

DRAFT/7/16/79/OMSN

MEMORANDUM FOR HONORABLE ZBIGNIEW BRZEZINSKI

FROM: Matthew C. Nimetz

SUBJECT: Micronesian Nuclear Claims

This paper is in response to the President's request, contained in PD/NSC-49 of June 6, 1979, that a single paper containing the views of all agencies be submitted on the subject of claims resulting from the U.S. nuclear weapons testing program in the Northern Marshall Islands.

All agencies recommend that, in the course of the Micronesian status negotiations, the U.S. negotiator should seek agreement with the government and affected people of the Marshall Islands as follows:

-- Known and definable land claims resulting from the U.S. nuclear weapons testing program shall be extinguished; and

-- Health care, compensation and monitoring activities undertaken in consequence of that program shall be extended.

All agencies further recommend that the U.S. negotiator be authorized to offer up to \$10 million in settlement of such known and definable land claims. In addition, it should be understood that while the U.S. negotiator and his delegation would of course

expect to accord the claims negotiations their best reasonable effort during the course of the political status negotiations, completion of the status negotiations would not be made contingent on conclusion of an agreement on any or all of the matters relating to nuclear claims.

The requested approval would encompass the following matters:

(1) Land Claims

The United States negotiator should seek to negotiate a one-time payment in settlement of known and definable land claims of the people and government of the Marshall Islands relating to the partial or complete loss of land or of land use as a result of nuclear tests conducted by the USG in the 1940's and 1950's. A figure of \$10 million is recommended for the reasons stated in the attachment at Tab A. In addition, he should be authorized to discuss with the Marshallese, with a view to subsequent definition of U.S. policy, the possibility of U.S. provision of a supplemental feeding program for the people of Enewetak after their resettlement on the atoll until they attain agricultural self-sufficiency, should that attainment not be expected before termination of the trusteeship.

(2) Compensation for Personal Injury

Public Law 95-134 provided levels of compensation for personal injury to people from Rongelap and Utirik exposed accidentally to radiation in 1954. Without

provision in the Compact of Free Association or in a supplemental U.S.-Marshallese agreement, this legislation will expire when the Trusteeship ends. The United States should continue the compensation provided for in Public Law 95-134 in the post-trusteeship period and extend that coverage to all affected Marshallese.

All presently-known personal injury has been compensated for, and the cost of this program to date has been \$1,383,000. The cost of the extended program cannot now be estimated. See Tab B.

(3) Medical Treatment and Land Monitoring

The programs of medical care and treatment and environmental research and monitoring established in Public Law 95-134 for Rongelap and Utirik should be continued, and if later-established medical evidence warrants, such care and treatment programs should be extended to all radiation-affected Marshallese who were similarly affected. Such programs should include transportation as required to U.S. medical facilities and should remain available to all affected persons, cost-free, without time limitation. We would expect that other programs, tailored to additional medical problems, if any develop, of radiation-affected Marshallese, would be devised as appropriate. Appropriate benefits

should apply to persons whose need therefor can be traced to U.S. nuclear activities but whose needs were not known prior to termination of the trusteeship.

As one element of agreement on continued monitoring of land for radiation safety, provision should be made for periodic United States-Marshallese consultations. These would look toward eventual termination of direct United States responsibility in this area, with the termination procedure likely to be started at such time as the U.S. and the Marshallese agreed that valid survey data demonstrate that normal use of an area would not result in the people receiving "unacceptable radiation doses."

Present cost of treatment is \$ \_\_\_\_\_ per year. The recommended program is estimated to cost \$ \_\_\_\_\_ per year. Monitoring presently costs \$ \_\_\_\_\_ per year and can be expected to cost \$ \_\_\_\_\_ per year. See Tab C.

(4) The U.S. negotiator should be prepared to explore with the Marshallese (a) the future status of the entombed radioactivity-contaminated soil and debris at Runit Island of Enewetak Atoll, and (b) what the responsibility of the U.S. would be should the people of Enewetak on their return to that atoll choose not to

observe recommended living pattern restriction and the course of action to be taken should they receive excessive doses of radiation. On the basis of such exploration, the USG would expect to formulate appropriate policies.