A RESOLUTION Calling for Unified Regional Support from the Association of the Pacific Island Legislatures (APIL) for the Republic of the Marshall Islands' Change Circumstance Petition (CCP) to the United States Congress, in Recognition of the Evolving Needs and Challenges Faced by the Marshallese People under the Compact of Free Association, Particularity in Seeking Just and Adequate Compensation for the Ongoing Consequences of the U.S. Nuclear Testing Program, and Urging Collective Advocacy to Ensure the Timely and Effective Consideration of the Petition in Accordance with the Commitments made under the Compact

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WHEREAS, the Republic of the Marshall Islands (RMI), the Federated States of Micronesia (FSM), and the Republic of Palau are sovereign nations under the Compact of Free Association (COFA) with the United States of America, which establishes critical economic, political, and security partnerships between the United States and these freely associated states; and

WHEREAS, 1946-1958, the United States detonated 76 nuclear weapons on Bikini and Enewektak Atolls in the Marshall Islands, which resulted in sever health consequences, forced relocation, culture loss tied with loss of lands, as well as biological and ecological consequences, which are ongoing and continue to this day and into the future;

WHEREAS, the Compact of Free Association, while providing significant benefits and assistance, also acknowledged the continuing need to address those harm caused by the U.S. Nuclear Testing program by including through mechanisms described in Article IX of the "Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association" hereinafter referred to as the "Section 177 Agreement"; and

WHEREAS, Section 177 of the Compact of Free Association, provides that "[t]he Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands…for loss of damage or property and person…resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958", and

WHEREAS, the Section 177 Agreement, which established a trust fund for compensation, was based on limited scientific knowledge and an incomplete disclosure of radiological damage, resulting in an inadequate amount of funding that failed to fully compensate the Marshallese people for the severe and lasting consequences of the nuclear testing program; and

WHEREAS, the Nuclear Claims Tribunal (NCT), established under Section 177, was mandated to adjudicate and compensate claims related to the nuclear testing program

but became defunct due to lack of funding, leaving billions of dollars in awarded compensation unpaid; and

WHEREAS, injuries and damage resulting from the U.S. Nuclear Testing Program could not have been discovered, or could not have been determined, prior to the effective Compact, and such injuries, damages, and adjudication render the terms of the Section 177 Agreement manifestly inadequate to address the damages resulting as a consequence of the Nuclear Testing Progra; and

WHEREAS, in lieu of an assessment of damages by the Federal Courts, the Government of the Marshall Islands accepted the U.S. proposal that it espouse and settle the claims of the Marshallese people arising from the nuclear testing program conducted by the U.S. in conjunction with the establishment of the Claims Tribunal. The U.S. expressly recognized that its technical assessment of radiological damage to persons and property in the RMI was limited to a "best effort" at the time of the Compact, and was based on the limited disclosure of available information and incomplete scientific knowledge. As a result, further adjudication of this claims by an internal RMI Nuclear Claims Tribunal we agreed to by the United States; and

WHEREAS, in addition to Nuclear Claims Tribunal, the U.S. in exchange for the RMI espousing and settling its citizens claims, to adopt a "Change Circumstance procedures, through which Congress the authority and responsibility at a later date to determine the adequacy of the measures adopted under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program; and

WHEREAS, the United States and the Republic of the Marshall Islands have recently renewed and extended the RMI's right to submit a Change Circumstance Petition (CCP) to the U.S. Congress pursuant to Article IX, as part of the renewed Compact Agreement, acknowledging the need for further consideration of changing circumstances that continue to adversely affect the nation; and

WHEREAS, on September 1, 2020, the Cabinet of the Republic of the Marshall Islands endorsed the Change Circumstance Petition, produced by the Ministry of Foreign Affairs in coordination with the Change Circumstances Advisory Group (CCAG), and authorized its submission to the United States Congress; and

WHEREAS, the Republic of the Marshall Islands recognizes the importance of regional cooperation and collective advocacy through the Association of Pacific Island Legislatures (APIL) in addressing shared concerns, including the ongoing impact of nuclear testing on Pacific Island communities; and

WHEREAS, the Association of Pacific Island Legislatures (APIL) serves as a vital platform for regional solidarity and coordinated advocacy on critical issues affecting Pacific Island nations;

NOW, THEREFORE, BE IT RESOLVED, that the Republic of the Marshall Islands calls upon the Association of the Pacific Islands Legislatures to lend its full support to the Republic of the Marshall Islands' Change Circumstance Petition (CCP) to the United States Congress, recognizing the moral and legal obligations of the United States to provide just and adequate compensation for the past, present and future impacts of the nuclear testing program; and

BE IT FURTHER RESOLVED, that APIL member countries are urged to express solidarity with the Republic of the Marshall Islands by formally endorsing the CCP through their respective legislatures and collectively advocating for its swift and fair consideration by the United States Congress; and

BE IT FURTHER RESOLVED, that upon adoption, the Secretariat of the APIL shall ensure that this resolution is transmitted to the U.S. Congress and all relevant stakeholders, in support of the timely and effective review on the Republic of the Marshall Islands' Change Circumstance Petition (CCP).