

Input: Addressing the challenges and barriers to the full realization of the human rights of the people of the Marshall Islands stemming from the state's nuclear legacy

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- 1. The lack of funding for the Nuclear Claims Tribunal is a barrier to the full realization of Marshallese human rights. In order to address the damages to health and the environment caused by U.S. nuclear testing, the Marshall Islands must receive full funding from the United States for the Nuclear Claims Tribunal.**

The legacy of U.S. nuclear testing still damages the health of the Marshallese people, the environment in which they live, and islands from which many have been exiled and where it is not possible to safely live. Not enough independent data has been gathered on these issues, but these realities are undeniable.

It is impossible to fully address these challenges without full funding for the Marshall Islands Nuclear Claims Tribunal (NCT), which must be provided by the United States. The Marshall Islands National Nuclear Commission strategy identifies full funding for the NCT as a key objective to achieve nuclear justice.¹ Without this funding, the people whose health has been damaged and whose lands have been contaminated by U.S. nuclear testing cannot have these problems adequately addressed.

The United States' refusal to fully fund the NCT goes against the human rights of Marshallese citizens, especially their right to health and their right to live in a healthy environment.

- 2. The United States endangered Marshallese lives and health and violated their human rights by not conducting full and timely evacuations after the 1954 Castle Bravo test. From 1947 to 1986, the United States governed the Marshall Islands as part of a UN trust territory and was required to protect the health and welfare of the trust territory's inhabitants. I will demonstrate below that the Department of Defense knew of the danger that Bravo's fallout posed to Marshallese in the surrounding area, and had the means to better protect them, but did not do so.**

On March 1, 1954, on Bikini Atoll, the United States set off a thermonuclear weapon called Castle Bravo, the most powerful bomb it has ever detonated. It is important to note that, while they are not addressed in this report, the United States also conducted 66 other nuclear and thermonuclear tests in the Marshall Islands which also violated the human rights of the Marshallese people.

Much has already been written by experts about whether the wind shifted east before or after Bravo—it shifted before; whether the Department of Defense knew about the wind shift before

¹ <https://rmi-data.sprep.org/system/files/RMI%20NNC%20Strategy%202019.pdf>

the test—it knew;²³ and whether Bravo’s 15-megaton blast was a surprise to Department of Defense leadership—it was not a surprise.⁴ But I want to focus on the issue of the United States’ slow evacuations, and in other cases, its refusal to evacuate hundreds of Marshallese from harm’s way at all.

In the days after Bravo, the Department of Defense failed to conduct full and timely evacuations⁵ of the islands to the east of Bikini which received significant doses of radiation from Bravo.⁶ According to the statement of Rhea Moss-Christian, Chairperson of the Marshall Islands National Nuclear Commission, before the House Committee on Natural Resources Subcommittee on Oversight & Investigations Regarding the U.S. Nuclear Legacy in the Marshall Islands in 2021:

Declassified U.S. documents in 1994 showed that measurements made by the [Atomic Energy Commission’s] Health and Safety Laboratory established that significant doses were monitored throughout the Marshall Islands following not only the Bravo test but also after each of the other five tests conducted during Operation Castle in 1954.⁷

The harm caused to Marshallese by Bravo’s fallout was preventable and was the fault of the United States. Because the Department of Defense did not conduct full and timely evacuations after Bravo, Marshallese living in the area contaminated by the test were exposed to significant doses of radiation, violating their human rights to life and health. *Before* Bravo, out of an abundance of caution, the Department of Defense should have evacuated islanders from Rongelap and Ailinginae at a minimum, and probably many other atolls as well. But they were not evacuated. The next best course of action after the test would have been evacuating islanders living in the contaminated area as swiftly as possible. This did not happen either.

Furthermore, the United States employed different safety measures for its own personnel on Rongerik Atoll and the islanders living on Rongelap and Ailinginae Atolls, a discrepancy which a) indicates a clear awareness of the danger present on these atolls in the days following Bravo and b) resulted in the exposure of Marshallese to preventable harm. For reference, a report produced for the director of the Defense Nuclear Agency states, “Included within the area of major contamination were Bikini Atoll and three downwind atolls: Ailinginae Atoll, Rongelap Atoll, and Rongerik Atoll (References 1, 2). Among these atolls,

² [Congressional Record \(Bound Edition\), Volume 145 \(1999\), Part 19 - RONGELAP RESETTLEMENT ACT OF 1999 \(govinfo.gov\)](https://www.govinfo.gov/congressional-record/bound-edition/volume-145/1999/part-19-rongelap-resettlement-act-of-1999)

³ <https://nsarchive.gwu.edu/document/31247-document-2-memorandum-record-1t-col-ra-house-usaf-radsafe-officer-command-briefing-1>

⁴ Giff Johnson, *Don’t Ever Whisper; Darlene Keju: Pacific Health Pioneer, Champion for Nuclear Survivors*, pp. 370-371.

