

SOLIDARITY STATEMENT BY CIVIL SOCIETY ORGANISATIONS

SUPPORTING THE RESOLUTION
TO THE 57th SESSION OF THE HUMAN RIGHTS COUNCIL

ON

***TECHNICAL ASSISTANCE AND CAPACITY-BUILDING TO ADDRESS THE
HUMAN RIGHTS IMPLICATIONS OF THE NUCLEAR LEGACY IN THE
MARSHALL ISLANDS***

We are Pacific activists in national, regional and international CSOs which support longstanding campaigns for nuclear justice by governments and peoples of Pacific Island countries which were subjected to unconscionable nuclear weapons testing by imperialist powers. We wholeheartedly support the Resolution to be submitted by the President of the Republic of Marshall Islands, H.E. Dr Hilda Heine, to the 57th Session of the Human Rights Council on 4 October 2024 on Technical Assistance and Capacity Building to address the human rights implications of the nuclear legacy in the Marshall Islands.

We are aware that this Resolution builds on the sustained efforts by the Republic of Marshall Islands (RMI) over many years to attain nuclear justice through the United Nations and the UN Human Rights system, seeing this as offering a supportive pathway to nuclear justice. We also remember and cherish the strong roles played by Marshallese anti-nuclear activists like Darlene Keju Johnson in challenging the injustice and racism of occupying colonial powers conducting dangerous nuclear weapons testing programmes in the Pacific region, and in raising global awareness and helping to build the regional anti-nuclear movement.

We note the earliest international appeal by the people of the RMI to stop the deadly nuclear weapons tests being carried out by the United States in their islands was made on 6 May 1954, when they filed a petition with an urgent plea to the United Nations Trusteeship Council on the nuclear weapons testing, saying they were ‘not only fearful of the danger to their persons from these deadly weapons, but also concerned about the increasing number of people removed from their land’, and ‘requesting that all experiments with lethal weapons in the area be immediately ceased.’¹ Although the Trusteeship Council (comprising the

¹ Recorded in A/HRC/RES/51/35 Resolution adopted by the Human Rights Council on 7 October 2022 at the Fifty-first session of the Human Rights Council.

permanent members of the UN Security Council) heard the petition on 20 August 1954, the nuclear testing programme continued until 1958.²

We note that since 2012, the RMI has submitted reports to Special Procedures of the Human Rights Council (HRC) and reported on the impacts of nuclear testing, especially on women's health and lives, to the CEDAW Committee, a UN Human Rights treaty body.³ The Reports of two Special Rapporteurs⁴ confirm recognition of the serious intergenerational health problems, continuing environmental contamination and loss of land and livelihoods resulting from the US nuclear weapons testing programme as impacting the enjoyment of human rights by the Marshallese people.

Despite the best efforts of successive RMI governments to seek support for the implementation of the comprehensive Recommendations submitted 12 years ago by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, the Recommendations have not been implemented.

On 7 October 2022, by HRC Resolution 51/35 on "Technical assistance and capacity-building to address the human rights implications of the nuclear legacy in the Marshall Islands," the Office of the UN High Commissioner for Human Rights (OHCHR) was requested to prepare a report on the RMI's nuclear legacy.

The resulting report, submitted by the OHCHR on 4 September 2024 at the Fifty-seventh session of the HRC and titled Addressing the challenges and barriers to the full realisation and enjoyment of the human rights of the Marshallese people stemming from the state's

² Ibid.

³ CEDAW/C/MHL/CO/1-3, Concluding observations on the combined initial to third periodic reports of the Marshall Islands*, 14 March 2018 <https://documents.un.org/doc/undoc/gen/n18/070/31/pdf/n1807031.pdf>

⁴ A/HRC/21/48/Add.1 Annex - Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to the Marshall Islands (27-30 March 2012) and the United States of America (24-27 April 2012) <https://documents.un.org/doc/undoc/gen/g12/163/76/pdf/g1216376.pdf>

A/HRC/49/53. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in a non-toxic environment, 12 January 2022 <https://www.ohchr.org/en/documents/thematic-reports/ahrc4953-right-clean-healthy-and-sustainable-environment-non-toxic>

nuclear legacy (A/HRC/57/77),⁵ details plainly the nuclear history of their Islands and its legacy, noting amongst other things:

- that ‘sixty-seven known nuclear tests were conducted by the United States from 1946 to 1958 in the Marshall Islands.’⁴ These tests had a total yield equivalent to 108,490,500 tons of dynamite – approximately 7,232 times the explosive power of the atomic bomb dropped on Hiroshima, and equivalent to dropping said atomic bomb daily for nearly twenty years’;
- that the Marshallese filed multiple actions in US courts claiming property losses resulting from nuclear testing, without success;
- that the RMI established a Nuclear Claims Tribunal and provided some compensation to claimants from a \$150 million Trust Fund established by the US, but claims assessed by the Tribunal for personal injury and damages caused on Bikini, Enewetak, Rongelap and Utrōk atolls totalled more than \$2.3 billion;
- that the Marshallese government in 2017 established a National Nuclear Commission, which developed a national justice strategy centred on 5 pillars: Compensation, Health Care, the Environment, National Capacity and Education and Awareness;
- that as part of the Human Rights 75 Initiative, the RMI has pledged to pursue transitional justice for the human rights violations and challenges stemming from the nuclear legacy; and
- that ‘the nuclear legacy is not just a chapter in history, but a continuing reality for the Marshallese people’.

