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 Mejatto, Kwajalein, where the people of Rongelap now reside.

**RONGELAP RESETTLEMENT**

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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1 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;
   c. Letter to Honorable James Matayoshi, Mayor, Rongelap Atoll dtd March 29, 2010 from Nikola hoe Pula, Director of Insular Affairs, Department of Interior; and
their modified diet in Rongelap shall be a mixture of local and imported foods, the 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 Mejatto Island in Kwajalein Atoll.2

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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standards in conjunction with our traditional diet and cultural demands.\textsuperscript{3} 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.\textsuperscript{4}

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


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.
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 Mejatto, 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 Mejatto. 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,

Nick Rahall
Chairman, Natural Resources Committee

Doc Hastings
Ranking Member, Natural Resources Committee

Madeleine Bordallo
Chairwoman, Subcommittee on Insular Affairs, Oceans, & Wildlife

Joe B. Iglesias
Chairman, Energy and Natural Resources Committee

Lisa Murkowski
Ranking Member, Energy and Natural Resources Committee

Daniel K. Akaka
U.S. Senator

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

Dear President Zedekaia,


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,

[Signature]

Sen. Iroij Michael Kabila

Republic of the Marshall Islands
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 Mejatto 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 Mejatto 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
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 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,

[Signature]

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 Aly Frelick, Office of Australia, New Zealand, and the Pacific Islands,
     US DOD
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 Mejatto 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 Mejatto 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 Mejatto 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 Mejatto 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.

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

In April-May 1967, a group of us spent six weeks conducting a radiological survey of Bikini Atoll. This survey showed (Decker et al. 1967) that the levels of external gamma radiation were about ten times higher on Bikini Island than on Eniwetok Island. Bikini and Enewetak 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 137Cs (half-life approximately 30 y) in the soil. It was expected that the ratio of 137Cs 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-Enue complex."

2. "Establish the first village and immediate food crops on Enue. No radiological precautions will be needed on Enue 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 Enue, i.e., resettle Enue 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-Enue complex of islands could be used for continuous occupancy and agricultural development to support the returning population." This statement perpetuates the misundertanding 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 Enue, 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 Enue 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 mSv y⁻¹ for individuals and 50 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 137Cs began increasing rapidly and exposures of some individuals were soon exceeding the 5 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 Enue Island with use of Enue 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 Enue 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

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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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