

**STATEMENT OF THE HONORABLE MICHAEL KABUA  
BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS  
SUBCOMMITTEE ON ASIA, THE PACIFIC  
AND THE GLOBAL ENVIRONMENT  
U. S. HOUSE OF REPRESENTATIVES**

**May 20, 2010**

**SUBMITTED BY THE HONORABLE IROIJ MICHAEL KABUA  
IROIJ, TRADITIONAL LEADER;  
SENATOR, REPUBLIC OF THE MARSHALL ISLANDS;  
ELECTED REPRESENTATIVE OF THE PEOPLE OF KWAJALEIN ATOLL,  
TO THE NITIJELA (PARLIAMENT) OF THE REPUBLIC OF THE MARSHALL ISLANDS  
AND MEMBER OF THE RONGELAP ATOLL LOCAL GOVERNMENT COUNCIL**

Mr. Chairman, Members of this Subcommittee.

My name is Michael Kabua. I am a Senator elected to represent the People of Kwajalein Atoll. My brother, Imata Kabua, is the Iroijlaplap of Rongelap and I serve as a member of the Rongelap Local Government Council in his name.

As a traditional leader in the Marshall Islands, it is both my legal and moral responsibility to represent our people and to protect our lands to the best of my ability. The duty to protect the health and safety and to preserve the culture and lands of the Marshallese people is a solemn responsibility that I take very seriously.

As an elected official, as a traditional leader, and as a citizen of the Marshall Islands I wish to express my sincere gratitude and deep appreciation and the gratitude of all Marshallese to this Committee and to its Chairman for conducting this briefing on important issues affecting the Marshall Islands and its People. I am honored to offer this testimony as Iroij of Rongelap as well as Mejjatto, Kwajalein, where the people of Rongelap now reside.

### **RONGELAP RESETTLEMENT**<sup>1</sup>

The United States Government, through the Department of Interior, has informed the people of Rongelap that they are to return to their homeland within the next year as it is now safe to resettle. The assertion that it is safe is based on the understanding that 200 acres of the atoll has been treated and cleaned of irradiated soil. With the caveat that

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<sup>1</sup> Copies of the following are attached to provide further background and context to the complex issue of resettlement currently being faced by the People of Rongelap Atoll.

- a. Letter to Honorable Anthony Babuta, Asst. Secretary for Insular Affairs, dtd October 17, 2010, from members of Congress;
- b. Letter to Honorable H. Jurelang Zedekaia, President, Republic of the Marshall Islands, dtd March 15, 2010 from Senator Iroij Michael Kabua;
- c. Letter to Honorable James Matayoshi, Mayor, Rongelap Atoll dtd March 29, 2010 from Nikolao I Pula, Director of Insular Affairs, Department of Interior; and
- d. Letter to Honorable Iroij/Senator Michael Kabua, dtd March 30, 2010 from Marshall Island President Honorable Jurelang Zedekaia

their modified diet in Rongelap shall be a mixture of local and imported foods, they are being assured by United States authorities that their return to Rongelap has been certified safe by scientists. The underlying message in correspondence to the Mayor of Rongelap seems pretty clear: move back to Rongelap or face cutoff of support for the temporary community at Mejjatto Island in Kwajalein Atoll.<sup>2</sup>

While no one can dispute the fact that the future of the Rongelap people lies in returning to the land and waters wherefrom they have taken sustenance for many, many centuries, as their Iroij I cannot agree to returning people to contaminated land and waters. I do not agree that the Rongelap clean-up program has been carried out successfully as defined by agreements between the governments of the United States, the Marshall Islands and Rongelap Atoll for the rehabilitation of Rongelap Atoll and resettlement of Rongelap Island. Nor do I agree that resettlement is being carried out in compliance with those agreements.

Resettling the people of Rongelap under rules severely restricting their ability to move about their homeland, or to gather food from their traditional sources, does not constitute sensible repatriation. As Iroij of the people of Rongelap I have had occasion to ascertain how they feel about being forced to return. The people of Rongelap want to go home, but not to a land where the future well-being of their children will be in jeopardy, and where they themselves cannot be assured of safety and security. Partial settlement necessary means they will remain as strangers in their own home.

The people of Rongelap witnessed the aborted resettlement of Bikini and no one can question their right to be apprehensive about returning to Rongelap under identical circumstances. The Rongelap people themselves lived through a similar nightmare in 1985. That Bikini mistake was a result of Interior's decision to repatriate the dispossessed population based on policy that failed to consider the radiation protection

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<sup>2</sup> Rongelap Islanders Loath to Return to Nuked Home, reprinted by Pacific Islands Report, Pacific Islands Development Program/ East West Center, University of Hawaii March 2, 2010, <http://pidp.eastwestcenter.org/pireport/2010/March/03-02-08.htm> , and attached hereto.

standards in conjunction with our traditional diet and cultural demands.<sup>3</sup> We do not wish to see history repeat itself.

Moving people without due consideration for their traditional living patterns and community structures will replicate the problems of resettlement experienced in Enewetak, in the Bikini repatriation, and in Kwajalein.

I have utmost confidence that working together with the United States Government, we will find an amicable and humane solution to this decades-old dilemma, so that all of the People of Rongelap can return to a safe and healthy homeland. Working in close partnership - as our mutual history bespeaks - I have faith that we will be able to move ahead and into a more promising future.

### **NUCLEAR CLAIMS**

As members of this Subcommittee are aware, as reflected in the testimony and submissions of others appearing at today's hearing, the U.S. Supreme Court recently affirmed a federal judge's finding that the Compact of Free Association has stripped the U.S. courts of jurisdiction to rule in our cases seeking just compensation for the damages to our lands and our people as determined by the Nuclear Claims Tribunal.

