



**PERMANENT MISSION OF THE REPUBLIC OF THE MARSHALL ISLANDS TO
THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS
GENEVA**

SPB-OHCHR/04-25

The Permanent Mission of the Republic of the Marshall Islands to the United Nations Office and other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner of Human Rights and has the honour to transmit here attached the official reply to the joint communication addressed on 10 October 2025 to the Republic of the Marshall Islands from the Special Rapporteur on truth, justice, reparations and guarantees of non-recurrence, the Special Rapporteur on the promotion and protection of human rights in the context of climate change, the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the human right to a clean, healthy and sustainable environment, and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

In this regard, the Permanent Mission has the further honour to request the kind assistance of the organization in ensuring the attached document reaches its esteemed destination.

The Permanent Mission of the Republic of the Marshall Islands to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch the assurances of its highest consideration.

Geneva, 5 December 2025

A red circular stamp of the Embassy of the Marshall Islands in Geneva. The outer ring contains the text 'EMBASSY OF THE MARSHALL ISLANDS GENEVA'. The inner circle features the national seal of the Republic of the Marshall Islands, with the text 'REPUBLIC OF THE MARSHALL ISLANDS' and 'JEPILILIN KE EJUKAAN'.

**Special Procedures Branch
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
Palais des Nations CH - 1211 Geneva 10**



REPUBLIC OF THE MARSHALL ISLANDS

REPLY TO JOINT COMMUNICATION FROM THE SPECIAL PROCEDURES

Replies to Questions put by the Special Rapporteur on truth, justice, reparations and guarantees of non-recurrence; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

1. Please provide any additional details or comments you may have on the above-mentioned concerns, including any key information that you consider is missing from our description of the harm caused and the remediation steps taken.

The Republic of the Marshall Islands (RMI) provides the following additional comments on the description of the harm caused and the remediation steps taken:

- In addition to the midrange atolls mentioned, the other midrange atolls affected by the fallout from the Castle Bravo Test includes Wotje, Wotho, and Ujelang.
- With respect to the stigmatization of foods mentioned, these foods were confirmed to be radiated. The food was indeed unsafe for consumption and was not to be consumed for good reason, not necessarily due to stigma.
- The traditional knowledge of canoe building and navigating was compromised. The knowledge was not passed to younger generations due to lack of resources and the challenges with their new environments. Kili Island, for example, where part of the Bikinians are relocated, is too small to allow for enough breadfruit trees to be planted, which are essential for the construction of canoes, and does not have a lagoon as it is instead surrounded by rough open seas. The calmer lagoons are needed for canoe building and testing, as well as to train younger generations in their use and in navigation.
- The stigmatization of women from the affected atolls is primarily due to the occurrences of miscarriages and birth defects, including children born without a skeletal structure and with translucent skin only to die shortly after (what came to be known as “jellyfish babies”). The scientists misinformed these women that these occurrences were caused by adultery or incest, rather than their exposure to radiation and radiated environments and in doing so, besmirched their reputation in the community.
- With respect to the personal injury claims adjudicated before the Nuclear Claims Tribunal, there are claims filed by individuals who were not from the affected atolls but were nonetheless diagnosed with illnesses that are included in the Tribunal's list of radiation induced illnesses.
- Regarding the mention of the USD 700 million provided by the United States of America (US), this was to be used specifically “to address exceptional unmet hardships and needs through programs for people in communities in the Republic of the Marshall Islands in

extraordinary circumstances”.¹ The US did not want the language "nuclear" in the Trust Fund Agreement and accordingly, the agreement was formulated to cover "extraordinary needs" in “extraordinary circumstances”.

2. Please provide information regarding any efforts you have made to obtain access to restricted documents addressing the nuclear testing period and its effects on the health, environment (of) and negative human rights climate change impacts (on) the Marshallese people, as envisioned in the NNC Strategy.

The RMI has for decades pursued the full declassification of all documents relating to the nuclear testing period and its effects on the Marshallese people, their health and environment. These efforts predate the existence of the National Nuclear Commission (NNC) and in fact, inform the NNC 2019 Nuclear Justice Strategy. The Changed Circumstances Petition is one such effort and to date, has yet to receive a decision from the US Congress despite being submitted in September 2000. At the time, the RMI had made clear that “there can be no closure without full disclosure”.²

In prior negotiations on amendments to the Compact of Free Association (Compact), the RMI has been unsuccessful when pursuing the full disclosure of these documents. In the most recent Compact negotiations, the RMI specifically requested the declassification of all information related to the US Nuclear Weapons Testing Program. This request was not fulfilled as the US officials insisted that it would be too costly. Accordingly, under the most recent Compact Amendment of 2024, the US has instead allocated, in the ‘Nuclear Testing Transparency and Museum’ section, USD 10 million to improve the accessibility of previously declassified documents and this does not provide for any further declassification of records. The RMI is still considering how best to utilize these funds for this purpose.

