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SUMMARY OF RELEVANT BACKGROUND
FOR LAND USE CLAIMS

I. ENEWETAK ATOLL.

The United States Government obtained the exclusive right to use and occupy the land of Enewetak Atoll under a 1946 agreement with the Government of the Trust Territory of the Pacific Islands (the Trust Government). The atoll remained populated by 136 inhabitants until 1947, when it was selected as a nuclear weapons test site. The people were relocated in December of that year to Ujelang Atoll, where most of them have remained.

Enewetak Atoll consists of 39 islands. The total land area is 1760 acres. Ujelang Atoll consists of 22 islands. The total land area is 428.8 acres. The names of the islands on the two atolls and their respective land areas are shown on the schedule at Tab A.

Between April 1948 and July 1958, Enewetak Atoll was the site of 43 nuclear tests. The geographical distribution of the tests is shown by the map at Tab B and in the following table:

<u>Number of Tests</u>	<u>Island Name</u>
18	Runit
10	Enjebi
4	Eluklab
3	Aomon
2	Eleleron
1	Bokoluo
1	Dridrilbwij
1	Bokaidrikdrik
1	Lujor
1	Mut
1	Biken

In 1956, a settlement was negotiated with the Enewetak people for the past and future use of the atoll. A copy

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of the agreement is attached at Tab C. Full use rights to Enewetak Atoll were confirmed for the United States Government and the Trust Government. In exchange for these use rights, the Trust Government agreed to convey to the Enewetak people use rights in Ujelang Atoll. Additionally, monetary compensation in the amount of \$175,000 was provided to the people.

The agreement was signed by traditional leaders of the Enewetak people who represented that they had "full and complete right to represent the interests of any and all individuals who by reason of having lived on Ujelang or Enewetak may now or at any future date have a claim against the United States or Trust Territory Governments by reason of their use of Enewetak Atoll." The signatories also expressly agreed:

". . . that any future claims bases (sic) on the use of Enewetak by the governments of the United States or the Trust Territory or on the moving of the people from Enewetak Atoll to Ujelang Atoll shall be against them and not against the Government."

In 1969, an ex gratia payment of \$1,020,000 was made to the Enewetak people as additional land use compensation. Subsequently, when the United States Government announced it no longer needed Enewetak Atoll, the people expressed a desire to return to it. Considerable effort went into making this possible. The United States Government and the Trust Government executed necessary papers to terminate use and occupancy under the 1946 and 1956 agreements, and to "quitclaim, release and restore" all such rights to the people. The Trust Government also conveyed to the people full title to Ujelang Atoll. In order to make this conveyance, the Department of the Interior was required to place a value on this land. The Department reported the value of the 428.8 acres to be \$425,000, or about \$1000 per acre.

As a final element of this far-reaching compensation package, Congress at the instigation of the Department of the Interior adopted Public Law No. 94-367 to provide for a comprehensive clean-up and rehabilitation program. For the clean-up Congress appropriated \$20 million, and provided that the military services were

to accomplish the clean-up using personnel and equipment paid for out of their respective budgets. It is estimated that this work will cost the services approximately \$60 million. Another \$12.4 million was appropriated for rehabilitation. Additionally, completion of necessary radiological work will cost the Department of Energy at least \$5.2 million which will come out of its budget.

When it passed the legislation for the clean-up of Enewetak, Congress expressed a clear intention that its appropriation constituted the total commitment of the United States for this purpose. Thus, the Act provided:

"That none of the funds appropriated under this [Military Construction, Defense Agencies] paragraph may be expended for the cleanup of Enewetak Atoll until such time as the Secretary of Defense receives certification from appropriate administering authorities of the Trust Territory of the Pacific Islands that an agreement has been reached with the owners of the land of Enewetak Atoll or their duly constituted representatives that this appropriation shall constitute the total commitment of the Government of the United States for the cleanup of Enewetak Atoll."

On September 16, 1976, the Trust Government and representatives of the Enewetak people entered into an agreement recognizing that the appropriation made under Public Law No. 94-367 constituted the total commitment of the United States Government for the clean-up of the atoll. A copy of this agreement is attached at Tab D.