Many believe as I do that Marshall Islands are due damages as a result of the consequences of nuclear testing despite these legal rulings. Many believe it is now up to Congress to right these wrongs.<sup>4</sup>

In that regard, I urge the members of the subcommittee to take the first step toward a remedy, to support the introduction of legislation to allow the House Judiciary Committee to refer this matter to the Court of Federal Claims to consider the fairness and

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<sup>3</sup> See, for example, Tommy F. McCraw, The Aborted Resettlement of Bikini Atoll, How and Why this Occurred, Letter to the Editor, Health Physics Society Journal, 1998.

<sup>4</sup> Marshallese Due Nuke Test Damages Despite Legal Ruling, Editorial, Honolulu Star Bulletin, April 6, 2010, attached hereto.

equity surrounding our claims that the nuclear testing program injured the people and damaged the lands of the Marshall Islands.

### **KWAJALEIN ATOLL**

Finally, but not the least, I express my full support and endorse without any reservation the statement provided by my colleague, Senator DeBrum with respect to Kwajalein Atoll.

The new administration of the Republic of the Marshall Islands, under the leadership of our President, President Zedkaiah, has this week met with State Department representatives of the new administration of the United States, under the leadership of President Obama. The reports of the meetings are very encouraging. For the first time since the inception of the new Compact, we see the real possibility of a fresh approach that will bring about an amicable and mutually beneficial resolution of an impasse that has prevented culmination of a land use agreement for the continued use of Kwajalein by the United States.

### **CONCLUSION**

As Iroij of People of the Marshall Islands, I am deeply grateful to this Subcommittee and especially to its Chairman for calling this hearing. Bringing us together in Washington D.C. this week has presented us with opportunities that we could not imagined possible. What happens next, however, will be the test of whether this has been a week of new beginnings or a week of dreams. I believe both the representatives of President Obama's Administration with whom we met want to make this a week of new beginnings just as much as those of us who are here representing the Marshall Islands. To make that a reality, however, both sides are going to need continued help and support of the Subcommittee on Asia and the Pacific, and of its Honorable Chairman, our friend.

In closing, I wish to express my appreciation for the opportunity to present this submission of my views of these important issues. Kommol Tata.

# Congress of the United States

Washington, DC 20510

October 7, 2009

The Honorable Anthony M. Babauta  
Assistant Secretary for Insular Areas  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Assistant Secretary Babauta:

In 1986, Congress enacted the Compact of Free Association (P.L. 99-239) which states, in Section 103(i), "*Because Rongelap was directly affected by fallout from the 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap island, and to restore Rongelap island, if necessary, so that it can be safely inhabited.*" To further this intent, and in addition to existing related programs (Section 177 healthcare, DOE radiological monitoring, and USDA supplemental food), in 1999, the U.S. reached agreement with the Rongelap Atoll Local Government to provide \$45 million to the Resettlement Trust Fund ("Trust Fund").

For over five years, the program made impressive progress, concluding radiological rehabilitation and completing reconstruction of the airport, dock, roads, power and water systems, many community buildings and a portion of the houses needed for the returning population. Unfortunately, in recent years progress toward fulfilling the mutual commitment of the U.S. and Rongelap to resettlement has stalled.

We are writing to express our concerns with this recent lack of progress and with management of the Trust Fund. First, we are concerned that, while Rongelap is nearly ready for resettlement, construction on final projects is not underway and there are no specific plans to begin resettling families to the island and closing down the temporary community on Mejjatto, where many now live. Second, we are concerned that an increasing portion of Trust Fund resources that were intended for resettlement projects on Rongelap, are instead being used for operational expenses elsewhere and to maintain the as-yet uninhabited community on Rongelap. Finally, we object to the use of Trust Fund resources for rental payments, or "tribute" to landowners on Rongelap. The Rongelap local government was notified by letter from then-Deputy Assistant Secretary for Insular Affairs, David Cohen, dated May 24, 2007, that such payments would no longer be permitted from the Trust Fund. We support that decision.

Returning the people of Rongelap to their homeland remains a solemn commitment of the United States. Rongelap and its neighboring atolls have been recognized internationally as an area of extraordinary beauty and unique marine resources. The future of the people lies in returning to the land and waters where they have lived and taken strength for centuries.

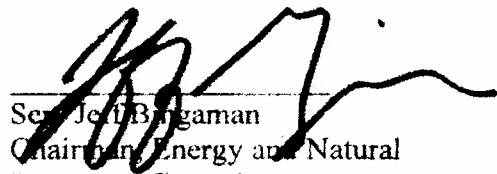
To restore and reinvigorate the commitment and progress toward resettlement, we request that the FY2010 Rongelap resettlement budget request be approved for no more than 4 months, and that its approval be conditioned on the local government's cooperation with your Office in reporting to Congress within 90 days on the future of the program. This report shall include background on Trust Fund and local government budget activity since 2000, including copies of relevant agreements and amendments, and a draft Supplemental FY2010 budget that is consistent with existing agreements and which sets forth specific tasks and dates for the commencement of resettlement, the completion of final projects, and the closing down of the facilities at Mejjatto. Of course, any tasks or activities that Rongelap is willing to undertake to advance resettlement during the period of the 4-month budget, such as resettling the families of the maintenance workers currently residing on Rongelap, or starting construction of final facilities and additional housing, should be encouraged and accommodated.

Our staffs are available to work with you and representatives of Rongelap to follow-up on these requests. Thank you for your continuing commitment and support of our shared goal of returning the people of Rongelap to their homeland.