With respect to the cost-benefit of further declassification, it is relevant to note the 2022 feasibility study of the the U.S. Public Interest Declassification Board (PIDB) for reviewing and declassifying information related to nuclear weapons, chemical weapons, and ballistic missile tests conducted by the United States in the Marshall Islands, including cleanup activities and the storage of waste. The PIDB stated that they ‘believe there is new information to be discovered within these unprocessed collections’ and that, while the project would be difficult, costly, and lengthy, it is feasible.³

Furthermore, for the preservation of the records of the Nuclear Claims Tribunal, the RMI has undertaken efforts in partnership with the Swisspeace Foundation. Between 2014 and 2019, the Swisspeace Foundation was mandated by the Swiss Federal Department of Foreign Affairs to support the digitization of the archives and organize their transfer to Switzerland for preservation. The digitized tribunal records are now in permanent storage at the Swiss Federal Archives.

3. Please provide an update on the progress towards the long-term comprehensive research plan to conduct scientific studies in atolls envisioned in the NNC Strategy, with the support of the Marine Resources Authority and Environmental Protection Authority. Please also provide information regarding any other plans to conduct a comprehensive scientific assessment of the current radiation levels, health risks in all Marshall Islands atolls and compounded negative impacts of climate change, including sea level rise, on these elements.

¹ US Compact Trust Fund Agreement: <https://www.state.gov/wp-content/uploads/2024/07/24-501-Marshall-Islands-Regional-Issues-Trust-Fund.pdf>

² Mr. Tony de Brum, former RMI Minister of Foreign Affairs and Trade.

³ Declassification of Records Relating to Nuclear Weapons Testing and Cleanup Activities in the Marshall Islands - Feasibility Study, Public Interest Declassification Board (PIDB), August 2022. <https://www.archives.gov/files/pidb/recommendations/marshall-islands-feasibility-study-2022-.pdf>

At present, the RMI does not have the capacity to carry out a scientific study on the status of radiation in the affected atolls. However, the RMI has invited Greenpeace International to carry out an independent study. Greenpeace International carried out their mission earlier this year (March - April 2025) where soil, sediment, and agriculture samples were collected from Bikini, Rongelap, and Enewetak Atolls. The results of the sample collections from that mission are still being processed at Greenpeace laboratories. The RMI is also working with the Council of Regional Organisations in the Pacific (CROP) Task Force on Nuclear Issues in the Pacific, which has initiated a Preliminary Independent Study on Nuclear Issues in the Pacific.

Parallel to these efforts, the RMI has been strengthening its own scientific and technical capacity with the support from the International Atomic Energy Agency (IAEA). In 2017, the IAEA launched a technical cooperation project, MHL7003 “Developing National Radioactivity Monitoring Capacity,” to help the RMI establish the ability to monitor and analyze artificial radionuclides in its marine, coastal, and terrestrial environments. This project, jointly implemented by the Environmental Protection Authority (EPA) and the Marine Resources Authority (MIMRA), aims to build baseline data on artificial radionuclides that can serve as a long-term reference for future comparison and monitoring.

The project also emphasizes increasing public understanding of radiological conditions, establishing the foundation for continuous monitoring programs, and developing the capacity for independent national studies in radiological protection and environmental assessment. Through the IAEA’s support, the RMI has received training, equipment, and technology transfer necessary for the measurement of gamma-emitting radionuclides using nuclear techniques. These advancements have markedly improved national expertise in radiological sampling, analysis, and data management, and have enhanced cooperation with other IAEA Member States.

Building on this foundation, the first national radiological laboratory is expected to become operational by 2026, enabling in-country testing and analysis rather than relying solely on overseas laboratories. The IAEA has agreed to extend the technical cooperation project in 2026 for an additional four years, which will further strengthen national infrastructure and help the RMI achieve full technical capacity to conduct comprehensive radiological assessments independently.

