

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
45TH CONSTITUTION REGULAR SESSION, 2024**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

RESOLUTION 15ND1

A RESOLUTION urging the Cabinet to pursue the Change Circumstances Petition through Congress of the United States of America to adopt adequate measures under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program in the Marshall Island.

WHEREAS Section 177 of the Compact of Free Association, provides that the Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands... for loss or damage to property and person... resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1954"; and

WHEREAS, Section 177 requires that the U. S. Provides \$150 Million to the RMI to create a Fund that, over the 15-year period of the Compact, was intended to generate \$270 Million in proceeds for disbursement "as a means to address past, present and future compensation consequences of the U.S. Nuclear Testing Program, including the resolution of resultant claims"; and

WHEREAS, injuries and damage resulting from the U.S. Nuclear Testing Program could not have been discovered, or could not have been determined, prior to the effective Compact, and such injuries, damages and adjudication render the terms of the Section 177 Agreement manifestly inadequate to provide just and adequate compensation for injuries to Marshallese people and for damage to or loss of land resulting from the U. S. Nuclear Testing Program; and

WHEREAS, in lieu of an assessment of damages by the Federal Courts, the Government of the Marshall Islands accepted the U.S. Proposal that it espouse and settle the claims of the Marshallese people arising from the Nuclear Testing Program conducted by the U. S. in conjunction with the establishment of a Claims Tribunal. The U.S. expressly recognized that its technical assessment of radiological damage to persons and property in the RMI was limited to a “best effort” at the time of the Compact, and was based on limited disclosure of available information and incomplete scientific knowledge. As a result, further adjudication of the claims by an internal RMI Nuclear Claims Tribunal was agreed to by the United States; and

WHEREAS, in addition to Nuclear Claims Tribunal, the U.S. in exchange for the RMI espousing and settling its citizens claims, to adopt a “Change Circumstance” procedures, through which Congress accepted the authority and responsibility at a later date to determine the adequacy of the measures adopted under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program; and

WHEREAS, on September 1, 2000, the Cabinet endorsed the petition for change circumstances produced by the Ministry of Foreign Affairs in cooperation with Change Circumstances Advisory Group (CCAG), the Cabinet enabled the CCAG to participate in the presentation of the change circumstance petition and authorized the Ministry of Foreign Affairs to submit the Petition to the United States Congress; and

WHEREAS, it is fitting that through the sense of the Nitijela urging the Cabinet to pursue the Change Circumstances Petition through Congress of the United States of America to adopt adequate measures under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Program in the Marshall Islands; now therefore,

BE IT RESOLVED by the People of the Republic of the Marshall Islands, through their Nitijela in its 45th Constitutional Regular Session, 2024, that the Nitijela hereby, urging the Cabinet to pursue the Change Circumstances Petition through Congress of the United States of America to adopt adequate measures under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program in the Marshall Islands; and

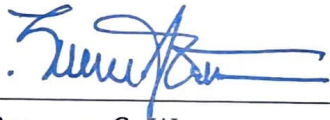
FURTHERMORE, urging the Cabinet to re-appoint the membership to the Change Circumstances Advisory Group (CCAG) to participate in the presentation of the change circumstance petition.

CERTIFICATE

I hereby certify:

1. That Nitijela Resolution No: 15ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 9th day of September, 2024; and
2. That I am satisfied that Nitijela Resolution No: 15ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 10th day of September, 2024.

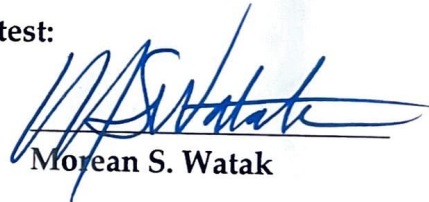


Brenson S. Wase

Speaker

Nitijela of the Marshall Islands

Attest:



Morean S. Watak

Clerk

Nitijela of the Marshall Islands

