

**UN Special Rapporteur - US Nuclear Testing Continues to Affect Human Rights in the Marshall Islands**

September 13, 2012 was a historic day at the United Nations and in the Marshall Islands. The Human Rights Council considered for the first time the environmental and human rights impacts resulting from the radioactive and toxic substances in nuclear fallout. And, Marshall Islands citizens stood for the first time before the United Nations Council to offer survivor testimony on United States nuclear weapons fallout on the environment, health and life. This moment was generated by the report of Mr. Calin Georgescu, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and waste, on his mission to the Marshall Islands and the United States and his exploration of the human rights consequences of nuclear contamination.

As residents of a United Nations designated trust territory governed by the United States, the Marshallese people endured the loss of traditionally-held land and marine resources without negotiation or compensation; were exposed to fallout contamination compromising the environmental health of individuals, communities, and an entire nation; suffered through the documentation of health hazards in a decades-long medical research program that involved human radiation experiments; and, when negotiating the terms of independence in free association with the United States, were severely hampered by the US refusal to fully disclose the full extent of military activities, including the scientific documentation of the environmental and health impacts of serving as the Pacific Proving Ground for weapons of mass destruction.

Special Rapporteur Georgescu reported that the environmental health consequences of nuclear testing and remaining obligations were acknowledged in the 2008-2009 President's Cancer Panel which recommended that the US "honor and make payments according to the judgments of the Marshall Islands Tribunal." Observing that US has yet to fund Tribunal judgments beyond the initially level of \$150 million, he concluded that the Marshallese lack the means, infrastructure, and technical capacity to find durable solutions to the dislocation to their indigenous ways of life. He called for the immediate development of a national and regional plan for nuclear security and restoration of a sustainable way of life, similar to the initiatives undertaken for the benefit of affected-populations by States that historically carried out and continue to carry-out nuclear testing programmes. Issue-specific recommendations offer a framework by which truth, justice, and reparation might be achieved through actions involving the Marshall Islands Government, the United States, the UN and its specialized agencies and institutions, and other members of the international community.

Responding to the Special Rapporteur's report, Marshall Islands Minister of Foreign Affairs Phillip H. Muller called to the Council's attention the fact that two UN resolutions on nuclear testing in the Marshall Islands remain the only instances in which the UN ever explicitly authorized the testing of nuclear weapons. "Adopted in 1954 and 1956 in rejection of our petitions to halt the testing, those resolutions made specific assurances of fairness, justice and respect for human rights, which have never been met. This continued denial of justice to our people is completely unacceptable." The Marshall Islands welcomed the Rapporteur's recommendations and urged the United States and the international community to do likewise.

The United States acknowledged the contributions of constructive dialogue but rejected the validity of a human rights review of nuclear weapon testing, arguing "that nuclear testing is not, fundamentally, an issue of 'management and disposal of hazardous substances and wastes.' Particularly when described in terms of 'improper' or 'environmentally sound' management." The US disagreed with a number of assertions of human rights law within the report, and disagreed that there is a continuing obligation by the international community to encourage a "final and just resolution" of the issue. The United States cited the adoption of a Compact of Free Association and expenditures of \$600 million to date for various technical problems, including \$150 million for nuclear claims, as evidence of their efforts, and assured the United Nations that "Experts and scientists from across the U.S. Government will continue their decades long engagement in the Marshall Islands to address the issues that arose from our nuclear testing."

In the ensuing interactive dialogue between Nations, Institutions, and NGOS, speakers recognized the continued presence of radioactive contaminants in the Marshall Islands and reaffirmed the existence of a special responsibility by the United States towards the people of the Marshall Islands, and the need for continuing and increased levels of bilateral cooperation. They also called for radioactive waste, environmental contamination, and related human rights issues of nuclear militarism to be adequately addressed bilaterally and through the United Nations system.

- Algeria said this report confirms unequivocally the cause and effect relationship between nuclear testing and violation of the right to health, damage to the environment and the displacement of populations and confirms the right of affected populations to an effective remedy. While recognizing that each situation has its own peculiarities, my delegation would like to know if the lessons and recommendations presented in the report of the visit can be extended to other situations of nuclear tests in the world?