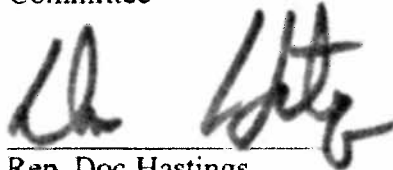
Sincerely,



Rep. Nick Rahall  
Chairman, Natural Resources  
Committee



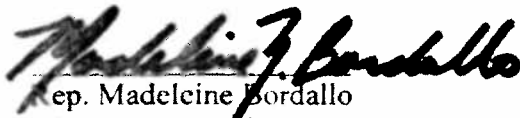
Sen. Jeff Bingaman  
Chairman, Energy and Natural  
Resources Committee



Rep. Doc Hastings  
Ranking Member, Natural  
Resources Committee



Sen. Lisa Murkowski  
Ranking Member, Energy  
and Natural Resources Committee



Rep. Madeline Bordallo  
Chairwoman, Subcommittee  
on Insular Affairs, Oceans, & Wildlife



Sen. Daniel K. Akaka  
U.S. Senator  
Hawaii

cc: The Honorable James Matayoshi, Mayor of Rongelap.  
The Honorable Kenneth Kedi, Senator, Rongelap Atoll.  
The Honorable, Banny Debrum, Marshall Islands Ambassador to the United States  
Director Alcy Frelick, Office of Australia, New Zealand, and the Pacific Islands,  
U.S. Department of State.



**NITIJELA OF THE MARSHALL ISLANDS  
OFFICE OF THE NITIJELA**

NITIJELA (NATIONAL PARLIAMENT)  
POST OFFICE BOX 24  
MAJUŪO, MARSHALL ISLANDS 96960  
TEL: 625-8678 FAX: 625-3687  
EMAIL: NITIJELA@NTAMAR.NET

15 March 2010

H.E. Jurelang Zedekaia  
President  
Republic of the Marshall Islands

Dear President Zedekaia,

As a member of the Rongelap Atoll Local Government, I was provided a copy of the letter to Mr. Anthony Babauta, Assistant Secretary for Insular Affairs, from several very distinguished members of Congress including Rep. Nick Rahall, Chairman, Natural Resources Committee, Rep. Doc Hastings, Rep. Madeleine Bordallo, Sen. Daniel K. Akaka, Sen. Lisa Murkowski, and Sen. Jeff Bingaman, Chairman of the Energy and Natural Resources Committee. The letter, dated October 7, 2009, refers to the resettlement of Rongelap Atoll.

While no one can dispute the fact that "the future of the people lies in returning to the land and waters where they have lived and taken strength for centuries", I cannot agree to returning people to contaminated lands and waters. The letter also seems to threaten discontinuation of support for the people of Rongelap if they do not resettle in accordance with provisions of the Resettlement Trust Fund Agreement and evacuate their settlement at Mejatto in Kwajalein.

I agree that a full and complete report must be made to Congress as to the expenditure of the funds connected with the resettlement program. However, I do not agree that the program has been carried out successfully, for much of the atoll remains contaminated and unsuitable for human habitation. Resettling the people of Rongelap under rules severely restricting their ability to move about their homeland, or to gather food from their traditional sources, does not constitute sensible repatriation. Threatening them with virtual starvation if they do not return is unjust and unfair. Even if radiological rehabilitation of the atoll were successful, which they have not been, public facilities and homes have yet to be completed. Housing the community in non-traditional locations leaves a lot of unanswered questions as to safety, security and survivability.

We are all witnesses to the debacle that was the resettlement of Bikini. It would be illogical for us to throw caution to the wind and disregard people's concerns for their own peace and comfort just in the interest of justifying the closing of an unsuccessful program. We asked for the position of the RMI on this matter during the recent session of the Nitijela. We were never given a response to this question.

I am therefore placing this matter in your hands and requesting you to take into account the position of the people of Rongelap in the matter of resettlement. The people want to go home but not to a land where the future of their children will be placed in jeopardy, where they themselves cannot be assured of safety and security, and where they will remain strangers in their own home.

Kommol tata,

  
Sen. Iroij Michael Kabua

**REPUBLIC OF THE MARSHALL ISLANDS**





## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



March 29, 2010

The Honorable James Matayoshi  
Mayor of Rongelap Atoll  
Post Office Box 1766  
Majuro, MH 96960

*Via facsimile to 011 (692) 625-4667*

Dear Mr. Mayor:

I write to confirm the strong support in the Office of Insular Affairs (OIA) for your current initiative to rededicate Rongelap Atoll Local Government (RALGov) to the goals of the agreement creating the Rongelap Resettlement Trust Fund as well as the 1996 agreement governing Federal assistance for the resettlement of Rongelap Island. With this letter I support RALGov's efforts to commit to October 1, 2011, as the date by which the Rongelap community at Mejatto Island will have moved back to Rongelap Island. I know that RALGov will do everything in its power to realize this goal. I expect that, in order to show good faith and sincerity, RALGov officials will stay in full communication with OIA and the appropriate members of the Majority and Minority staffs of the House and Senate oversight committees.

RALGov certainly has not been immune to the difficulty that governments at all levels have faced in addressing the current, urgent political and economic issues like the impact of the Worldwide recession, the stock market decline, the heavy debt financing of Federal programs and the pressures placed on public and private budgets from the top to the bottom of the political economy. However, it is in times of great challenge that one also finds great opportunity. Today resettlement is not just a challenge or an opportunity: it is a necessity.

Due to the budgetary, economic and fiscal challenges to which I referred above, it is a necessity that RALGov stop expending Rongelap Resettlement Trust Fund assets for the maintenance of the Rongelap community at other locations in the Marshall Islands.