The RMI also recognizes that the effects of climate change, particularly sea level rise and coastal erosion, may exacerbate radiation-related risks by mobilizing contaminants. As part of future phases of the IAEA project and ongoing collaboration with regional partners, the RMI intends to incorporate climate-related vulnerability assessments into its radiological monitoring programs to better understand and mitigate these compounded impacts. From a legal standpoint, MIMRA is working to ensure that all research and monitoring activities related to the NNC Strategy are undertaken under a clear and lawful framework.

4. Please indicate whether the Marshall Islands has plans to establish a truth and reconciliation mechanism in relation to the nuclear testing programme, and whether you have sought support from the United States in doing so.

The Office of the High Commissioner for Human Rights (OHCHR) recommended in 2024 that the Governments of the Marshall Islands and the United States, the United Nations, the international community and non-State actors, through international cooperation consider establishing truth and non-repetition mechanisms mandated to address, together with the National Nuclear Commission, the

nuclear legacy consistent with human rights obligations.⁴ While the RMI is generally supportive of the recommendation, there remains the concern with respect to the documents that have not been declassified and whether such truth and non-repetition mechanisms would be effective without the full disclosure of all documents relating to the US Nuclear Weapons Testing Program. In this regard, the RMI refers to the reply provided to question 2 and the obstacles faced in our efforts towards the full declassification of all documents relating to the US Nuclear Weapons Testing Program. The RMI remains committed to a meaningful truth seeking process and considers it essential that the US declassify these records for such a process to be meaningful and to have any hope of achieving genuine reconciliation. The RMI maintains that “there can be no closure without full disclosure”.⁵

5. Please provide an update on the progress towards seeking a resolution of the Changed Circumstances Petition with the United State Congress and calling upon the United States to address ongoing nuclear testing impacts and provide reparation, as envisioned in the NNC Strategy.

On 23 January 2025, the RMI Cabinet established a Changed Circumstances Working Committee, which includes a steering committee, legal team, environment experts, health experts, and advisory panel. The Committee is considering the current status of the Changed Circumstances Petition submitted in September 2000 and possible options towards a resolution. In terms of calling upon the US to address the ongoing nuclear testing impacts and provide reparations, the RMI continues to call for the US to fulfill its obligations to the Marshallese people.

6. Please provide information regarding the current level of healthcare provided in the Marshall Islands, and details regarding the progress towards improving the capacity of healthcare services nationwide in addressing all illness, including cancer, as envisioned in the NNC Strategy.

The RMI provides health care through a three-tier system. Primary health care and public health services are delivered through community health centers, outpatient clinics, Clinic Without Walls, Zone Outreach Units, and Neighboring Island Dispensaries. These services focus on prevention, early detection, routine treatment, follow-up, and health promotion. The Clinic Without Walls model includes weekly outreach in communities and will expand to mobile outreach to reach individuals who have missed scheduled vaccinations or other appointments. Secondary care is provided at Majuro Hospital and Ebeye Hospital, offering inpatient care, emergency care, obstetric services, basic surgery, dialysis, diagnostic imaging, and laboratory testing. For advanced or specialized care, including nearly all cancer treatment, patients are referred to medical facilities in the Philippines and Hawai‘i.

7. Please provide information on the measures taken by your Excellency’s Government to enforce the Food Safety Act of 2010 and provide oversight of food distributions in Enjebi and Enewetak to ensure rights to food, to health and adequate conditions of living of the communities living there.

Under the Food Safety Act 2010, the Ministry of Health and Human Services (MoHHS) is the administering authority responsible for the regulation, inspection, and monitoring of all food imported, produced, processed, and distributed in the Marshall Islands to ensure compliance with national health and safety standards.

⁴ UN Doc 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, para. 74(d)(iii).

⁵ Supra.

With respect to Enjebi and Enewetak Atolls, MoHHS has yet to undertake direct monitoring of food distribution in these islands. However, the Environmental Health Unit does conduct regular inspections and enforcement activities in the main urban centers, where most imports and food processing occur. The RMI recognizes the need to extend monitoring to outer islands, and this will require closer coordination and capacity building with local governments and community health assistants to ensure safe and equitable food distribution across all atolls.

Currently, enforcement and inspection coverage remain limited due to resource and logistical constraints, nevertheless MoHHS is committed to strengthening these systems. MoHHS is working to revise and update the Food Safety Act 2010 to reflect current challenges, including supply chain changes, food security risks, and public health priorities in remote and radiation-affected communities. The revised legislation will include clearer provisions for interagency coordination, local-level enforcement, and improved monitoring and reporting mechanisms.