⁵ https://democrats-naturalresources.house.gov/imo/media/doc/Testimony_RheaMossChristian_10.21.21.pdf, page 2

⁶ <https://www.washingtonpost.com/archive/politics/1994/02/24/postwar-pacific-fallout-wider-than-thought/a185019e-bdd8-420a-a36b-7887ada350f5/>

⁷ https://democrats-naturalresources.house.gov/imo/media/doc/Testimony_RheaMossChristian_10.21.21.pdf, page 2

Marshallese were present on Ailinginae and Rongelap, and American servicemen only on Rongerik.”⁸

The United States evacuated Rongelap and Ailinginae too late, exposing their residents to dangerous radiation for an extended period of time. On March 2, the Department of Defense evacuated 28 U.S. personnel stationed on Rongerik Atoll, 150 miles from Bikini.⁹ It should be noted that Rongelap and Ailinginae were closer to Bikini (less than 100 miles) and received more fallout than Rongerik, yet the Department of Defense evacuated them later, on March 3. During the hours wasted by U.S. inaction, the people living there became severely ill.

The immediate health effects of the delayed evacuations were significant, including acute radiation sickness, burns and blisters all over people’s bodies, hair loss, and more.¹⁰ The health problems suffered by the people of Rongelap in the first three days of March have been extensively documented. Other health problems emerged later, such as thyroid abnormalities, cancer, birth defects, and miscarriages. There is no doubt that the Rongelapese suffered as a direct result of the late evacuation, and every hour of delay caused them more harm.

A U.S. Army document dated March 2 made contradictory statements that radiation levels on Rongelap were “apparently sufficiently high to warrant evacuation of population,” but there “was no indication that a serious health hazard exists.”¹¹ This indicates that a March 2 evacuation of Rongelap was discussed at some level, but rejected. Meanwhile, the Department of Defense clearly found cause on March 2 to evacuate its own personnel from Rongerik. It did not have the same sense of urgency about the exposure of Rongelapese to fallout.

On March 1, the Joint Task Force warned American servicemen on Rongerik of the danger from Bravo and instructed them to take safety measures. It did not issue the same warnings to Marshallese living nearby, which (along with the late evacuation) resulted in their greater exposure to radiation. According to the report produced for the director of the Defense Nuclear Agency,

At 1500 hours [on March 1], a message was sent to Joint Task Force (JTF) Headquarters on Enewetak Atoll (Reference 3) notifying them of the fallout on Rongerik. Approximately one-half hour later, a reply came back from Enewetak instructing the military personnel on Rongerik to put on long-sleeved shirts, trousers, hats, and GI shoes, and to remain inside as much as possible, consistent with their normal work routine. At about 2330 hours, another message was received directing all personnel to cease operations and move inside permanent buildings.¹²

⁸ https://www.dtra.mil/Portals/125/Documents/NTPR/newDocs/NTREReport/16_DNA-TR-86-120_Analysis_of_Rad_Exposure-Service_Personnel_on_Rongrik_Atoll_Op_CASTLE.pdf, page 2

⁹ https://www.dtra.mil/Portals/125/Documents/NTPR/newDocs/NTREReport/16_DNA-TR-86-120_Analysis_of_Rad_Exposure-Service_Personnel_on_Rongrik_Atoll_Op_CASTLE.pdf, page 2

¹⁰ <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1444&context=sjsj>; pages 315-316

¹¹ <https://nsarchive.gwu.edu/document/31248-document-3-commander-task-group-71-eniwetok-us-aec-1-march-1954-attached-2-and-6>

¹² https://www.dtra.mil/Portals/125/Documents/NTPR/newDocs/NTREReport/16_DNA-TR-86-120_Analysis_of_Rad_Exposure-Service_Personnel_on_Rongrik_Atoll_Op_CASTLE.pdf, page 2

No such warnings were ever issued to Rongelapese, who were being exposed to even higher levels of radiation on their island between March 1 and March 3. The Department of Defense did not tell them of the danger of the fallout, and children played outside in the falling ash like it was snow.¹³ The Department of Defense did not tell the people living on Rongelap and Ailinginae that their food and water had been exposed to radiation and were unsafe to consume, or that they should put on protective clothing and remain inside to limit their radiation exposure as much as possible.

