

35<sup>th</sup> session of the UPR, stakeholder report on Kiribati

*Human rights violations resulting from Nuclear Testing*

During the previous UPRs of Kiribati in 2010 and 2015, no recommendations were made with respect to the on-going impact on human rights of nuclear tests carried by the UK and the USA, on islands which are now part of the Republic of Kiribati.

Accordingly, the World Council of Churches has chosen to highlight the continued suffering of the victims and their descendants, which has been compounded by a limited acknowledgement of their suffering and a failure of their attempts to receive compensation.

*Background<sup>1</sup>*

Between 1957 and 1962, the UK and the USA tested 33 nuclear devices (9 UK, 24 USA) at Malden and Kiritimati (Christmas) Islands, now part of the Republic of Kiribati. 43,000 personnel from the USA, UK, New Zealand and Fiji participated in these tests, and family members and dignitaries also visited. The 500 I-Kiribati citizens living there during the tests received little protection.

The British, Fijian, New Zealand and American veterans of the testing program and I-Kiribati civilians who lived on Kiritimati (and their descendants) claim their long-term quality of life, physical and mental health and general wellbeing was adversely affected by exposure to ionizing radiation. Their concerns are supported by independent medical, cultural studies and social sciences research, however analysis of the ongoing humanitarian, human rights and environmental impact of nuclear weapons testing at Kiritimati and Malden Islands has been inadequate.

*Impact on the right to health*

As of 2018, the Kiritimati Association of Cancer Patients Affected by the British and American Bomb tests (hereafter “the Association”) had identified at least 48 first generation survivors in Kiribati who had experienced the tests first hand as well as 800 descendants. Many military and civilian survivors have health problems consistent with exposure to radiation including blindness, hearing problems, cancers – particularly thyroid cancer, heart disease, and reproductive difficulties. They also report that their children and grandchildren have suffered similar illnesses and other intergenerational effects, including high rates of spina bifida, cleft lip and other neural tube defects. The terror which the first generation survivors experienced through the nuclear explosions has caused some of them to feel persistent anxiety, and uncertainty about their own futures and that of their descendants

There is one small hospital and three clinics in Kiritimati, however survivors have found the facilities inadequate for treating the diseases they attribute to the testing. Those needing cancer tests and other medical treatments need to go to other countries, such as Fiji or New Zealand.

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<sup>1</sup> The details contained in this submission were reported by the Friedrich Ebert Stiftung Foundation and Pace University International Disarmament Institute and Helene & Grant Wilson Center for Social Entrepreneurship in their report “*Addressing Humanitarian and Environmental Harm from Nuclear Weapons – Kiritimati (Christmas) and Malden Islands*” 2018

There has been an inadequate dissemination of information about the impacts of the nuclear tests and the potential health risks for those who may have been exposed to radiation. Survivors report that there are few systems in place for archiving and disseminating such information. Kiribati has insufficient medical facilities and capacities to carry out studies on the effects of the tests on their people, and this work has also not been undertaken in a rigorous form by external organisations and NGOs.

### *Impact on the environment*

The tests killed thousands of birds, fish, and other creatures such as land crabs, lizards and wild pigs. This impacted upon the historical diet and wellbeing of islanders, due to the depletion of ocean stock and the potential consumption of contaminated local foodstuffs. Military veterans based on the islands reported being ordered to dump barrels of radioactive waste into the sea, a few miles offshore. Members of the Association fear that there may be contamination in the fish that they eat, and have asked for verified information on the legacy of present day risks.

The military presence left other toxic legacies. The British military regularly sprayed Kiritimati with DDT, and vehicles, equipment, waste, toxic chemicals and unexploded ordinance were abandoned on the islands and reefs.

There has never been a comprehensive public and independent analysis of the scale of contamination and environmental impact of the nuclear tests and dumping of toxic waste into the sea. While Malden Island was uninhabited during the testing and remains uninhabited, it is a site of important cultural heritage with prehistoric Polynesian ruins and shrines. It is part of the Kiribati Southern Line Islands Marine Reserve and is home to a wide bird and fish biodiversity. The potential impact of the nuclear tests on the island's cultural heritage has not been assessed.

### *Responsibility of the countries which carried out the tests*

Veteran and civilian survivors of the tests have faced systematic denial and secrecy from the UK and US governments. They have sued the UK government both in the British courts and the European Court of Human Rights, seeking compensation and greater transparency. Judgments have decided against survivors, requiring a high burden of proof that specific illnesses were caused by the testing and not other factors such as genetics, smoking or exposure to other carcinogens. In addition, court cases have focused mainly on the potential harm to people who were on the islands during the tests, rather than focusing on the ongoing humanitarian and environmental impacts to both Kiritimati and Malden Island.

The UK Government continues to refuse to open its archives on the testing to full public examination, and the National Archives retracted a number of key documents pertaining to the Grapple series of nuclear weapon tests in late 2018. Suppression of information by both the UK and US governments has contributed to the distress experienced by survivors.

### *Victim assistance and environmental remediation obligations*

The 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW), which Kiribati has signed but not yet ratified, obligates assistance to victims and the remediation of contaminated environments, including those affected by the Christmas and Malden Islands nuclear tests. Joining the TPNW entitles affected states to international cooperation and assistance so that they can meet their obligations to help victims and remediate the environment. To ensure that an undue burden is not placed on affected states, Article 7 (3) obliges states parties in a position to do so to provide "technical, material and financial assistance to States Parties affected by nuclear-weapons use or testing."

It should be noted that the Government of Kiribati is actively considering the matter of how to address compensation of I-Kiribati survivors of nuclear tests.

## Recommendations

To the Government of Kiribati:

1. Ratify the Treaty on the Prohibition of Nuclear Weapons as a matter of urgency
2. Seek compensation from the Governments of the countries responsible for the nuclear tests
3. Seek the support of the international community, particularly from the Governments of the countries responsible for the nuclear tests, in order to:
  - i. Comprehensively assess, monitor and respond to the continuing violations of the human rights – particularly the right to health - of survivors, especially at Kiritimati
  - ii. Conduct a study into the potential inter-generational health effects of the children and grandchildren of the survivors
  - iii. Provide victim-assistance in the form of health care provision, psycho-social support, socio-economic inclusion, support for victim's advocacy associations and risk education
  - iv. Provide an effective remedy to the survivors and their descendants, including a full investigation into the facts of the nuclear tests, provision of information, acknowledging the suffering of the survivors and provide a safe space for them to tell their stories
  - v. Establish a monument memorializing the suffering caused by the testing, as demanded by the Kiritimati Association of Cancer Patients Affected by the British and American Bomb tests.
  - vi. Survey and remediate the contaminated environments at Kiritimati and Malden Islands
  - vii. Facilitate radiation risk education at Kiribati
  - viii. To ensure that all of the above recommendations are undertaken in a way that respects and supports the individual autonomy and right to decide of the people of Kiribati.