

TITLE 42 – NUCLEAR CLAIMS
CHAPTER 1 - NUCLEAR CLAIMS TRIBUNAL



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

MARSHALL ISLANDS NUCLEAR CLAIMS TRIBUNAL
ACT 1987

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AN ACT to provide for the establishment and operation of the Marshall Islands Nuclear Claims Tribunal and for related purposes.

<i>Commencement:</i>	<i>October 9, 1987</i>
<i>Source:</i>	<i>P.L. 1987-24</i>
<i>Amended By:</i>	<i>P.L. 1988-19 P.L. 1989-57 P.L. 1990-101</i>
<i>P.L. 1991-133 P.L. 1991-136 P.L. 1993-56 P.L. 1993-65</i>	
<i>P.L. 1994-78 P.L. 1994-87 P.L. 1995-141 P.L. 1997-58</i>	
<i>P.L. 1998-72 P.L. 2003-89 P.L. 2013-19 P.L. 2017-31</i>	

§101. Short title.

This Chapter may be cited as the Marshall Islands Nuclear Claims Tribunal Act 1987. [P.L. 1987-24, §1.]

§102. Interpretation.

For purposes of this Chapter:

- (a) **“Article II, Section 1 Funds”** means those funds provided for health and radiological surveillance under Article II, Section 1 of the Section 177 Agreement;
- (b) **“Case”** means either an individual claim or a class action;
- (c) **“Chairman”** means the Chairman of the Tribunal;

- (d) **“Claims Fund”** means the fund established by the Tribunal to control proceeds provided pursuant to Article II, Section 6(c) of the Section 177 Agreement;
- (e) **“distribution scheme”** means a formal set of criteria and conditions governing the payment of funds provided pursuant to the Section 177 Agreement or this Chapter;
- (f) **“Government”** means the Government of the Marshall Islands;
- (g) **“Local Distribution Authority”** or **“LDA”** means the local government councils for Bikini /Kili, Enewetak/Ujelang, Rongelap and Utrik, respectively designated pursuant to Article 111, Section 1 of the Section 177 Agreement with the responsibility for receiving, distributing, investing, or otherwise expending funds provided pursuant to the Section 177 Agreement or this Chapter, and any additional organization established by the Nuclear Claims Tribunal pursuant to Article III, Section 2 of the Section 177 Agreement and this Chapter;
- (h) **“member”** means a member of the Tribunal including the Chairman;
- (i) **“Operating Fund”** means the fund established by the Tribunal to control proceeds provided pursuant to Article II, Section 6(b) of the Section 177 Agreement for the operation of the Tribunal and all its offices, and to control proceeds provided pursuant to Article IV, Section 2 of the Section 177 Agreement for the expenses of Tribunal proceedings including the operation of the Office of the Public Advocate, as set forth in Section 117 of this Chapter, and the Office of the Defender of the Fund, as set forth in Section 118 of this Chapter;
- (j) **“Nuclear Testing Program”** means the United States Nuclear Testing Program conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958;
- (k) **“private legal counsel”** means a private attorney, trial assistant or other individual who offers legal services for a fee;
- (l) **“recipients”** means all individuals who have been designated by one or more LDA’s pursuant to the Section 177 Agreement

or this Chapter, as opposed to other individuals not receiving distributions;

- (m) **“Section 177 Agreement”** means the Agreement between the Government of the United States and the Government of the Marshall Islands for Implementation of Section 177 of the Compact of Free Association;
- (n) **“Tribunal”** means the Marshall Islands Nuclear Claims Tribunal established by this Chapter;
- (o) **“Tribunal officers”** or **“Tribunal employees”** shall mean the officers and employees appointed or employed pursuant to this Chapter;
- (p) **“United States”** means the Government of the United States of America. [P.L. 1987-24, §2, paragraph (a) was added to clarify the phrase “Article II Section I Funds”, amended by P.L. 1989-57, §3(1) adding new Paragraph (b) and renumbering all subsequent Paragraphs; amended by P.L. 1990-101, §2(1) repealing Paragraph (g) and enacting a new Paragraph (g); amended by P.L. 1993-56, §3(1) and (2).]

§103. Tribunal established.

- (1) The Marshall Islands Nuclear Claims Tribunal is hereby established.
- (2) The prohibitions imposed on individuals under Title 1, Section 107 (a) of the Compact of Free Association Act of 1985 of the United States of America shall apply to the members of the Tribunal, the Special Tribunal and the officers and employees of the Tribunal. [P.L. 1987-24, §3.]

§104. Purpose of the Tribunal.

The Tribunal is established to satisfy the requirement in Article IV, Section 1 (a) of the Section 177 Agreement that the Government establish a claims tribunal to render final determination upon:

- (a) claims past, present, and future of the Government, the citizens and nationals of the Republic for loss or damage to person or property which are based on, arise out of, or are in any way related to the Nuclear Testing Program;
- (b) disputes arising from distributions under Articles II and III of the Section 177 Agreement; and
- (c) any funds that are provided under Section 177 of the Compact of Free Association shall remain available in perpetuity for the