life | IPPNW |
| 1994 | World Court Project | IPPNW, IALANA & IPB |
| 1995 - 2010 | Data & Signature - Gathering Campaign | Abolition 2000 |
| 1997 | Proposal Of TPNW | IPPNW, IALANA & INESAP |
| Since 2008 | Peace & nuclear Disarmament Education | Peace Boat / Hibakusha |
| 2012 - 2016 | Consaltative meetings on nuclear negotiations | MPI |
| 2007 - 2017 | Alliance of NGOs to reach TPNW | ICAN |

Conclusions:

NGOs was a main factor to reach signing TPNW in 2017, July 7, and they played various roles to reach this goal, the most important of which were: providing studies and reports related to effects of nuclear weapons on human life, carrying out education and awareness efforts regarding catastrophic consequences of using nuclear weapons, mobilizing world public opinion to pressure states to set a timetable for the complete ban of nuclear weapons, organizing consultative opinions with state ambassadors and high- level officials to influence official negotiations on activities related to nuclear weapons, forging global alliances among anti- nuclear groups.

These organizations have been able to gain the support of most countries in the world to reform the Treaty of the Prohibition of Nuclear Weapons and to influence decisions of the international conferences concerned with nuclear weapons. They also introduced proposals of articles of this treaty, and they succeeded in making their agendas and major issues basic principles for the Treaty of the Prohibition of Nuclear Weapons in its final form. All of this affirms the importance of the role played by these organizations in international politics and their high capability to influence decision- making on extremely complex and critical issues as those related to nuclear disarmament.

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