In addition to the late evacuations of Rongelap (March 3) and Utirik (March 4), the Department of Defense chose not to evacuate hundreds of Marshallese living on other islands contaminated by Bravo, resulting in their prolonged exposure to radiation. As previously noted, Ailinginae, Rongelap, Rongerik and Utirik were not the only atolls contaminated by Bravo.¹⁴¹⁵ Ailuk, Mejit, Likiep, Wotho, Wotje, Ujelang and others also received significant doses. According to Moss-Christian's statement,

In the case of Ailuk, for example, a 1995 report by the White House Advisory Committee on Human Radiation Experiments concluded that by the afternoon of March 4, 1954 two U.S. destroyer ships were available to evacuate the 401 people on Ailuk following significant exposure to fallout from the Bravo event. Despite the fact that the people of Ailuk received radiation doses similar to those prompting the evacuation of Utrök, and that the Utrök community continues to receive U.S.-provided healthcare, U.S. Government officials decided that the effort to evacuate the larger Ailuk community was too much of a burden. It pains me, after losing my mother, to know that if the U.S. had evacuated the Ailuk community, the peoples' exposures would have been reduced by a third over their lifetime according to Thomas Kunkle of the Los Alamos National Laboratory.¹⁶

The exposure of people living on Ailuk was preventable and was the fault of the Department of Defense. Here, again, there was a clear need to evacuate Ailuk, and an understanding that its residents were in danger, but the Department of Defense chose not to protect the people living there from harm.

The idea that evacuating Ailuk was too much of a burden for United States is clearly false: there were over 17,000 U.S. personnel in the Marshall Islands during Operation Castle.¹⁷ Detonating a thermonuclear weapon is a massive logistical endeavor, and it does not speak well of the U.S. government's concern for Marshallese safety that the Department of Defense was able to orchestrate its most-powerful-ever thermonuclear test and simultaneously chose *not* to allocate

¹³ <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1444&context=sjsj>, page 315

¹⁴ https://democrats-naturalresources.house.gov/imo/media/doc/Testimony_RheaMossChristian_10.21.21.pdf, page 2

¹⁵ <https://www.washingtonpost.com/archive/politics/1994/02/24/postwar-pacific-fallout-wider-than-thought/a185019e-bdd8-420a-a36b-7887ada350f5/>

¹⁶ https://democrats-naturalresources.house.gov/imo/media/doc/Testimony_RheaMossChristian_10.21.21.pdf, page 2

¹⁷ <https://www.dtra.mil/Portals/125/Documents/NTPR/newDocs/10-CASTLE%20-%202021.pdf>, page 1

what would have been a significantly smaller amount of resources and personnel to evacuate islanders from harm's way. Of course, if the U.S. government had truly wanted to protect the health and welfare of the Marshallese, it would not have used the Marshall Islands as a nuclear testing ground at all.

It must always be remembered that during this time the United States governed the Marshall Islands as part of a UN trust territory and was required to protect the welfare of the trust territory's inhabitants. It did not do so. But it *could have* done so. The swift evacuation of Americans from Rongerik—and the extensive measures taken to warn them of the danger and encourage them to take precautions—indicate that the Department of Defense was *able* to protect people in this region from harm, and in the case of the Marshallese, *chose* not to.

3. Egregious human rights violations against the Marshallese people under the United States' Project 4.1 human radiation experiments have never been adequately addressed. The Marshall Islands should receive an apology and financial compensation from the United States for Project 4.1. The program blatantly violated Marshallese human rights, including the right to bodily autonomy, the right to informed consent, freedom from torture and other ill treatment, and the right to live in a safe and healthy environment.

Less than a week after Bravo, the United States implemented a secret program called Project 4.1 to study the effects of radiation on the Marshallese people without their knowledge or consent.¹⁸ Survivors of Project 4.1 never received an apology from the U.S. government, nor did they receive compensation for their unwilling involvement in these decades-long human radiation experiments. Many passed away without ever receiving justice.

The United States has not treated American and Marshallese victims of human radiation experiments equally. Under the guidance of the United States' Advisory Committee on Human Radiation Experiments (ACHRE) in 1994, U.S. citizens and their next of kin received a presidential apology and some received compensation for their unwilling involvement in U.S. government human radiation experiments.¹⁹ Marshallese involved in the Project 4.1 human radiation experiments did not receive apologies or compensation. ACHRE acknowledged that U.S. scientists made no effort to obtain consent for Project 4.1, but did not acknowledge that the program caused harm, instead claiming that it was for the benefit of the subjects themselves.²⁰

Marshallese testimonies convey a different reality: that under Project 4.1, Marshallese had their teeth²¹ and bone marrow²² painfully extracted, that they were injected with or deceived into

¹⁸ [Operation CASTLE: Project 4.1: Study of human beings accidentally exposed to significant fallout radiation. \(dtra.mil\)](https://www.dtra.mil/Portals/0/Operation%20CASTLE%20Project%204.1%20Study%20of%20Human%20Beings%20Accidentally%20Exposed%20to%20Significant%20Fallout%20Radiation.pdf)

¹⁹ [CLINTON APOLOGIZES FOR U.S. RADIATION TESTS, PRAISES PANEL REPORT - The Washington Post](https://www.washingtonpost.com/archive/local/1994/07/27/clinton-apologizes-for-u-s-radiation-tests-praises-panel-report/1994-07-27/)

²⁰ [Chapter 12: The Marshallese \(energy.gov\)](https://www.energy.gov/achre/chapter-12-the-marshallese)

²¹ [Catalog Record: Human radiation experiments : hearing before... | HathiTrust Digital Library](https://www.hathiitrust.org/digital-library/catalog/record/human-radiation-experiments-hearing-before...)

