

Response of The Honorable Casten Nemra
Minister of Foreign Affairs
Government of the Republic of the Marshall Islands

to

Questions from Committee Members

Oversight Hearing titled, “*Runit Dome and the U.S Nuclear Legacy in the Marshall Islands*”

Questions from Del. Sablan for The Honorable Casten Nemra, Minister of Foreign Affairs and Trade, Republic of the Marshall Islands

1. *Minister Nemra, in your testimony, you speak of “unkept promises and unfulfilled commitments,” how the United States has not lived up to its responsibilities for the awful consequences resulting from the nuclear testing program. There seems to be many unmet promises, steps untaken, that makes the U.S. fall short of the original pledge made by President Truman to accord all constitutional rights to the Marshallese people. How would you prioritize the areas of the nuclear legacy that need to be addressed by the U.S.?*
 - The U.S. has failed to take into account new information that was not known at the time the Section 177 Agreement was signed including, but not limited to, changing radiation protection standards which reflect the fact that lower doses of radiation had a far more negative impact on human health than was known when the Agreement started; much larger amounts of radioactive fallout were revealed (through a partial declassification of information in the 1990’s) than was known when the Agreement commenced (much information remains classified); and other updated or unknown information as set out in the RMI’s Changed Circumstances Petition originally submitted in September, 2000. Since that time, new information has come to light regarding other radionuclides and toxins present at the nuclear waste dump site at Runit Island in Enewetak, as well as other areas within the atoll, notwithstanding the fact that the Enewetak people had been moved back there in 1979.
 - The U.S. State Department did not acknowledge and consider the fact that there is better scientific and medical knowledge and information regarding the impact of radiation on human health, nor did they consider the fact that substantial and material information regarding the large amounts of radioactive fallout was hidden and classified information when it summarily rejected the RMI’s Changed Circumstances Petition. The fact that the U.S. conducted experiments on the Marshallese people to determine the effects of radiation on humans without their consent or knowledge and under the pretext of providing medical care was also unknown at the time the Section 177 Agreement commenced.
 - There is also provision for ongoing consultations in the Section 177 Agreement itself, but the U.S. State Department has refused to discuss any further measures or issues regarding the effects of its nuclear testing in the Marshall Islands.

- Both U.S. Compact Acts (PL 99-239, and PL 108-188) provide an authorization continuing *ex gratia* assistance related to damages caused by the U.S. Nuclear Testing Program, but the U.S. Administration has not engaged in discussions on these measures either.

Action needed going forward:

- Nuclear Claims Tribunal - Provide the necessary funding to enable the Tribunal to fulfil its mandate. Hundreds of personal injury awards are either unpaid or partially paid, in addition to four property damage awards and several pending claims. The Tribunal was established through mutual agreement between the U.S. and RMI and it carried out its work in accordance with U.S. practices and standards. The initial funding of \$150 million in the Compact had proven to be “manifestly inadequate” to cover the scale of harm and damages that were uncovered through the Tribunal’s adjudications.
- HealthCare -The RMI needs facilities to care for those suffering from cancer due to U.S. nuclear bomb testing and waste disposal that Americans would consider adequate for themselves. Until it has these, Marshallese require access to cancer care in the U.S. Marshallese experience a range of health challenges stemming from the U.S. nuclear testing program. Although cancer is among the most pressing health challenges, Marshallese also face illnesses relating to forced lifestyle and dietary changes resulting from relocation and displacement from their home islands. Mental and psychological trauma is area of health care that has not been well-studied or incorporated into the Marshallese health care system and yet many Marshallese who lived through or were born during the nuclear tests likely experience mental health challenges in need of adequate care and response. None of the mid-range atoll communities who experienced nuclear testing fallout have been included in any U.S. medical monitoring or health care programs. Likewise, Marshallese who worked alongside U.S. civilian and military personnel on remediation activities have never been properly recognized or monitored for impacts they might have experienced as a result of their exposure to radionuclides. "Project 4.1" participants and the control population have also been excluded from special health care and monitoring. The U.S. Government's unwillingness to acknowledge the scale of damages and harm caused by its weapons tests has resulted in the exclusion of many Marshallese from access to required health care and the impacts of that exclusion persist as more information becomes available about the scope of the testing program and its effects.
- Environment - The uncertainties and questions around DOE’s environmental research work and conclusions are growing; more independent review is required. More funds are needed for independent research, more rigorous peer review, and to inform people affected by U.S. nuclear bomb testing and waste disposal. Marshallese communities should be empowered to participate in and contribute to environmental research in accordance with the RMI National Nuclear Commission Research Protocol.

- Data and Information - The RMI requires support from the U.S. to preserve and secure data and information relating to the bomb testing program and waste disposal; assistance to ensure that future generations are taught about the history and its consequences.
- Further Consultations and Dialogue – The RMI Government would welcome further consultations and dialogue with Committee Members to include representatives from the communities.

2. *The people of the Marshall Islands have made extraordinary efforts to maintain their strong friendship with the United States, particularly extraordinary since the U.S. has not always lived up to its responsibilities. Can this be maintained if the U.S. continues to refuse to further address nuclear damages and impacts?*

- The U.S. Nuclear Testing Program in the Marshall Islands took place while the Marshallese people were wards of the United States, with only those rights that the U.S. wanted to extend, and without being provided full information of what was being done to their lands and waters, or any opportunity to affect what was going to happen to them and to their environment. When the Marshall Islands became a sovereign nation in a “free association” that the United States pushed instead of independence so that U.S. could preserve strategic control over our lands and vast waters, a framework was established by which the U.S. accepted responsibility for compensation owing to the Marshallese people who were injured as a result of the U.S. Nuclear Testing Program. Although the Marshall Islands has kept its free association commitments and promises to the United States, the same cannot be said of the U.S. with respect to its acceptance of responsibility and measures to reasonably address damages caused by the U.S. nuclear bomb testing and waste disposal -- even those provided for in the Compact, its Section 177 Agreement, or in the U.S. laws that approved, added to and effectively amended the Compacts.
- This “stain” on the relationship must be removed through an extension of our free association due by 2023. It would be difficult to maintain the current close relationship and deep friendship -- with its benefits to the U.S. -- if the U.S. were to continue to abrogate its responsibilities for the awful consequences of its nuclear bomb testing and waste disposal in the Marshall Islands.