In 1993 the people of Rongelap lost their beloved Senator Jeton Anjain. Now that the independent scientists whom Senator Anjain retained before his death have certified that Rongelap Island can be safely resettled, it is a legal and economic necessity that RALGov dedicate its Trust Fund *corpus* to supporting resettlement for those members of the Rongelap community who want to return to Rongelap Island. At a time in the immediate future, OIA will authorize RALGov to use resettlement funding for activities at Rongelap Island only.

Given the current value of the Rongelap Resettlement Trust Fund, RALGov no longer can afford, and OIA can no longer justify approving, distributions from the Trust Fund for any purpose not directly related to actual relocation and resettlement at Rongelap Island. Due to the exigencies of the economic and budget challenges that both the U.S. and Marshall Islands Government and RALGov now face, RALGov must phase out in an orderly manner its use of Trust Fund proceeds to support RALGov satellite operations in Majuro Atoll and on Ebeye and Mejjatto Islands in Kwajalein Atoll.

It is perhaps a good thing that the necessity of greater restraint in the use of the Trust Fund comes as political pressure in the Marshall Islands increases for access to the Trust Fund for purposes not related to resettlement. Those unjustified demands on the Trust Fund will remain unsatisfied not only because there is no legitimate legal or political purpose underlying the proposed diversions for non-essential use of resettlement funds but also because RALGov simply cannot afford any such diversion of its precious resources for purposes other than the resettlement of the home island of the people of Rongelap.

The Federal laws authorizing and appropriating funds for the resettlement program express the intention of the Congress in the use of future funding for Rongelap, namely, that the needs of those who return to Rongelap Island be met before the use of any funding for those who do not return. Again, this is a sound, fair and humane policy for which one needs to make no apology. Those who choose not to resettle Rongelap Island are free to do so, but it is only fair, just and legally required that funds provided to meet the human needs of those who do resettle be used for the specific purpose for which the Congress provided the funds.

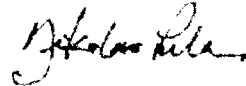
RALGov has managed the resettlement program on the terms that the late Senator Anjain requested in 1985, with oversight and the authority to disapprove spending retained by OIA but without direct administration by OIA. If RALGov's resettlement program fails, that does not leave the Trust Fund available to RALGov for purposes other than resettlement. Certainly, the establishment of the Resettlement Trust Fund did not make those who chose to live other than on Rongelap Island beneficiaries of the Trust Fund for some other purpose. Once Rongelap Island was certified safe for habitation, and RALGov makes resettlement an immediate option, those who do not resettle are by their own choice no longer an indefinitely dislocated population. The resettlement funding is for those who choose to return home from that point forward, and the suggestion that those who do not are wards of RALGov's resettlement program or beneficiaries of the Resettlement Trust Fund is without merit or logic. The Resettlement Trust Fund will not become a RALGov slush fund if RALGov's resettlement program is delayed any longer. If the Trust Fund proceeds are not used for the intended purpose, then the proceeds will be reclaimed. American taxpayers will want their money back if RALGov does not use the Trust Fund for the purposes for which the Congress provided the Trust Fund.

In the context of these remarks, I call to mind that it was my special honor in 2006 to visit members of the Rongelap community in Majuro, Ebeye and Mejjatto along with representatives

from the American Embassy, the U.S. Department of Energy (DOE) and the Marshall Islands Government. We heard the independent scientific experts confirm to the people of Rongelap that it was safe to resettle Rongelap Island, particularly if the safety monitoring which DOE agreed to provide and the continuing soil treatments went on as needed. The statements made by those who worked closely with the late Senator Anjain in 1985 confirmed that the scientific findings and the Federally funded resettlement program now in place satisfied the late Senator Anjain's goals and conditions when Rongelap Island was evacuated. The late Senator Anjain's most trusted advisors and friends stated unreservedly that they believed that Senator Anjain would have led his people back home if he had lived. Their moving testimony was that resettlement now was the best way to honor Senator Anjain's memory.

I avail myself of this letter to renew to you and the members of the RALGov Council my praise of your steady work to advance the cause of resettling the people of Rongelap on their home island. Be assured of OIA's unflinching support in this endeavor.

Sincerely yours,



Nikolao I. Pula Jr.  
Director  
Office of Insular Affairs



*President*

REPUBLIC OF THE MARSHALL ISLANDS

March 30, 2010

Iroij Michael Kabua  
Senator  
Kwajalein Atoll

Dear Senator Kabua:

Thank you for your letter of March 15, 2010, sharing your opinions about the resettlement of Rongelap. As emphasized in your letter, it is entirely fitting for you to address the implications of the resettlement program in the context of Marshallese custom. As the incumbent in the RALGOV Council seat by the local constitution to an Iroij, your views are valued and respected.

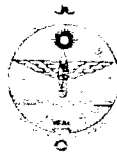
There is no question that under our Constitution, the National Government has a role regarding the health and safety of the Marshallese people, and we take that solemn responsibility very seriously.

Regarding the decisions made by the people of Rongelap, acting through their local government's constitutional process, about resettlement of their homelands, the National Government understands that the Rongelap resettlement process is being administered under applicable agreements and provisions of national, local and U.S. law. These measures governing return of the Rongelap community, implement resettlement commitments of the United States under the law approving the Compact of Free Association.

I know that the late Senator Jeton Anjain provided leadership for the Rongelap people on this issue, signing an agreement in 1992, setting forth the terms of a resettlement program and establishing the Rongelap Resettlement Trust Fund. The lead U.S. government agencies with resettlement program responsibilities also signed that 1992 agreement.

