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Palais des Nations, Geneva

Dominicans for Justice and Peace and Dominican Leadership Conference, in conjunction Franciscans International, raise the issue of the **violation of economic, social and cultural rights** of peoples whose lands have been used for decades by governments as bombing practice for their military forces.

In some cases, the toxic residues of decades of military activity have literally **poisoned the air, water, soil and animal and plant life** . Also, it has destroyed the economies of the people and makes development a hopeless endeavor. Moreover, in such situations the fundamental rights of the children, women and men are violated every day by the toxic **legacy left by the long-term military activities** . It denies them their right to a healthy life, a clean and sustainable environment as well as their right to development, and to health and to well being.

Furthermore, in two cases, the government that had used their lands for over 50 years for bombing and other military practices refuses to recognize their liability to the people whose livelihood and lands they have been destroyed.

### **Vieques, Puerto Rico**

The first case is **Vieques** , Puerto Rico, The right of the people of Vieques to health, a safe environment, sustainable development and participation in the decisions affecting their lives were violated by the way in which the **United States** expropriated and used over two-thirds of their lands for sixty years for bombing exercises, and now is deciding on its future land use and decontamination, while refusing to compensate victims of its toxic wastes.

On May 1, 2003, the Navy ceased operations in **Vieques** . It turned over the 14,470 acres comprising the Atlantic Forces Weapons Training Area not to the government of Puerto Rico, but to the United States Department of the Interior.

The 900-acre Live Impact Area, which has been literally bombarded with millions of pounds of explosives from sea, air and land has been designated a "wilderness area," from which the public is excluded. (Public Law 106-398; Public Law 107-107) In actual fact, it is a toxic waste site so hazardous that the **United States Environmental Protection Agency** 's initial evaluation suggests that it may determine that cleaning the site is "impracticable," and close it permanently to civilian access.

According to the **Environmental Protection Agency** (EPA), the list of contaminants of concern in Vieques includes mercury, lead, copper, magnesium, lithium, perchlorate, TNT, napalm, depleted uranium, PCBs, solvents, pesticides, and others.

The United States government has rejected claims for compensation filed by the victims, arguing that there is insufficient proof that the Navy's activities are the cause of their illness. However, because of the Navy's expropriation of about 70% of Vieques' land beginning in the 1940s, there is no major industry or other source of pollution on the island.

## **Clarke Air Force Base and Subic Naval Base**

The second case is the one put forward by the **Alliance for Bases Clean-Up (ABC)** **Internationa** 1, an organization of Victims of Toxic Waste in the former U.S. Military Facilities of **Clark Air Force Base** and **Subic Naval Base** in the Philippines.

The toxic legacy of the former U.S. military bases in the **Philippine** s takes heavy toll on people and environment. Prior to their closure in 1992, the Clark Air Force Base and Subic Naval Base served as the most valuable overseas military facilities of the U.S. for intervention on the Asia Pacific and the Middle East. Leaving behind contaminated sites within 185,709 combined acres of land and water reservations of aforesaid U.S. bases without the benefit of clean water, now translates to environmental damage and cases of toxic-related illness affecting communities, most specially children.

There is a preponderance of evidence that the former bases are severely contaminated and would have warranted a comprehensive investigation and clean-up if they were situated in the U.S.

Thirteen years after the U.S. withdrawal from its military bases in the Philippines, the former base workers and people living near the contaminated sites who are affected by toxic waste, the majority of whom live way below the poverty line, continue to fall victims to new burdens of deaths and illnesses and of paying high cost of diagnosis and medical expenditures.

The U.S. government maintains that the U.S.-Philippine Military Bases Agreement does not provide for clean-up responsibility despite the context that such treaty was entered into prior to the advent of environmental awareness among governments. The position that the U.S. could not act without a clause on U.S. responsibility in said agreement was contradicted by the fact that the U.S. provided clean-up fund for Canada and other major allies in Europe and Asia whose military agreements with the U.S. does not contain the same.

Finally, the U.S. government's claim that the Philippines waived its right to a clean-up was rejected by a Senate Joint Committee declaring that: "Nothing in the agreement and amendments thereto authorized the U.S. to unduly pollute the territorial waters with contaminants, destroy the environment by dumping toxic wastes within the bases, and endanger lives of residents in the vicinity."

The denial of responsibility is contrary to customary and international law with respect to the care and diligence required of States in preventing environmental damage required of the U.S. as the state exercising authority over the former bases as well as seriously disregards Principle 1 of the Stockholm Convention which established the foundation linking human rights and environmental protection.

**Our three organizations therefore recommend:**

**That the UN Sub-Commission bring the issues of economic, social and cultural rights violations in Vieques and the Philippines to the attention of the appropriate special mechanisms, especially the S pecial Rapporteur on Health and the Special Rapporteur on**

**toxic waste, to examine the situation in Vieques and the Philippines and to report on their findings.**