- Australia said that it had joined with other Pacific Leaders at the Pacific Island Forum in Rarotonga, Cook Islands, in August 2012 in reaffirming recognition of the special circumstances pertaining to the continued presence of radioactive contaminants in the Marshall Islands. Australia welcomed the report of the Special Rapporteur as a contribution to stimulating dialogue between the parties in the spirit of understanding and reconciliation for the benefit of the Marshallese people.
- Cuba said that the United States has a responsibility and a debt to the people of the Marshall Islands, which has suffered and continues to suffer the harmful consequences of U.S. nuclear testing program in the territory. They believe, like many other countries, the United States must provide adequate compensation to the victims of their actions to restore their dignity, contribute to the resettlement of displaced populations displaced by the product of radioactive contaminants and also to revive the economic productivity and human development in the affected areas. The negative implications for the enjoyment of fundamental human rights such as food and health should be reversed immediately.
- New Zealand, speaking on behalf of the Cook Islands, Chair of the Pacific Islands Forum, said during the Forum's meeting last month in the Cook Islands, leaders had recognized the special circumstances pertaining to the continued presence of radioactive contaminants in the Marshall Islands and reaffirmed the existence of a special responsibility by the United States towards the people of the Marshall Islands. They also called for the issues to be adequately addressed through the United Nations system.
- Maldives took note of the first report submitted to the Council by the Special Rapporteur on hazardous substances and said that the effect of nuclear testing on the Marshall Islands must be examined from several aspects, such as its impact on the health of the population and the environment. The support of the international community in this regard was very much needed because many small island States were struggling with multifaceted challenges and did not have the capacity to deal with such adverse impacts on the environment.
- Malaysia agreed with the recommendations of the Special Rapporteur for a just and lasting solution to the continuing plight and suffering of the Marshallese People due to the effects of nuclear testing. They asked the Special Rapporteur to clarify whether that obligation rests on the international community, which had placed the Marshall Islands under trusteeship, or the relevant State actor, in its capacity as trustee, which had conducted the nuclear tests.
- Nuclear Age Peace Foundation said that the compensation and remediation provided by the United States for the nuclear weapons testing in the Marshall Islands had been insufficient to fully attend to the healthcare and socio-economic needs of the Marshallese people. The international community, the United States and the Government of the Marshall Islands must develop long-term strategic measures to address the effects of the nuclear testing programme and provide adequate redress to the citizens of the Marshall Islands.
- Physicians for Social Responsibility provided an eyewitness account of the nuclear weapons testing in the Marshall Islands by the United States by Jeban Riklon, who had lived on Rongelap Atoll, where no one knew that the United States had planned to test the Bravo bomb on that day and did not know that precautionary measures should have been taken. The population had been evacuated by the United States only two days later and brought into a military encampment and enrolled in Project 4.1 to study the effects of radiation on human beings.
- Cultural Survival also provided an eyewitness account of the nuclear weapons testing in the Marshall Islands by the United States by Lemeyo Abon, President of the ERUB (damaged, broken) association of Marshallese nuclear survivors. Ms. Abon described the explosion of the bomb Bravo on Bikini Atoll, just 180 km upwind from Rongelap Atoll where she had lived. The immensely painful consequences were felt even today, with birth of babies with missing limbs and other congenital defects.
- Cultural Survival, in the general debate, provided the testimony of Abacca Anjain-Maddison, President of Iju in Ean club (Rongelapes Women's Club) who called upon the General Assembly, the Security Council and the Human Rights Council to work collaboratively with all parties to move Special Rapporteur recommendations into action. Concern was also expressed that "the ultimatum of the United States to force the Rongelap community to return to a contaminated environment will represent a new level in human rights abuses perpetuated by the US against the Marshallese."

In his response to comments, Special Rapporteur Calin Georgescu addressed the US position that consideration his of contamination from nuclear weapons testing was not included in his mandate, stating that "the long history of nuclear weapons testing on the Marshall Islands has produced a significant amount of nuclear radioactive waste which is indubitably toxic in nature and less health and continue to have several impacts to the ability of the Marshallese people to enjoy the full scope of their human rights."

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#### For further information:

- The report of the Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste Addendum 1 - Mission to the Marshall Islands and the United States of America (A/HRC/21/48/Add.1) [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48-Add1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48-Add1_en.pdf)
- Addendum 2 - Mission to the Marshall Islands: comments by the State on the report of the Special Rapporteur (A/HRC/21/48/Add.2) [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48-Add2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48-Add2_en.pdf)
- Full video of the Special Rapporteur report on his Mission to the Marshall Islands and the United States begins at 03:36. Webcast of individual comments is also available. <http://webtv.un.org/search/full-video-clustered-id-sr-on-hazardous-substanceswaste-sr-on-contemporary-forms-of-slavery-8th-meeting-org/1837597795001?term=SR%20on%20hazardous%20substances/waste%20&sort=date&page=4>

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Sponsor of the *Marshall Islands Environment, Health and Human Rights* urgent action initiative to bring Marshall Island citizens to the September 2012 UN Human Rights Council meeting in Geneva.