Pursuant to the terms of a 1995 U.S. law authorizing additional new resettlement funding by the U.S. Congress, as well as completion of a resettlement plan based on the findings of independent scientific studies conducted under the terms of the 1992 agreement, the Rongelap Atoll Local Government reached agreement with the U.S. Department of the Interior on a resettlement program. The 1996 agreement also was accepted and signed by the National Government.

Subsequently, the U.S. Congress provided funding that brought the total U.S. contributions to the Rongelap Resettlement Trust Fund to \$45 million. That



funding has been used to carry out a rehabilitation and re-inhabitation program at Rongelap Island. After Phase I and Phase II of the resettlement plan were completed, the independent scientific experts originally selected by Senator Jeton Anjain certified in writing that Rongelap can be resettled safely, with continued remediation and monitoring measures contemplated under the resettlement plan.

The safety and welfare of the people resettling at Rongelap Island is paramount, which is why it has been and must continue to be addressed by the our National Government, the U.S. and RALGOV. That will require implementation of findings and recommendations regarding diet, soil treatments and activities at other islands in the atoll, as prescribed by the independent scientific experts commissioned by Senator Anjain, and re-commissioned by RALGOV in 2006 for a final safety review prior to resettlement.

We are aware that the U.S. Department of Energy has agreed under a written MOU to perform the safety monitoring recommended by the independent scientific experts, and to provide technical support any necessary additional remediation efforts to enhance compliance with safety standards recognized by the independent scientific advisors, including relevant safety standards adopted by the Nuclear Claims Tribunal. It is our understanding that purpose of these measures is to prevent any repeat of past problems in other resettlement programs that you note in your letter.

The Government welcomes your interest and views on resettlement, which you have provided in your capacity as a traditional leader serving in a customary role on the local government council. We all need to seek answers to any important concerns about the safety and welfare of the people. I know those same concerns are also foremost in the minds of the national Government and the elected leaders, as well as other traditional leaders, on the RALGOV Council.

So it is with the same priorities you have that the parties to the 1992 and 1996 agreements on resettlement must now undertake the solemn duties of ensuring that the resettlement process is carried out in accordance with the wishes of the Rongelap people, consistent with applicable agreements, including all measures deemed necessary to address the very safety and welfare issues you have identified.

Kommol tata,

  
Jurelang Zedkala  
President



Cc: Hon. Anthony Babauta  
Min. Kenneth Kedi  
Min. John M. Silk  
Hon. Martha Campbell, United States Ambassador to the Marshall Islands  
Hon. Banny de Brum, Marshall Islands Ambassador to the United States  
Hon. James Matayoshi, Mayor of Rongelap  
Rep. Nick Rahall, Chairman, Natural Resources Committee  
Rep. Doc Hastings  
Rep. Madeleine Bordallo  
Sen. Lisa Murkowski  
Sen. Daniel Akaka  
Sen. Jeff Bingaman, Chairman, Senate Energy Committee  
Director Alcy Frelick, Office of Australia, New Zealand, and the Pacific Islands,  
IISDOS

## PACIFIC ISLANDS REPORT

*Pacific Islands Development Program/East-West Center  
With Support From Center for Pacific Islands Studies/University of  
Hawai'i*

### **RONGELAP ISLANDERS LOATH TO RETURN TO NUKED HOME**

*U.S. says radiation no longer a threat on Marshalls atoll*

By Giff Johnson

MAJURO, Marshall Islands (Marianas Variety, Mar. 2, 2010) - Fifty-six years after an American hydrogen bomb blast in the Pacific exposed hundreds of people to radioactive fallout, the U.S. Congress is pressing Marshallese Islanders to return home by next year.

But Rongelap Islanders say they fear for their health if they return home to the necklace of coral islands that was exposed to the Marshall Islands equivalent of the Chernobyl nuclear disaster in the Ukraine.

March 1 is a national holiday that recognizes Nuclear Victims Day in the Marshall Islands. This year, which marks the 25th year since Rongelap Islanders' self-evacuated their radioactive islands, islanders are facing a U.S. ultimatum: move back to Rongelap in 2011 or face cutoff of funding support for the "temporary" community at Mejjatto Island in Kwajalein Atoll, where about 400 islanders have lived since their 1985 evacuation.

"I don't want to return to Rongelap," said Lemeyo Abon, a Rongelap survivor of the U.S. nuclear testing era who turns 70 on July 5. "I am afraid," she said in reaction to the U.S. Congress' push to have Rongelap resettled by 2011. "If we go back it will be our death — is it the United States intention to eliminate us?"

The U.S. provided Rongelap Atoll Local Government with a US\$45 million resettlement trust fund to finance cleanup and rehabilitation work on Rongelap Island when studies after the islanders evacuated showed the atoll still contained high levels of radioactivity. Since 2000, the atoll's local government has built a power plant, installed water-making equipment, paved roads and has completed nine of a planned 50 homes for a future resettlement. Following advice of U.S. government scientists, land where community facilities and homes are located has had the top 15 inches of top soil scraped off and replaced by crushed coral rocks, and land with food crops such as coconut trees has been doused with potassium fertilizer to block uptake of radioactive cesium-137 by the roots.

With millions of dollars invested in the cleanup of Rongelap, U.S. congressional leaders want to see Rongelap resettled and the "temporary" home of Mejjatto closed by the end of next year. Last October, six leading U.S. senators and representatives issued a letter to the Interior Department critical of the slow pace of resettlement. The letter also directed the Interior Department to withhold partial funding for Rongelap Atoll Local

Government for the current fiscal year until it submitted a report on the resettlement to the Congress.

