



51st Session of the Human Rights Council Resolution under Item 10

Technical assistance and capacity building to address the human rights implications of the nuclear legacy in the Marshall Islands

CONCEPT NOTE

Background

Among its membership pledges to the Human Rights Council (HRC) is the Republic of the Marshall Islands' commitment to address its nuclear legacy. This commitment has translated throughout its membership, informing this Council of the human rights challenges that the Republic of the Marshall Islands has faced and continues to face as a result of its nuclear legacy.

At the 49th HRC session, the President of the Marshall Islands, H.E. David Kabua, affirmed to this Council that the Government's priority was to address its nuclear legacy - "*[t]he nuclear legacy remains a cancer to the Marshall Islands as we are left without redress for the violations that our people have suffered and continue to suffer. It has poisoned the health of our people and the health of our environment, which has carried through the generations.*" Following this, the Republic of the Marshall Islands delivered concluding remarks at the 50th HRC session informing the Council of its intention to seek technical assistance and capacity building to address the human rights implications of its nuclear legacy. This intention was reiterated at the Organizational Meeting for the 51st HRC session. To this end, the core group comprising the Marshall Islands, Fiji, Nauru, Samoa and Vanuatu will be presenting a resolution under Agenda Item 10 on **Technical assistance and capacity building to address the human rights implications of the nuclear legacy in the Marshall Islands.**

Summary

Between 1946 and 1958, while under a United Nations trusteeship, the Marshall Islands was used as a nuclear weapon test site. There are 67 known nuclear weapon tests that took place during this period, the most infamous of them is the Castle Bravo test of 1 March 1954 which was 1,000 times more powerful than the nuclear weapons used on Hiroshima and Nagasaki in 1945.

Various atolls in the Marshall Islands were vacated for these tests to take place and to this day, many of their inhabitants remain displaced, unable to return to their homelands because of the radiation embedded in the environment. The people of one of these atolls, Rongelap, returned to their atoll in 1957 and became sick with miscarriages, stillbirths, and cancer, among others. The inhabitants of Rongelap realized that continuing to inhabit Rongelap would be detrimental to their wellbeing and their future generations and began exploring avenues to relocate to other safer locations. In 1985, Greenpeace answered their call and commissioned the Rainbow Warrior to make three trips to evacuate inhabitants to safer locations. They remain displaced to this day.

Similarly, Bikini Atoll and parts of Enewetak Atoll remain uninhabitable due to the nuclear weapon tests, with radiation embedded in the environment and their inhabitants remain displaced to this day. The inhabitants of Bikini Atoll have been displaced to Kili Island and are now experiencing the ever-present threat of rising sea-levels given its high vulnerability as a low-lying island. Enewetak Atoll also has a concrete dome on Runit Island that contains nuclear and toxic waste that was brought to the Marshall Islands and dumped on its territory. Over the years, with sea-levels rising,

the integrity of the concrete dome has been compromised and has been observed to be slowly slipping into the sea, posing a serious threat to the environment and the Marshallese peoples' right to a clean, healthy and sustainable environment.

The Castle Bravo test was conducted on Bikini Atoll and is infamous for the magnitude of its detonation, yet less so for the devastating impacts that it has had on the Marshallese people and their human rights. Prior to the Castle Bravo test, those on neighbouring atolls were not afforded any warning. The nuclear fallout from the Castle Bravo test caused many Marshallese persons on neighbouring atolls to suffer the effects of exposure to radiation. The effects were devastating, including still births, miscarriages, and cancer, among others. The explanation given was that the "change in wind" was not anticipated in the test calculations and as a result, the nuclear fallout spread further than expected to neighbouring atolls. Persons that had been exposed to nuclear fallout were then scientifically studied to ascertain the effects of human exposure to nuclear radiation.

Over the years, the Marshall Islands has experienced the inter-generational adverse impacts of these nuclear weapon tests on the health of the Marshallese people. In the early years following the tests, there was a prevalence of what came to be described as "jellyfish babies"¹ by the Marshallese women who endured stillbirths or miscarriages of children without a skeletal structure. There was also a prevalence of children born with serious deformities and a disproportionately high rate of cancer among its relatively small population, a sickness previously unheard of in the Marshall Islands prior to these nuclear weapon tests. The nuclear weapon tests have affected and continue to affect the health of the Marshallese people and their right to the enjoyment of the highest attainable standard of health.

Objectives

While there have been efforts to address the human rights implications of the Marshall Islands' nuclear legacy over the years, significant progress has not been made. There is little acknowledgement or recognition of the violations that were committed against the Marshallese people and most of those who have endured these violations have not been afforded a full and effective remedy. It is for these reasons that the Government of the Republic of the Marshall Islands has proceeded to present an Item 10 resolution seeking technical assistance and capacity building to address the human rights implications of the nuclear legacy in the Marshall Islands. The resolution seeks the technical expertise of the Office of the High Commissioner for Human Rights in holistically considering the Marshall Islands' human rights situation resulting from its nuclear legacy.

Relevant HRC mandated documents:

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Calin Georgescu Addendum Mission to the Marshall Islands (27-30 March 2012) and the United States of America (24-27 April 2012)* **: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F21%2F48%2FAdd.1&Language=E&DeviceType=Desktop&LangRequested=False>

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes Addendum Mission to the Marshall Islands: comments by the State on the report of the Special Rapporteur: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F21%2F48%2FAdd.2&Language=E&DeviceType=Desktop&LangRequested=False>

¹ As translated from the Marshallese language to the English language.