²² [Many Marshall Islanders living here still can't get care to deal with U.S. nuclear fallout | Local News | Spokane | The Pacific Northwest Inlander | News, Politics, Music, Calendar, Events in Spokane, Coeur d'Alene and the Inland Northwest](https://www.spokaneinlander.com/story/news/2015/05/15/many-marshall-islanders-living-here-still-cant-get-care-to-deal-with-u-s-nuclear-fallout/3311110002/)

drinking radioactive liquids,²³ and that Marshallese women were forced to undress in front of male relatives and male American scientists.²⁴ As previously noted, U.S. scientists made no effort to obtain consent. It is clear that, in addition to violating the right to informed consent, these horrific abuses violated the right to bodily autonomy, the right to freedom from torture, and the right to freedom from cruel, inhumane or degrading treatment.

When crimes of this nature are exposed, some people express shock and disbelief that the U.S. government would do such a thing. But Marshallese testimonies of Project 4.1 are credible, and they must be believed and adequately addressed. It should be noted that the human rights abuses they describe are consistent with how U.S. government radiation experiments were conducted on U.S. citizens at the time, which also involved injections of radioactive materials²⁵ and, in at least one case, tooth extractions.²⁶ A government that has no qualms about experimenting on its own citizens will also have no qualms about experimenting on people who are not citizens.

In light of the similarities between experiments on Americans and Marshallese, it is particularly unconscionable that ACHRE treated American and Marshallese victims so differently. ACHRE recognized that human radiation experiments on Americans were unethical and that victims were deserving of apologies and reparations, but it excluded Marshallese from this. It is my firm belief that this constitutes discrimination—adding another injustice to the already inexcusable human rights violations of Project 4.1—and it should be investigated as such.

There is also the issue of the resettlement of Rongelap. In a classified hearing in 1956, U.S. Atomic Energy Commission chief of health and safety Merrill Eisenbud recommended studying the radiation uptake of Marshallese people living in a contaminated environment. He said, “It would very interesting to go back and get good environmental data... so as to get a measure of the human uptake, when people live in a contaminated environment...”²⁷ This constitutes a clear plan to expose Marshallese people, whom Eisenbud described as uncivilized, to radiation from a contaminated environment in order to study their radiation uptake.

Eisenbud’s comment should also be viewed in the context of the events that followed: the next year, in 1957, the U.S. government said that it was safe to return to live on Rongelap.²⁸ It was not. The U.S. government resettled islanders on Rongelap and proceeded to study them under Project 4.1. Over the following years, the residents asked to be re-evacuated, because they were getting sick, but the U.S. government refused. In 1985, they were evacuated by Greenpeace.²⁹ Eisenbud’s plan to study Marshallese radiation uptake, the 1957 resettlement of Rongelap, and the refusal to help with re-evacuation all constitute clear violations of (or in Eisenbud’s case, the intention to violate) the right to live in a safe and healthy environment.

²³ [DISHONORED TRUST - Marshall Islands \(youtube.com\)](https://www.youtube.com/watch?v=...)

²⁴ [A-HRC-21-48-Add1_en.pdf \(ohchr.org\)](https://www.ohchr.org/en/hrc/2012/21/48-add1-en.pdf)

²⁵ [Radiation Tests Used Some Healthy People - The New York Times \(nytimes.com\)](https://www.nytimes.com/1953/04/13/archives/radiation-tests-used-some-healthy-people.html)

²⁶ [April 13, 1953 – Remembering Ebb Cade – African American Victim of U.S. Government Plutonium Experiments | Legal Legacy \(wordpress.com\)](https://www.wordpress.com/2013/04/13/remembering-ebb-cade-african-american-victim-of-u-s-government-plutonium-experiments-legal-legacy/)

²⁷ [The Legacy of U.S. Nuclear Testing in the Marshall Islands | HuffPost](https://www.huffpost.com/2013/04/13/the-legacy-of-u-s-nuclear-testing-in-the-marshall-islands/)

²⁸ <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1444&context=sjsj>; page 316

²⁹ <https://www.greenpeace.org/usa/victories/rongelap-the-exodus-project/>