To summarize, the people lost the use of the land on Enewetak Atoll from 1947 to the present. In compensation for this loss of use, the people already have been paid monetary compensation of \$1,195,000, and given use, occupancy and full title to 428.8 acres of substitute land on Ujelang Atoll which has been valued by the Department of the Interior at \$425,000. Finally, the United States has undertaken a comprehensive clean-up and rehabilitation program that will cost more than \$96 million when completed.

II. BIKINI ATOLL.

The United States Government obtained exclusive right to use and occupy the land of Bikini Atoll under a 1946 agreement with the Trust Government. After the atoll was selected as a site for nuclear testing, its 166 inhabitants were moved in March 1946 to Rongerik Atoll, where they remained until March 1948 when they were re-located to Kili Island.

Bikini Atoll consists of 36 islands. The total land area is 1920 acres. Rongerik Atoll consists of 10 islands. The total land area is 416 acres. The names of the islands on the two atolls and their respective land areas are shown on the schedule at Tab E. The total land area of Kili Island is approximately 200 acres.

Between June 1946 and July 1958, Bikini Atoll was the site of 23 nuclear tests. The geographical distribution of these tests is shown on the map at Tab F and in the following table:

<u>Number of Tests</u>	<u>Island Name</u>
8	Namu
8	Yurochi*-Vorikku- Aomoen-Romurikko
5	Airukiiji-Eninman- Bigiren-Reere-Airukiraru
2	Bikini

In 1956, a settlement was negotiated with the Bikini people for the past and future use of the atoll. A copy of the agreement is attached at Tab G. Full use rights to Bikini Atoll were confirmed for the United States Government and the Trust Government in exchange for these rights. Additionally, monetary compensation in the amount of \$325,000 was provided to the people.

The agreement was signed by traditional leaders of the Bikini people who represented that they had "full and complete right to represent the interests of any and all individuals who by reason of having lived on Bikini or Kili, may now or at any future date have a claim

*Site of Test Bravo. 5002578

against the United States or Trust Territory Governments by reason of their use of Bikini Atoll." The signatories also expressly agreed:

" . . .that any future claims by Bikinians based on the use of Bikini by the Governments of the United States or the Trust Territory or on the moving of the Bikini people from Bikini Atoll to Kili Island shall be against them and not against the Government."*

In 1975, Congress passed Public Law No. 94-34 which authorized and appropriated an additional \$3 million in ex gratia payments as compensation for use of the land on the atoll. In 1977, Congress passed Public Law No. 95-134 which authorized an additional \$100,000 for the Bikini community. Finally, a clean-up was conducted in 1969 and rehabilitation in the early 1970's. Some \$4 million were expended in this program. However, recent studies leave in question the effectiveness of this program.

To summarize, the people lost the use of Bikini Atoll from March 1946 to 1974. In compensation for the loss of the land, the people were given use and occupancy of 416 acres of substitute land on Rongerik Atoll from 1946 to 1948 and about 200 acres of substitute land on Kili Island from 1948 to the present. In addition, ex gratia payments have been made in the amount of \$3,425,000, to compensate the people for the loss of use of the atoll. Finally, a clean-up and rehabilitation program was completed at a cost of approximately \$4 million.

III. Other Atolls.

Other than as described above, no nuclear testing was conducted by the United States in the Marshall Islands. However, Test Bravo detonated at Bikini Atoll on March 1, 1954, had impacts on other atolls to the north because an unexpected high yield combined with an unpredicted shift in winds. As a result, the radioactive cloud deposited fallout on Rongelap and Utirik Atolls, and perhaps elsewhere.

The 82 people residing on Rongelap Atoll and the 158 people residing on Utirik Atoll were evacuated

* In March 1966, the Iroij of Bikini accepted \$15,000 and gave to the Trust Government a release of all of his rights to the atoll.

within three days of the test to Kwajalein Atoll. The Utirik people were returned to that atoll after three months. The Rongelap people were not returned to that atoll for three years.

No compensation for land use claims has been authorized or paid to the Utirik people. In 1964, an ex gratia payment in the amount of \$10,800 was made to each resident of Rongelap who was evacuated from that atoll as a result of the 1954 test. This payment was made as compensation for the inconvenience of relocation and for the lost use of the land.