



UNITED NATIONS

TRUSTEESHIP LIBRARY
COUNCIL

MAY 21 1981



Distr.
GENERAL

T/PET.10/183
18 May 1981

ORIGINAL: ENGLISH

UN/CA COLLECTION

PETITION FROM MR. THEODORE R. MITCHELL, COUNSEL FOR THE PEOPLE OF
ENEWETAK, CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

(Circulated in accordance with rule 85, paragraph 1, of
the rules of procedure of the Trusteeship Council)

LAW OFFICES OF MICRONESIAN LEGAL SERVICES CORPORATION

ATTORNEYS AND MICRONESIAN COUNSELORS

Washington Office
1424 Sixteenth Street, N.W.
Suite 300
Washington, D.C. 20036

13 May 1981

The Secretary-General
United Nations
New York, N.Y. 10017

Dear Sir,

Enclosed is the petition of the people of Enewetak which, pursuant to rule 85 of the rules of procedure of the Trusteeship Council, we would like you to distribute to members of the Trusteeship Council as an official document of the Council.

Accompanying the petition is an appendix which contains pertinent material in support thereof. The appendix, however, need not be circulated pursuant to rule 85, but rather may be distributed to members of the Trusteeship Council and the United Nations Secretariat for their information.

We have previously requested the opportunity for an oral hearing 1/ to amplify the matters contained in the enclosed petition. We are very hopeful that that request will be granted.

Sincerely,

(Signed) Theodore R. MITCHELL

1/ T/PET.10/179 and Add.1.

Enclosure

PETITION
OF THE
PEOPLE OF ENEWETAK
TO THE
TRUSTEESHIP COUNCIL
OF THE
UNITED NATIONS

Submitted by:

Hertes John,
Magistrate
Binton Abraham,
Iroi j Dri Enjebi
Napataly Peter,
representing Johannes
Peter, Iroi j
Dri Enewetak
Sam Levi,
Secretary

Theodore R. Mitchell
Counsel to People of Enewetak
Micronesian Legal Services
Corporation
1424 Sixteenth Street, N.W.
Suite 304
Washington, D.C. 20036

Pursuant to Rule 76, Rules of Procedure of the Trusteeship Council, the People of Enewetak present the following petition:

INTRODUCTION

1. By this petition and our presentation before the 48th Session of the Trusteeship Council, we wish to review the experience of the people of Enewetak under the trusteeship, we wish to inform the United Nations of the many worthwhile things which the Administering Authority has done in recent years to improve our way of life, we wish to inform the United Nations of the several actions which we feel are yet to be done in order to fully restore us and our people to a condition of well-being in our own homeland, and, finally, we wish to make a special request of the United Nations and the Administering Authority.

2. In due course we will discuss the other matters of interest to us, but we would like to focus attention first and foremost upon a matter of surpassing importance: the people of Enewetak do not wish to sever their relationship with the United States at the termination of the Micronesian trusteeship. Instead, they wish to continue under special trusteeship with the United States as Administering Authority.

3. In the view of the people of Enewetak, a special relationship exists between them and the United States of America as a result of the events associated with the nuclear weapons testing program. It is a relationship born of years of hardship and trauma suffered at the hands of the United States, followed by a remarkably good faith effort in the last few years to make amends. From the perspective of the people of Enewetak, the ultimate objective is fulfillment of United States obligations under Article 6 of the Trusteeship Agreement. They feel that it will simply take longer and require more concerted effort in their case because of the disadvantages suffered as a result of the testing program.

4. We request that this petition be circulated to the members of the Trusteeship Council, pursuant to Rule 85, as an official document of the Council. Simultaneously we have submitted an Appendix to this petition which contains a considerable amount of background material which we believe to be of relevance. The Appendix need not be distributed as an official document of the Council, but is provided in xerox form to each member and to the Secretariat.

THE TRUST TERRITORY OF ENEWETAK ATOLL

5. At its meeting on April 17, 1981, at Enewetak atoll, the assembled leadership considered the question of their future at length. It was a question which has been on the minds of all of the people of Enewetak for some time and as plans for the termination of the Micronesian trusteeship gradually take more shape, the people of Enewetak have become increasingly concerned about their own future.

6. Four days before Christmas, 1947, a U.S. military landing craft drove up on the beach of Aomon island at Enewetak atoll. Everyone was told to gather their personal possessions and get aboard. One of the translators warned us:

"You cannot protest or fight. You are like a rabbit fish wriggling on the end of a spear. You can struggle all you want, but there is nothing you can do to escape."

With the children crying and women screaming, they were herded onto the LST and taken to Ujelang, 125 miles to the southwest.

