



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/30
9 February 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by dominicans for justice and peace, a non-governmental
organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Dominicans for Justice and Peace present this follow-up statement in conjunction with the Alliance for Bases Clean-Up (ABC) International, 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.

We reiterate the appeal and provide update to the U.N. Commission on Human Rights that the toxic legacy of the former U.S. military bases in the Philippines 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, now translates to environmental damage and cases of toxic-related illness affecting communities, most specially children.

Despite the non-provision by the U.S. Department of Defense, in violation of its own guidance, of the complete copies of reports on the environmental status of Clark and Subic to the Philippine government, 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.

Contamination is acknowledged by both the U.S. and the Philippine governments in documents such as the U.S. General Accounting Office Report of 1992, which has "identified contaminated sites and facilities that would not be in compliance with U.S. environmental standards" with an approximate clean-up cost of Superfund proportions, the incomplete U.S. Department of Defense's Drawdown reports that confirmed several known contaminated sites in both Clark and Subic. (Bloom Report); the studies by U.S. consulting firms commissioned by the Philippine government that raised serious concern on ground water at Clark due to the soil testing that yielding positive results for many contaminants at high levels (Weston) and the imminent endangerment to human health and environment at Subic (Woodward Clyde/Clearwater Revival Co.), the Philippine Department of Health's finding on high levels of lead in the blood of children and pregnant women from evacuation areas at the former Clark motor pool CABCOM, and the Philippine Commission on Human Rights' finding unusual concentration of children afflicted with cerebral palsy, congenital heart diseases, and deformities which are not common occurrences in similar poverty-stricken communities in the Philippines.

Moreover, in 1996 by Ret. Admiral Eugene Carroll Jr., a former commanding officer of the aircraft carrier USS Midway and Pacific Task Force admitted that industrial waste from ship repair and maintenance in the former Subic Naval Base were flushed into the ground and into the bay and that in the rush to meet requirements in waging wars, environmental issues were completely ignored.

Likewise, an independent study by Dr. Rosalie Bertell of the Canada-based International Institute of Public Health, conducted in 1998 by a health survey found an association between elevated cases of reproductive, kidney and nervous system disorders in several communities and identified contaminated sites in Clark.

Recently, a study conducted by the Philippine Environmental Management Bureau reported that three major rivers inside the former U.S. Subic Naval Base are polluted with high levels

of chromium hexavalent or chromium 6 that could cause respiratory problems, infertility and various types of tumors. Chromium 6 was widely used in the former base operations. The rivers are a major source of water for residents in both the nearby city and the former base.

Another health study by the Philippine Department of Health released in August 2004, showed that in a random sampling, 47 out of 97 people who used to live in CABCOM, a former U.S. motor pool in Clark, have been found with high levels of arsenic and lead in their blood confirming earlier findings. Such findings are indicative of the health situation of 35,000 families dislocated by the Mt. Pinatubo volcanic eruption who were evacuated in CABCOM.

In addition to this, from initial studies, the People's Task Force for Bases Clean-up, identified 26 Persistent Organic Pollutants (POPs) contaminated sites in Clark and Subic that would continue to damage the environment, people and wildlife, many decades after the closure of the bases. POPs are sinister type chemicals with persistent, bio-accumulative and global spread characteristics that are now the subject of banning and elimination under the Stockholm Convention, a treaty that had been negotiated and for implementation under the purview of UNEP.

In the course of the ABC International's global campaign, Her Royal Highness Princess Caroline as president of AMADE Mondiale (World Association of Children's Friends), on October 26, 2004, visited 500 children in Clark and Subic whose illnesses had been linked to the toxic wastes left in the former U.S. bases. The Princess of Hanover had personally appealed in 2002 to U.S. President George W. Bush "to expedite necessary countermeasures to redress this critical and life-threatening situation and provide much-needed humanitarian aid and compensation to the victims and their families." But the U.S. President's subordinate simply informed Princess Caroline of the U.S. position denying responsibility without any other legal obligations to meet. In her final remarks during said visit, Princess Caroline thus stressed that "No child's life should be needlessly riddled with pain and liabilities. No parents deserve to experience the un-natural experience of outliving their children. And no government should be allowed to ignore the situation by mere expedient of invoking legal but not necessarily moral justifications."

Twelve years after the U.S. withdrawal from its military bases in the Philippines, the former base workers and people residing near the contaminated sites who are affected by toxic waste, 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.

Non-government organizations sustaining service-delivery and advocacy for the victims suffer not only from their limited capacities in tapping state health institutions but from lack of funds and medicines to effect appropriate diagnosis and treatment.

The Philippine government lacks the technical capacity, funds, expertise and most specially the political will to determine the full scale and extent of contamination and its effects on the health and lives of its people and the environment. Even the Philippine Senate's formation of the Philippine Task Force on Hazardous Waste in Former US Installations led by the Departments of Environment and Natural Resources, Foreign Affairs, and Health

failed to respond due to a lack of political will on the part of Philippine executive leaders to fund it. And now, with Philippine leaders trying to appease the U.S. government over the withdrawal of Filipino troops in Iraq, negotiations for U.S. clean-up and assistance have stopped with no prospect of resuming.

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 belied 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."

Such 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.

Therefore, it is once again recommended that the following measures be considered for immediate actions:

1. That the U.N. Commission on Human Rights assign the Special Rapporteur on toxic waste to examine and investigate the abovementioned environmental and human rights violations;
2. That the U.N. Commission on Human Rights urge the government of the U.S. to provide immediate medical assistance, compensation and other projects deemed necessary directly to the victims through their organization, the Alliance for Bases Clean-up (ABC) International and its partner institutions;
3. That the U.N. Commission on Human Rights urge the government of the U.S. to accept responsibility to provide immediate preliminary assessment and site inspection then eventually conduct comprehensive investigation and clean-up, and
4. That the U.N. Commission on Human Rights call on relevant U.N. agencies and other member-states to extend medical, technical and other forms of humanitarian assistance directly to the victims through their organization, the ABC-International and its partner institutions.

- - - - -