The RMI recognizes that the Food Safety Act 2010 is now due for revision to better reflect current realities, including evolving food distribution systems and risks associated with remote and radiation-affected atolls. MoHHS is, therefore, in the process of drafting proposed amendments to modernize and strengthen the regulatory framework—emphasizing clearer roles for food business operators, enhanced inter-agency coordination, and improved monitoring capacities.

8. Please provide information on your Excellency’s government plans to manage the risk of radioactive debris from the Runit Dome leaking into the surrounding area, including impacts of sea-level rise driven by climate change, and any requests for assistance to the United States you have made in relation to this issue since the Changed Circumstances Petition.

The RMI does not have the technical expertise, resources, or capacity to manage the risks of radioactive debris from the Runit Dome. The RMI continues to insist that the US take responsibility as they have an abundance of technical expertise, resources, and capacity to address the issue. The RMI is further exploring international cooperation to assist in our efforts to manage the hazard and also welcomes technical assistance bilateral or multilateral to address the issue. In 2024, the Director General of IAEA replied in favor of the RMI’s request to dispatch a multi-disciplinary scientific team to assess Runit Dome. This mission will provide an independent, science-based evaluation of the site’s environmental and radiological conditions, supporting the Marshall Islands’ ongoing efforts to address the nuclear legacy and strengthen national resilience.

There have been many requests over the years for the US to take responsibility for the Runit Dome; however, the US has maintained that it no longer bears responsibility. In July 2020, the US Department of Energy (DOE) reported to the US Congress that the Compact ended the US role and responsibility for the Runit Dome.⁶ Similarly, at the adoption of Human Rights Council resolutions 51/35 (2022) and 57/26 (2024) on “Technical assistance and capacity building to address the human rights implications of the nuclear legacy in the Marshall Islands”, the US took the position that under Article VII of the Section 177 Agreement, the RMI expressly assumed responsibility for the use, control, and access of its lands.⁷

⁶ US Department of Energy, Report on the Status of the Runit Dome in the Marshall Islands, July 2020: <https://www.energy.gov/sites/prod/files/2020/06/f76/DOE-Runit-Dome-Report-to-Congress.pdf>

⁷ See US position on adoption of HRC resolution 51/35 (2022): <https://geneva.usmission.gov/2022/10/07/us-explanation-of-position-on-the-marshall-islands-nuclear-legacy-resolution/>; and US position on adoption of HRC resolution 57/26 (2024): <https://geneva.usmission.gov/2024/10/17/hrc-57-voting-statement-compilation/>

The RMI maintains that Article VII “Utilization of Lands” of the Section 177 Agreement is not an absolution clause that the US can rely on to avoid culpability for the environmental destruction caused and the hazardous wastes dumped on the Marshall Islands. Neither does it release the US of its responsibility to ensure environmental restoration or remediation where the Runit Dome is concerned. Article VII is quite specific in its relation to “controlling the utilization of areas in the Marshall Islands affected by the Nuclear Testing Program.” Simply put, Article VII provides that the RMI now controls their use and the US no longer has control of their use. The relevance of such a clause is obvious, given that the use of these areas were previously controlled by the US. Accordingly, Article VII must not be misrepresented to suggest that the RMI is responsible for remediating the hazardous nuclear waste dump concealed by the Runit Dome. Furthermore, it would be unconscionable to suggest that this provision absolves the US of its culpability for the nuclear waste dump that it created and releases the US of its responsibilities where the Runit Dome is concerned, especially since the RMI does not have the technical expertise, resources or capacity to address the issue and the US has these in abundance.

9. Please provide information regarding the environmental impact assessments that have been or will be carried out, including the measures to be implemented in relation to restoration, or – where restoration is not possible – the environmental remediation and compensation measures.

In response to question 9, the RMI refers to the reply provided for question 3. In further explanation, the efforts outlined in the reply to question 3 would hopefully allow the RMI to have environmental impact assessments that speak to the measures needed for environmental restoration or remediation, as well as compensation. In this regard, the RMI does not have the means, expertise, nor the technology to effect environmental restoration or remediation. The RMI maintains that the US must fulfill its obligations to the Marshallese people, where the environmental harms caused by the US Nuclear Weapons Testing Program are concerned.