Allen Stayman, staff to Senate Energy and Natural Resources Committee Chairman Jeff Bingaman who was a signer of the letter, said that "it is important to note that (the letter) was sent last October. Since then, congressional staff has had good communications with local government representatives and a target date for completion of resettlement and the closure of the facilities at Mejjatto is to be set for the end of the next fiscal year, or October 1, 2011."

The U.S. Department of Energy (DOE) is set to provide ongoing monitoring and support. "The DOE's position is we support resettlement if the atoll wants to do it," said Patricia Worthington, who heads the Office of Health and Safety in Washington.

While Rongelap local government is pressing ahead with building 40 more homes this year and next, Mayor James Matayoshi said Rongelap Islanders living on Mejjatto have always wanted to return to their home islands, but questions about radiation safety continue to linger — despite U.S. government assurances of safety.

If contaminated soil around housing and community facilities is combined with potassium fertilizer treatment of agriculture areas, "the natural background dose plus the nuclear-test-related dose at Rongelap would be less than the usual background dose in the United States and Europe," said Dr. Terry Hamilton of the California-based Lawrence Livermore National Laboratory in mid-February.

"It is very hard for me to trust and believe any word that is said by Americans after what the United States and the Department of Energy has done to us," said Abon. "What they did to us is criminal."

When the 15-megaton Bravo test was detonated in 1954, no warning was given to people on Rongelap and other downwind islands. A snowstorm of radioactivity exposed unsuspecting Rongelap islanders to a near lethal dose of radiation, causing vomiting, skin burns and their hair to fall out — classic symptoms of high-level radiation exposure. In 1998, a U.S. Centers for Disease Control Radiation Studies Branch report on the Marshall Islands said that the 67 U.S. nuclear tests in the Marshall Islands spewed out 150 times more radioactive-iodine 131 than the 1986 reactive accident at Chernobyl. The majority of islanders exposed in 1954 have had thyroid tumors and cancers.

Rongelap's local government is not ignoring the U.S. insistence on resettlement, but a resettlement appears unlikely in 18 months. "People are in high spirits about the possibility of resettling," Matayoshi said. "But the practicalities are the challenge now."

Rongelap islanders left in 1985 fearing radiation exposure, which subsequent independent studies confirmed. While there are more than 60 small islands in the atoll, many of which are used for food gathering, the nuclear cleanup work has focused only on the main island. For Matayoshi, a successful resettlement revolves around U.S. commitments to Rongelap to provide safeguards and assurances, and people's acceptance of these assurances.



DOE's Worthington said their department wants to partner with Rongelap Atoll Local Government to set up a monitoring program in order to reconfirm the decision made to resettle or to make any adjustments needed. Monitoring will involve doing "whole body counts" for people before they go back and then once they return and continuing in an ongoing manner to maintain assurance of safety, she said. A whole body counter checks for cesium-137 uptake, providing the person being monitored with information within 15 minutes.

But Abon sees resettlement of Rongelap Atoll as "impossible" because only a small part of the atoll has had its nuclear contamination cleaned, while the population has grown significantly, meaning they need to use more islands to comfortably resettle.

Availability of imported food, needed to reduce intake of cesium-137 from staple crops such as coconuts, breadfruit and pandanus, is also a big worry to islanders.

"I foresee problems with provisioning the island because Rongelap is so far away from the centers," said Abon. Remote islands in this western Pacific nation that are scattered over 750,000 square miles of ocean area receive government ship visits once every three-to-four months. Abon said that unlike the other outer island communities, if a ship is delayed to Rongelap, islanders should not eat from the land. "We will be forced to eat off the land. The poison is there even if you can't taste, smell or see it," warns Abon.

Matayoshi, whose mother was on Rongelap during the Bravo fallout, believes that the people's "livelihood will be well-served living on Rongelap because of the convenience and benefits (of power, water and housing) and their access to freedom as the owners of the atoll."

He adds, however, "We are not forcing anyone to take our view. We'll lay out what is possible, what the options are and the consequences if we continue to delay the resettlement process."

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## MARSHALL ISLANDS SPECIAL ISSUE

Dear Editors:

THE GOVERNMENT of the Republic of the Marshall Islands was impressed by the special issue of the journal *Health Physics* published this last May. However, it was also troubled by this publication. It seemed heavily devoted to *contemporary* radiation issues rather than those created during the testing of nuclear weapons at Bikini and Enewetak. These tests have produced enormous medical problems as well as social issues for our people that we are continuing to cope with today. Our Nuclear Claims Tribunal is attempting to provide some financial compensation to our people who have suffered radiation-related diseases, denial of free use of their lands, and permanent environmental degradation due to the United States testing program which occurred some 40 to 50 years ago. Rather than address those radiological issues that occurred 40-plus years ago, which caused our past as well as present health problems, the Special Issue appears to emphasize analyses of our environment as it is today.

As much as we would like it to be, we do not expect that the radiation exposures of our people can be undone, but apart from a few papers in this issue there is little to tell us the science related to how we can identify our contaminated atolls

beyond Bikini and Enewetak. A very significant point would be the identities of areas affected by *short half-lived* fallout or, better yet, the identification of exposed persons beyond those identified at Rongelap, Ailinginae, and Utirik. Also, perhaps some work could have been done to identify persons among our populous who could provide some eyewitness testimony as to their own observations during high yield tests such as BRAVO.

Clearly the work reported in the Special Issue is important to us, but it falls short of our expectations for scientific analyses of our environment. We hope that any future publications such as this will contain papers that emphasize the *past causes* rather than focus on *today's* environmental effects of the nuclear testing program in the Marshall Islands. We ask that the scientific community develop an understanding of our plight by directing its research toward issues that we can use in our attempts to correct problems caused by the nuclear testing program of the United States.

