

## Social Movements, NGOs, and Disarmament

*Text of a presentation by Andrew Lichterman\* at an NGO side event on Social Movements and Disarmament Work in a Time of Economic and Ecological Crisis during the 2019 PrepCom for the 2020 Nuclear Nonproliferation Treaty Review Conference, New York, May 6, 2019*

I have been here in New York at the NPT PrepCom for a week now. I have given several talks bearing on various aspects of the relationship between nuclear disarmament work and social movements. I have listened carefully to the questions and comments in those sessions. Today's talk will be something of a response to what I have heard.

I think we need to start with a reality check. First, *there is no movement for disarmament, most of all in the nuclear-armed states*. Second, past social movement efforts to achieve nuclear disarmament for the most part were unsuccessful. They may, however, have played a role in containing arms racing and preventing nuclear war—achievements that should not be overlooked.

The kinds of social action needed from ordinary people to accomplish these two goals are related, but not identical. We must try to think carefully about how we can stave off catastrophe while engaging in the fundamental re-organization of society necessary for long-term survival.

My views rest on some assumptions about the current moment. If there was a window for nuclear disarmament created by the end of the Cold War, it now is over. That period, with its relative absence of confrontation among the leading nuclear-armed countries, perhaps offered some hope that advocacy focused solely on nuclear disarmament might succeed. Now, with global conditions increasingly resembling those that have brought great power wars in the past, I believe that meaningful progress towards disarmament will require social movements broad and deep enough to address the causes of high-tech militarism and war.

I also believe that movements of this kind will be necessary to stave off wars that could be catastrophic in a nuclear-armed world. These movements will need to bring together work for peace and disarmament with the disparate strands of work against environmental breakdown, polarization of wealth and economic injustice, erosion of democracy, and the targeting of migrants, national minorities, and other vulnerable people. The connections between these issues will have to be made at the level of their common causes in a global economy whose central dynamic for centuries has been endless material growth, driven by ruthless competition among authoritarian organizations of ever-increasing size and power.

One of the things that I have noticed in discussions over the past week is that people have different understandings about what social movements are. From my perspective, there often is a tendency to equate nongovernmental organizations with social movements. There also often is a tendency to use the term “civil society” in a way that elides the question of whether or not there are significant social movements in existence in regard to one or another set of issues. So I thought it might be useful to step back and sketch some thoughts about social movements, nongovernmental organizations, and civil society.

Nongovernmental organizations often are portrayed in everyday discourse about international law and international fora as representing not only “movements” but “civil society.” NGOs may provide crucial infrastructure for social movements, and may at times represent them in centers of power. But neither “civil society” nor “social movements” can be reduced to the organizations and institutions present in international forums, or even to the broader universe of organizations that leave enough of a documentary trace to be easily accessible to scholars and other analysts.<sup>1</sup> Social movements also cannot be reduced to a repertory of techniques or performances commonly employed to make demands on public authorities.<sup>2</sup> This is especially true in the current period, in which monied interests frequently fund organizations employing a range of tactics crafted to resemble grassroots social movement activity, such as demonstrations, marches, and, in the internet age, mass social campaigning by paid personnel designed to appear as spontaneous reactions and horizontal organizing.

Social movements arise where the normal channels for political action are blocked, either to particular populations or on particular issues or both. Consequently, they generally build their power outside mainstream institutions, constructing their own organizations and networks. Social movement actors often will employ disruptive tactics such as sit-ins, strikes, and blockades, demanding that normal activity be stopped until wrongs long suppressed or denied are addressed.<sup>3</sup>

NGOs may be remnants of past social movements that were large enough and had enough access to resources to build some lasting institutions. Social movements in this way have a kind of afterlife, their momentum diminishing but still affecting the direction of politics and law for a considerable time.

In the 1990’s, the echoes and institutional remnants of movements of the previous four decades, combined with the end of the Cold War, contributed to a climate, quite brief in retrospect, in which significant, and yet partial, disarmament achievements were possible. The 1996 International Court of Justice opinion on the legality of threat or use of nuclear weapons, for example, stemmed from initiatives reaching back to the height of the 1980’s disarmament movements. And the Comprehensive Test Ban Treaty was negotiated and even signed by the majority of the nuclear-armed states, but more than two decades later still has not entered into force. The ambiguous, incomplete character of these two international law developments might perhaps be attributed in some measure to the fact that the movements that provided both an impetus and a supportive context for them had waned.