7. Ujelang atoll was uninhabited at the time and no one had been living there for many years. Useless brush had grown up everywhere and there were no breadfruit trees. Navy personnel hurriedly put up tents and gave us some canned food. Then they left. There was no means to communicate with the outside world. We were forced to resign ourselves to the fact that we had to start

a new life although we never were told when, if ever we could return to our homeland.

8. Ujelang is a very poor atoll and as our numbers increased we had increasing difficulty merely surviving. Some of the members of the people of Enewetak who lived through those years will testify that for fully 10 years after being dropped at Ujelang they were hungry nearly all the time. There was a time in 1967 when all of us were brought to the edge of starvation. Ujelang was struck by a storm which destroyed all of the breadfruit and most of the coconuts. For some reason the number of rats on the island began to increase greatly and before long the rats began attacking our children at night as they slept. Finally we had to build boxes that looked like coffins for everyone to sleep in in order to be safe from the rats. We had no flour, rice, coffee or any other food from the outside world because a field trip vessel had not visited Ujelang for many months.

9. We will amplify upon this and other similar events in our history at the time of our appearance before the Council, but suffice it to say here that we suffered great hardship during most of the time we lived in exile at Ujelang.

10. As a result of this hardship, our people have been retarded in their development. Our children have not

/...

been educated as well as they should. We have been unable to develop an economy for our atoll which will provide even a minimum level of adequate support. Transportation between Ujelang and the rest of the Marshall Islands has been unreliable and unpredictable. We do not feel capable of competing on a par with other people in the Marshall Islands.

11. Since our return to Enewetak atoll during the past year, we find that we are more and more intensely concerned about what will happen to us when the present trusteeship ends. We feel that we are behind the rest of Micronesia in our development because of our long years in exile. We feel intensely a desire to accelerate our development and achieve efficient progress before termination of the trusteeship. We know that we cannot do that in the next year or even the next few years.

12. We feel that we have special problems and special needs which can only be met by a special trusteeship which will extend for a sufficient period of time to remedy the unique disadvantages which we suffer.

13. Accordingly, during the week of April 13, 1981, the Enewetak leadership considered the question of future political status for their islands and after careful and lengthy deliberation resolved the question in favor of continuation of a trusteeship for Enewetak atoll.

/...

14. Other alternatives were considered, including independence, a commonwealth status similar to the Northern Mariana islands, territorial status, or affiliation with the Federated States of Micronesia.

15. After due deliberation, the leadership resolved the question in favor of extension of the trusteeship and decided to conduct an informal plebiscite on the question. On April 20, 1981, a plebiscite was conducted by secret ballot, with all adult members of the population eligible to vote. The result was 93% in favor of a special Enewetak trusteeship and 7% against. The number voting was 190, with 177 in favor and 13 against. There was not time to conduct the plebiscite among the members of the people of Enewetak who are temporarily residing on Majuro or Ebeye.

16. We have not yet had the opportunity to take this matter up with the Administering Authority, but we intend to do so immediately following this session of the Trusteeship Council. We fervently hope that the Administering Authority will see fit to grant our request. Likewise, we implore this body to see the wisdom and necessity of the course of action we have chosen to pursue and to give its endorsement to our proposal.

/...

17. Much has been done to improve our lot in the past few years, but there is still much unfinished business which the Administering Authority alone is capable of attending to. It is neither the responsibility of the Marshall Islands government nor is the Marshall Islands government capable of dealing with the special problems which beset us. We will turn now to describe briefly the more happy events of recent years and give a brief recount of the unfinished business which we believe should be accomplished during the course of a special trusteeship for Enewetak atoll.

CLEANUP AND REHABILITATION PROGRAM

18. A detailed account of the radiological cleanup of Enewetak atoll and the rehabilitation of the islands will be found at tabs 2 and 3 of the appendix to this petition [hereinafter cited as "Appendix"]. In general, we are very pleased with the immense effort expended by the Administering Authority to cleanup the islands of both radioactive and nonradioactive debris. The rehabilitation program included the planting of thousands of coconut trees and hundreds of breadfruit and pandanas trees and the construction of 114 houses which we were given the opportunity to design ourselves. We will amplify

/...

more upon this at our meeting with you, but suffice it to say here that generous efforts have been expended by the United States Defense Nuclear Agency and the Department of Energy in the cleanup program and by the Department of the Interior in the rehabilitation and resettlement program.

ENEWETAK MOTOR/SAILER

19. Just this past year the United States Congress appropriated the sum of \$300,000 for the purpose of purchasing a sail-assisted motor vessel for Enewetak. The funds will also provide for training of the crew. With this vessel we will be able to travel to Ujelang to harvest crops there and bring foodstuffs back to Enewetak. This vessel will also enable us to exploit the economic potential more fully of both atolls.

20. In 1976, the Administering Authority was good enough, at our request, to convey title to Ujelang Atoll so that we now own both our traditional homeland and our home in exile.