BANNY DE BRUM

Embassy of the Republic of the Marshall Islands  
2433 Massachusetts Avenue, N.W.  
Washington, DC 20008

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## THE ABORTED RESETTLEMENT OF BIKINI ATOLL: HOW AND WHY THIS OCCURRED

Dear Editors:

THE EFFORTS to resettle the Bikini Atoll are misstated by Simon (1997). There are a number of reasons why the effort to resettle Bikini Atoll failed that may not be generally known. The recommendations for rehabilitation of this Atoll issued by an Ad Hoc Committee appointed by the Atomic Energy Commission, AEC, are at the heart of the problem. The reference cited for the Ad Hoc Committee's recommendations is not the report the committee issued, but WASH-1289, a report I issued with the title, "Levels of Environmental Radioactivity in Bikini Atoll." Six years after resettlement, Bikini Island residents were removed from the Atoll due to radiation exposures reaching and in some cases exceeding Federal radiation protection standards. How this happened is that the Bikini people were resettled on the wrong island.

The cleanup and rehabilitation of Bikini Atoll, part of the Pacific Proving Ground in the Pacific used for U.S. nuclear weapon tests in the 1940's and 1950's, was jointly conducted by three Federal agencies. Under a Memorandum of Understanding, the AEC provided radiological support and advice; the Department of Defense (DOD) provided logistics support and managed field operations; and the Department of the Interior (DOI), the agency with the Office of the Trust Territory of the Pacific Islands, constructed homes and per-

formed agricultural rehabilitation. Responsibility for radiological health and safety of the cleanup project was assigned to AEC's Nevada Operation Office.

In April-May 1967, a group of us spent six weeks conducting a radiological survey of Bikini Atoll. This survey showed (Beck et al. 1967) that the levels of external gamma radiation were about ten times higher on Bikini Island than on Eneu Island. Bikini and Eneu were traditionally the two village islands with Bikini being the larger of the two. The survey also showed that the major contributor to external radiation was  $^{137}\text{Cs}$  (half-life approximately 30 y) in the soil. It was expected that the ratio of  $^{137}\text{Cs}$  in the soils and in foods from these two islands would be about the same as the ratio of external radiation, about ten to one.

The results of the 1967 radiological survey were used to estimate potential radiation exposures for persons living in the Atoll and consuming local foods. In piecing this story together, where the decision to resettle the Atoll was based upon what was known early in the operation, and where ultimate success would depend upon radiological findings as the resettlement proceeded, the uniqueness of the Atoll environment and the people living in it needed to be recognized. A critical factor was their diet, the local food they ate, how much they ate, and the levels of radioactivity in various foods. The diet for the Rongelap Atoll people was used to estimate internal doses for Bikini Atoll residents because this was the only information available for people in the Marshalls at that time. Here is where one of the most detrimental elements to the success of resettlement crept in. Doses for resettlement were estimated using 9 g of coconut meat and milk intake per day. (We were

never able to determine the original source for this estimate and wondered if there was a typo with a zero missing). Later observations indicated that this intake could be 200 g per day with the highest individuals consuming up to 600 g per day depending upon use of imported food. It was clear that dose estimates could be much higher than predicted.

Another critical factor adversely impacting resettlement success was related to the final decisions on resettlement. This second error was the more glaring of the two, since this prevented the first mistake from being recognized in time to correct it. The Ad Hoc Committee assembled by the AEC to evaluate radiological conditions at Bikini Atoll, in an effort to be conservative, made six recommendations for reducing radiation exposures. The Committee's report containing these recommendations plus five appendices was issued through a press release to Editors and Correspondents by Glenn T. Seaborg on 12 August 1968 (Seaborg 1968). All of these recommendations will not be quoted, but the first two, particularly the second one, were critical to the success of resettlement because of what was said and not said:

1. "Restrict rehabilitation for the present to the islands of the Bikini-Eneu complex."
2. "Establish the first village and immediate food crops on Eneu. No radiological precautions will be needed on Eneu because of its very low contamination level."

The first recommendation above spoke to rehabilitation. It said nothing about resettlement. The second recommendation was very clear. It said establish the first village and food crops on Eneu, i.e., resettle Eneu first. None of the recommendations said anything about when Bikini Island could be resettled or when food from Bikini Island could be eaten. The conservative approach by the Ad Hoc Committee was quite different from the position attributed to them on page 11 of the July *Health Physics* Journal in the summary for 1969. This states, "The Ad Hoc Committee reviewing the 1967 survey concluded that the Bikini-Eneu complex of islands could be used for continuous occupancy and agricultural development to support the returning population." This statement perpetuates the misunderstanding and associated misapplication of what the Ad Hoc Committee actually recommended. My concern is that WASH-1289, a report I issued, is cited in the Journal article as the reference for the Committee's recommendation. To the reader it might appear that I had some role in issuing this advice, which is not the case. I was not a member of the Ad Hoc Committee. My role was quite different, namely, to obtain the necessary radiological monitoring data to support dose assessments and to try to insure that radiation safety standards would be met with the resettlement of Bikini Atoll.

Some time after all the plans were made and cleanup began, a party headed by AEC Headquarters staff visited Bikini Atoll to see what progress was being made. To their surprise they found that 43 houses were under construction on Bikini, not on Eneu, and thousands of coconut trees were to be planted on Bikini. Upon returning, AEC staff met with DOI management and expressed concern that the recommendations for resettlement were not being followed. The DOI response was that some Bikinians did not have land rights on Eneu and would not allow their homes to be built on someone else's land.