The report recommended:

- that the United Nations, through the HRC, continue to provide technical assistance and capacity-building to the Marshall Islands; and

⁵ A/HRC/57/77: Addressing the challenges and barriers to the full realization and enjoyment of the human rights of the people of the Marshall Islands, stemming from the State’s nuclear legacy - Report of the Office of the United Nations High Commissioner for Human Rights, 4 September 2024
<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/A-HRC-57-77-AUV.pdf>

- that it prepares subsequent reports on *transitional justice measures* to address the human rights implications of the nuclear legacy through a cross-jurisdictional, inter-disciplinary, and gender-responsive approach.

The RMI Resolution on Technical Assistance and Capacity Building to address the human rights implications of the nuclear legacy in the Marshall Islands seeks to operationalise the recommendations of the OHCHR.

It makes four specific requests: one to all States, relevant UN agencies and other stakeholders to support the efforts of the RMI Government to improve the health of its people and its environment; and three renewed requests to the OHCHR:

- to work with the Government of the RMI and provide technical assistance and capacity building to the National Nuclear Commission of the Marshall Islands in advancing its national strategy for nuclear justice;
- to prepare a further report for submission to the HRC, followed by ‘an enhanced interactive dialogue’ which includes participation by the National Nuclear Commission of the Marshall Islands; and
- in preparing the requested report, to widely seek views - of the RMI Government, the National Nuclear Commission, States, UN agencies, funds and programs, NGOs, Indigenous peoples, youth representatives, the Marshallese diaspora and affected communities.

We stand this week with H.E. President Dr Hilda Heine, Ambassador Doreen de Brum and staff at the RMI Embassy in Geneva, National Nuclear Commissioners, and with all Marshallese people in their determined and dignified national struggle for nuclear justice.

We strongly support the Resolution the Marshall Islands Government is submitting to the Human Rights Council on October 4 to address the adverse impacts of the nuclear legacy on the realisation and enjoyment of human rights by the people of the Marshall Islands. We extend our solidarity and best wishes in securing all the resources needed to achieve nuclear justice for present and future generations of Marshallese.

ENDORSED BY::

1. Aid/Watch
2. Alliance for Future Generations
3. Asia Pacific Network of Environmental Defenders (APNED)
4. Association for Promotion of Sustainable Development
5. Banaba Human Rights Defenders Network
6. Belau Association of Non-Governmental Organizations (BANGO-Palau)
7. Civil Society Forum of Tonga (CSFT)
8. Conservation International - Palau Office
9. Council of Pacific Education (COPE)
10. DAWN (Development Alternatives with Women for a New Era)
11. Diverse Voiced and Actions for Equality (DIVA FIJI)
12. Environmentalists Against War
13. femLINKpacific
14. Fiji Council of Social Services (FCOSS)
15. Fiji Nuclear Veterans Association
16. Fiji Women's Crisis Centre (FWCC)
17. Fiji Womens Rights Movement (FWRM)
18. Fiji Youth SRHR Alliance
19. Hawai'i Institute for Human Rights
20. Hinamoeura Morgant-Cross - Member of the French Polynesian Assembly
21. ICAN Aotearoa New Zealand
22. ICAN Australia
23. International Movement of Catholic Students (IMCS) Pax Romana Asia Pacific
24. International Youth Training Centre-IYTC
25. Kiribati Association of Non-Government Organizations (KANGO)
26. Moruroa e Tātou
27. Nagasaki Appeal for Peace
28. Nauru Island Association of Non-Government Organisations (NIANGO)
29. Ngaratümetum Traditional Womens Organization
30. Nuclear Truth Project
31. Pacific Conference of Churches (PCC)
32. Pacific Disability Forum (PDF)
33. Pacific Islands Association of Non-Governmental Organisations (PIANGO)
34. Pacific Islands Climate Action Network (PICAN)
35. Pacific Network on Globalisation (PANG)
36. Pacific Womens Mediators Network (PWNM)
37. PacificwinPacific

38. Palau Resource Institute (PRI)
39. Pax Christi Korea (PCK)
40. Peace Movement Aotearoa
41. Peoples Development Community (PDC)
42. Samoa Umbrella for Non-Government Organisations (SUNGO)
43. Social Watch - Tamilnadu
44. South Lakeland and Lancaster District Campaign for Nuclear Disarmament
45. Think Tank, Singa
46. Vanuatu Human Rights Coalition (VHRC)
47. Vanuatu Indigenous Land Defense Desk (VILDD)
48. Washington Butterfly for Hope
49. Women Empowerment Nauru Association (WENA)