We are in the early stages of a period of high political mobilization and emerging movements, but so far peace and disarmament is not a significant strand in those movements. We have not assembled much in the way of social power to support the elimination of nuclear weapons.

And international politics is not a flag counting contest. Almost half the world’s population live in nuclear-armed countries. Those countries account for over half of world Gross Domestic Product. Add six leading countries that have military alliances with the nuclear-armed United States—Germany, Italy, Canada, Australia, Japan and South Korea—and you have over half the world’s population, accounting for over 70 percent of global GDP.

All of the nuclear-armed countries are thoroughly enmeshed in the global capitalist economy, competing for technological dominance and for privileged access to resources and markets. The harshness of that competition is intensified by the fact that human society is straining the ecological limits of the planet, with easily retrievable resources much depleted and renewable resources threatened by ecosystem breakdown.

Most of the nuclear-armed countries are characterized by extreme polarization of wealth. Few are particularly democratic, and are perhaps least democratic on core questions of foreign and military policy. Most of the nuclear armed countries also now have governments led by authoritarian nationalist parties or factions. Hence preventing catastrophic wars among nuclear-armed countries, much less eliminating nuclear weapons, is likely to require significant change in the leading nuclear-armed countries, change of a kind that will require movements willing and able to address the root causes of war.

It is likely, however, that no one-size-fits-all approach to either war prevention or disarmament is appropriate in all national contexts. Promoting the Treaty on the Prohibition of Nuclear weapons [TPNW], for example, is useful in raising the profile of nuclear weapons in nuclear weapons-free countries. Doing so might also have an indirect effect on nuclear-armed countries if seriously taken up by countries that have military alliances with nuclear-armed states. There needs to be some careful thought and reflection, however, regarding whether single-issue campaigning for the elimination of nuclear weapons can play a significant role in preventing wars among nuclear-armed states. This question is not easy to answer, given that this time around the risk of war arguably is much less driven by the internal dynamics of an arms race.

Here at the United Nations, we spend a lot of time talking about words, and particularly about the words of law. We talk about international law generally, and about treaties, existing and proposed. But when we are talking about making changes in the material world, we have to talk as well about how the word is made real, how the principles of law we believe should be both binding and enforceable can be made so. And this is a very different matter when we are talking about doing this from the bottom up rather than the top down, both in the state system and in society generally.

Social movements are one way complex societies learn and change. They are the settings where new forms of social relations and new visions of justice are experimented with and developed, and then incarnated through often risky confrontations with state power.<sup>4</sup>

Alternative normative visions must be acted upon, somehow incarnated materially, if they are to change the norms of the broader society, and if they are to change the law or make laws that are widely disregarded enforceable. The legal historian Robert Cover observed that “The creation of legal meaning cannot take place in silence. But neither can it take place without the committed action that distinguishes law from literature...”<sup>5</sup> Education, the development of alternative sub-cultures and institutions, and the familiar repertory of rallies and demonstrations can have an impact. But where the change envisioned poses a significant challenge to those who

hold power in the current order of things, the more direct challenge of civil disobedience forces the agents of the state, its courts and police, to affirm the official law by punishing the protesters.

“A community that acquiesces in the injustice of official law,” Cover wrote, “has created no law of its own. It is not *sui juris*. The community that writes law review articles has created a law—a law under which officialdom may maintain its interpretation merely by suffering the protest of the articles.”<sup>6</sup> In contrast, as Cover observes,

“The judge’s commitment is tested as he is asked what he intends to be the meaning of his law and whether his hand will be part of the bridge that links the official vision of the Constitution with the reality of people in jail.”<sup>7</sup>

The way forward will be to build the power needed to incarnate the vision of a nuclear-weapons-free world, both within and among states. This will be true for TPNW states as well if and when that Treaty enters into force.

The Treaty provides some new ways for nuclear weapons free governments to exert pressure on the nuclear armed states. Article 12 of the Treaty, for example, requires that “[e]ach State Party shall encourage States not party to this Treaty to ratify, accept, approve or accede to the Treaty, with the goal of universal adherence of all States to the Treaty.” This provision suggests that parties to the TPNW should make disarmament diplomacy a visible part of their international stance—including challenging the nuclear-armed states to take concrete steps towards eliminating their nuclear arsenals.<sup>8</sup> It remains to be seen how much political capital the nuclear weapons free countries that negotiated the TPNW are willing to invest to put pressure on the nuclear-armed states. In the absence of sustained social movement pressure from below, it is hard to envision the governments of the world’s less powerful countries risking other foreign policy priorities to push hard for nuclear disarmament.