The Bikini people began to return to Bikini Island in numbers in 1972 and initially were eating mostly imported food, and fish from the lagoon. With resettlement on Bikini Island an accomplished fact, AEC technical staff were faced with a problem for which there might not be a solution, i.e., how to keep radiation exposures within Federal standards. At

that time these standards were  $5 \text{ mSv y}^{-1}$  for individuals and  $50 \text{ mSv 30 y}^{-1}$  for a population.

It takes about 7 y for coconuts to mature and, right on schedule, coconuts from trees planted on Bikini Island in the 1969-1970 period appeared in the diet in 1977-1978. Body burdens of  $^{137}\text{Cs}$  began increasing rapidly and exposures of some individuals were soon exceeding the  $5 \text{ mSv y}^{-1}$  standard recommended by the Federal Radiation Council (FRC). FRC was kept informed. It was soon evident that coconut products in the diet, not pandanus, breadfruit, or coconut crabs, would be the most important vector for radiation exposures from radioactivity in the environment on Bikini Island. It appeared that there was no practical remedial measure that could reliably reduce and control exposures for coconuts.

Several of us went back to DOI a second time and recommended they either move the people to Eneu Island with use of Eneu and imported foods only or move the people from the Atoll. The people were moved from the Atoll. In my files, the collection of reports and correspondence between agencies for this issue is too voluminous to reference here. However, there are two letters that clearly show the divergent views of AEC and DOI. The first is from AEC to DOI (Biles 1974) expressing concern that the recommendation for houses on Eneu was not strictly followed, advising that construction of additional houses nearer the interior of Bikini Island could result in annual doses higher than predicted in earlier studies and warning of the possibility that restrictions might have to be placed on certain foods. The second is a response from DOI to AEC (Carpenter 1974) expressing surprise that these concerns were not forcefully voiced earlier since, "Your representatives have many times observed what was being done on Bikini, yet we have no record of communication from the Atomic Energy Commission that the direction of the program was improper."

These AEC "representatives" were Operations Office personnel supporting cleanup operations in the Atoll. Why AEC Headquarters staff were not informed of preparations for construction of houses on Bikini Island before they visited the Atoll is puzzling. This does explain why there was no earlier forceful communication from AEC expressing concern to DOI. These two letters surface a serious flaw in AEC's radiation safety advisory capability. Once doses exceeding standards began to occur from coconut products in the diet on Bikini Island, the question of where to build more houses on this island was academic. This experience showed the difficulty of trying to shoehorn a population into a contaminated environment in a remote location with uncertain exposure estimates, with measured radiation exposures increasing, and with a mixed view of the importance of radiation standards among participants.

The Bikini Atoll resettlement was doomed to failure for the following reasons:

1. Resettlement was attempted on one of the most contaminated islands in the Atoll, not on the island with the lowest contamination that was recommended for the first village;
2. Radiation exposures reviewed by the Ad Hoc Committee were much too low because the amount of coconut products in the Rongelap diet used for these estimates was low by an order of magnitude;
3. Forty-three houses were built and tens of thousands of coconut trees were planted on the wrong island. DOI's decision to build the first village on Bikini was not coordinated with AEC. This thwarted AEC in its role as safety advisor and gave it the impossible task of trying to control much higher exposures than anticipated;

**EDITORIAL**

# **Marshallese due nuke-test damages despite legal ruling**

POSTED: 01:30 a.m. HST, Apr 06, 2010

Shameful wording in the agreement granting sovereignty to the Marshall Islands has allowed the United States to renege on an agreement to provide adequate compensation for damages caused by nuclear testing after World War II. The U.S. Supreme Court has affirmed a federal judge's reluctant finding that the pact had stripped the courts of jurisdiction to rule in the case. At some point Congress should right this wrong.

In December 1947, the U.S. government chose the Marshalls' Bikini and Enewetak atolls as sites for nuclear testing and took away homes and lands of residents. The 1984 Compact of Free Association with the U.S. granting the Marshalls sovereignty included U.S. responsibility for the nuclear damage caused by the equivalent of 1.6 Hiroshima atomic bombs a day for 12 years.

The compact created an independent Nuclear Claims Tribunal, and the U.S. put \$150 million into its trust fund in 1986. Congress took \$45.75 million of it to award compensation. Recognizing the amounts were inadequate, the tribunal decided upon awards of \$385.9 million to the people of Enewetak in 2000 and \$563.3 million to those of Bikini a year later. However, only \$1 million of that ended up being paid to residents of Enewetak and \$2.3 million to those of Bikini.

The islanders brought suit in U.S. federal court for payment of the remainder, but the section of the compact relating to compensation says it "does not commit the Congress of the United States to authorize and appropriate funds." It adds that "no court of the United States shall have jurisdiction to entertain such claims," and all claims filed in court "shall be dismissed." So much for the Fifth Amendment right to just compensation for property taken under American governance.

Judge Christine O.C. Miller of the U.S. Court of Federal Claims wrote in January 2009 that she had no choice but to reject the case, despite her "sense of justice," which she added also "recognizes that this court cannot act without jurisdiction." Thus, she wrote: "In sum, this court cannot hear, let alone remedy, a wrong that is not within its power to adjudicate." The U.S. Supreme Court reached the same decision yesterday in rejecting the appeal without comment.

The case illustrates the way the government "may evade the constitutional guarantee of just compensation ... by stripping the courts of jurisdiction over any claim that it has not provided just compensation for the taking," wrote Washington lawyer Paul Wolfson, representing the island resident

improves, the U.S. should accept that it was achieved through trickery and make full amends to people who were driven from their islands.

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