SUPPLEMENTAL FOOD PROGRAM

21. Because Enewetak atoll cannot sustain human life and will not be able to do so for the next ten years or so, we are in great need of special food support and the Administering Authority has been good enough to provide it.

/...

Last year the United States Congress appropriated the sum of \$345,000 to provide us with supplementary food. Without that assistance, we simply would not be able to live at Enewetak atoll now or at any time in the next ten years.

UNFINISHED BUSINESS

22. By far the most important matter of unfinished business is the failure of the Administering Authority to assist us in the development of an atoll economy so that we can be reasonably self-sufficient. Ujelang atoll had very little potential, but Enewetak will sustain us if sufficient effort is expended to exploit the marine resources. We abhor being dependent upon anyone, but we are powerless to develop an atoll economy without assistance from the Administering Authority.

RESETTLEMENT OF ENJEBI

23. Behind tab 2 of the Appendix you will find considerable detailed information regarding our desire to reestablish the community at Enjebi island in the northern part of Enewetak atoll. Tab 1 contains the formal resolution of the people of Enewetak in favor of resettlement of Enjebi. The materials contained at tab 6 of the Appendix recount the communications we have had with the Administering Authority on this matter.

24. In the most plain terms, the resettlement of Enewetak atoll is not complete unless and until the resettlement

/...

of both Enjebi island in the north and Enewetak island in the south. The latter has been accomplished but the former has yet to be done.

25. As you will see from the materials contained in the appendix, this matter has been discussed at great length with officials in the Executive branch of the Administering Authority and at the United States Congress.

26. Late in the Administration of former President Carter, the Department of the Interior decided against the resettlement of Enjebi at this time and instead recommended to the Congress a waiting period of some 30 years.

27. From our perspective, the responsibilities of the United States under the trusteeship cannot be fulfilled until and unless the community at Enjebi is reestablished.

BURTON RADIATION HEALTH PROGRAM

28. With P.L. 96-205, the Administering Authority undertook a program of great value to us. We refer to it as the Burton Radiation Health Program, because the legislation was initiated by the Honorable Phillip Burton of the United States House of Representatives and its existence is in large measure due to his efforts.

29. The Department of the Interior was required by statute to develop a plan and a budget for implementation of this program not later than January 1, 1981. It has failed to do so.

/...

30. In concept, the program is one of great value. It will provide comprehensive health care to the people of Enewetak, Rongelap, Utirik and Bikini. It will provide environmental monitoring of the radioactivity. It will provide periodic dose assessments and risk estimates. And, perhaps most important, it will provide a program of education to the people of these four atolls so that they can understand the radiation so as not to over worry about it and, on the other hand, understand the necessity of any restrictions which may be necessary for their benefit.

31. Unfortunately, the implementation of this program has been stalled by efforts of the Marshall Islands government to exploit it for the entire Marshall Islands. The program was intended to be provided to the atolls of Enewetak, Bikini, Rongelap and Utirik and any other atolls which were in fact exposed to radiation. Instead, the Marshall Islands government insists that the program be extended to the entire Marshall Islands at a cost 10 times greater.

32. Implementation of this program is essential to the future well being of the people of Enewetak. Furthermore, we are firmly convinced that it must be administered by the

/...

United States directly to the effected atolls in order to be free of detrimental political exploitation, in order to be effective and in order to be economical.

RESIDUAL RADIOACTIVITY

33. We are confident that the Administering Authority has accomplished a very great deal in the way of studying and understanding the residual radioactivity left behind at Enewetak atoll as a result of the nuclear weapons testing program, but we are also convinced that more needs to be done. Our islands will be effected in one way or another by various radionuclides, some of which will be present for thousands of years.

34. The continuing study and observation of this radiation must not and cannot be the responsibility of the Marshall Islands government. It remains the responsibility of the United States.

CONCLUSION

35. As a result of the 43 nuclear tests which were conducted at Enewetak atoll between 1948 and 1958, the United States was able to develop a formidable nuclear arsenal. It was able to conduct these tests in a place far from the United States so as not to endanger any of its own people. As a result of the tests the United States is militarily powerful and its enemies are fearful of attacking it.

/...

36. But while this nuclear weapons testing program benefited the United States in many ways, it caused us great hardship and disrupted our lives.

37. We harbor no bitterness for the United States. We do not seek retribution, nor do we condemn the United States for what it has done. We merely wish to recover our original way of life, to overcome the disadvantages which have been imposed upon us because of our exile and in order to do that, we call upon the United States to extend a special hand of friendship to us for an additional period of time after the trusteeship is ended for the rest of Micronesia.

38. We call upon the United Nations to endorse our request and encourage the Administering Authority to undertake this responsibility.

39. We make this request on behalf of all of our people, living and dead, those who were forcibly removed, those who were born in exile and on behalf of all future generations of our people.

Thank you very much.