In the end, the process of normative development is essential, but not enough. As we move into a time in which a central condition of the global crisis is the erosion of democracy and the resurgence of authoritarianism, including in the nuclear-armed states, there will be widespread resistance. That resistance is the medium out of which new movements will emerge. It is within those movements that a vision of a disarmed world will be incarnated, if at all. It is to finding our place in those movements that we should now turn our attention, and our efforts.

## Notes

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<sup>1</sup> “Analysts often confuse a movement’s collective action with the organizations and networks that support the action, or even consider the organizations and networks to *constitute* the movement, for example by identifying the environmental movement with the people, interpersonal networks, and advocacy organizations that favor environmental protection rather than the campaigns in which they engage.” Charles Tilly, *Social Movements, 1768-2004* (Boulder, CO: Paradigm Publishers, 2004), p.6

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“First is the issue of what causes one movement to mobilize more successfully than another--that is, what kinds of networks of interaction are necessary to convert popular discontent or sporadic disaffection into a viable movement. A general answer is that “social \*409 movement organizations,” such as non-governmental organizations (“NGOs”), provide the glue for the coordination of actors with multiple motives to join the movement.<sup>45</sup> This does not mean, however, that NGOs lead social movements<sup>46</sup> nor that they, themselves, constitute social movements.<sup>47</sup> Amnesty International, for example, is not a social movement, but may form a part of specific social movements, such as the movement against capital punishment, in particular locations. This basic insight is often lost in international law and international relations scholarship that confuses social movements with NGOs<sup>48</sup> or conflates NGOs with civil society.<sup>49</sup> One major reason for this confusion is, as noted in Part II, the institutionalist bias in legal scholarship, which compels notice of mass action only when it is institutionalized either by emergence as a state or by registration as an NGO. While a lack of institutionalization is an Achilles’ heel of social movements, legal scholarship misses much of social reality when it focuses only on institutions.” Balakrishnan Rajagopal, “International Law and Social Movements: Challenges of Theorizing Resistance,” 41 *Colum. J. Transnat’l L.* 397, 408-409.

<sup>2</sup> In this I disagree with Tilly, *Social Movements*, at p.6.

<sup>3</sup> “We want to make it clear that social movements are not the same as interest groups, although there may be some overlap. The principal difference for us is that interest groups focus their attention on elites and are largely composed of elites or elite surrogates. Interest groups are also more likely to engage in conventional politics by trying to influence, in conventional ways, people who exercise state power. By contrast, a social movement echoes the collective voices of political protest or moral vision from the perspective of those for whom the normal channels of politics are often impervious to their needs. Social movements also are characterized by the centrality of “contentious politics” practiced by actors whose “core ‘indigenous population’ . . . tends to be ‘the nonpowerful, the nonwealthy and the nonfamous.’”<sup>50</sup> Social movements arise when ordinary people join forces in confrontation with elites, authorities, and opponents to change the exercise and distribution of power. “[T]hey are animated by more radical aspirational visions of a different, better society.”<sup>51</sup> Social movements build solidarity through “a sustained series of interactions between power holders and persons successfully claiming to speak on behalf of a constituency lacking formal representation,” as well as through connective structures and shared identities that sustain collective action.<sup>52</sup> They are more likely to engage in “disruptive, ‘symbolic’ tactics such as protests, marches, strikes, and the like that halt or upset ongoing social practices.”<sup>53</sup> Lani Guinier and Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements* (2014) 123 *Yale L.J.* 2740, 2757.

<sup>4</sup> See Jürgen Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” *Berkeley Journal of Sociology* Vol. 30 (1985), pp. 95-116, 104-105.

<sup>5</sup> Robert M. Cover, “Nomos and Narrative” (1983) 97 *Harv. L. Rev.* 4, 49.

<sup>6</sup> Robert M. Cover, “Nomos and Narrative” (1983) 97 *Harv. L. Rev.* 4, 47.

<sup>7</sup> Robert M. Cover, “Nomos and Narrative” (1983) 97 *Harv. L. Rev.* 4, 48.

<sup>8</sup> See on this point Zia Mian, “After the nuclear weapons ban treaty: A new disarmament politics,” *Bulletin of the Atomic Scientists*, 7 July 2017 <http://thebulletin.org/after-nuclear-weapons-ban-treaty-new-disarmament-politics10932>