

ENVIRONMENTAL REMEDIATION IN THE NUCLEAR WEAPONS BAN TREATY

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The nuclear weapons ban treaty should require states parties to undertake environmental remediation to reduce the devastating harm caused by the use of nuclear weapons, whether in armed conflict or testing. Remediation can help remove or contain contamination and minimize human exposure to radiation. Including a specific remediation provision in the treaty would establish clear guidelines while allowing states flexibility in implementation. It would also build on the precedent of recent disarmament treaties.

Importance of Environmental Remediation

Nuclear weapons release enormous amounts of radiation that affect wide geographic areas over long periods of time. Impacts include:

- *Harm to the environment*—Soil, water, plants, and animals absorb radiation, and its release into the atmosphere can affect the ozone layer and global weather patterns.
- *Harm to human health*—Exposure to high levels of radiation can cause severe health effects, such as cancer, genetic birth defects, and infectious diseases.
- *Other harms to humans*—Radiation can negatively affect food sources by contaminating crops, livestock, and wild game. It can lead to large-scale displacement, creating a host of socioeconomic and cultural problems.

Environmental remediation is crucial to mitigating the harmful effects of nuclear weapons. It involves rehabilitating the environment and preventing humans from being exposed to radiation.

- *Environmental rehabilitation* can decontaminate an area by separating radioactive material from the soil, or it can prevent the spread of radiation by capping or solidifying contaminated soil.
- *Protective measures* reduce human exposure to radiation. They include marking affected areas with warning signs, educating civilians about risks, providing safe food products to affected populations, and monitoring levels of radiation.

Need for the Treaty to Require Environmental Remediation

Recent disarmament treaties have set a precedent requiring states parties to clear remnants of weapons. The new ban treaty should continue this practice in the form of a stand-alone provision obligating states parties to deal with the byproducts of nuclear weapons use. This provision would signal the importance of environmental remediation while advancing the law by:

- *Providing clarity* about states parties' obligations regarding environmental remediation. Remediation is a complex process, and a specific provision would lay out guidelines for implementation yet leave states parties flexibility to deal with their specific situations.
- *Setting a widely accepted standard* that could influence the behavior of states not party.
- *Contributing to the progression of humanitarian disarmament law.* While reinforcing the clearance obligations in past treaties, it would expand the scope to encompass toxic, as well as explosive, remnants of war.

Components of Environmental Remediation Provision

The environmental remediation obligations in a nuclear weapons ban treaty can be modelled on the clearance provisions in the Mine Ban Treaty, Convention on Cluster Munitions, and Protocol V of the Convention on Conventional Weapons.

Obligations on Affected States Parties

A stand-alone environmental remediation provision should:

- Place responsibility on affected states parties to undertake environmental remediation and to do so as soon as possible.
- Require these states to:
 - Assess the threats of nuclear contamination and prioritize steps for remediation;
 - Take measures to reduce risks of exposure, such as marking and fencing dangerous areas, posting warning signs, and educating civilians about threats and ways they can protect themselves;
 - Work to rehabilitate contaminated areas, by removing or containing contaminants;
 - Monitor contaminated sites and submit reports to an independent international body to ensure progress in the remediation process; and
 - Establish a national plan to ensure funding and implementation of these measures.

International Cooperation and Assistance

The treaty should also require all states parties to provide international cooperation and assistance to affected states to facilitate their environmental remediation. Assisting states parties could offer technical, material, or financial help, and user states parties could agree to take on obligations to give extra assistance. This obligation could appear in the environmental remediation provision or as part of a separate international cooperation and assistance article.

General Obligations

The treaty could reference environmental remediation in its general obligations. Doing so would further highlight the importance of remediation.

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