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Vieques, Puerto Rico: U.S. Ecological Militarism and Climate Change

by María Alejandra Torres

Before Hurricane Maria, a category four hurricane that hit Puerto Rico on September 20, 2017, Vieques, Puerto Rico was already dealing with over fifty years of ecological devastation.[1] The hurricane caused massive damage, increased poverty levels, and accelerated mass migration, particularly at the Superfund Site in Vieques.[2] The government designates the most hazardous waste sites as Superfund Sites.[3] The EPA labeled the site a Superfund Site because of the U.S. Navy’s activities, which hindered Viequeses’ right to the enjoyment of a safe and clean environment, a right considered at the Thirty-Seventh Session of the Human Rights Council.[4] Moreover, Vieques’ complex history with the U.S. Navy and the Environmental Protection Agency (EPA) reflects Puerto Rico’s colonial status and lack of self-determination according to the UN Special Committee on Decolonization. The EPA represents the U.S.’s dedication to the protection of internationally recognized rights, but it has unsuccessfully protected these rights; yet, Puerto Rico’s territorial status impedes the island’s ability to enforce internationally recognized environmental law.

From the 1940s until 2003, the United States Navy commandeered about three-quarters of Vieques, an insular Puerto Rican municipality.[5] During World War II, the federal government evicted thousands of residents from their homes and placed them in “re-settlement tracts” in razed sugar cane fields.[6] The government then used this land to create a U.S. naval base. The naval base used the eastern side of the island, called the “Atlantic Fleet Weapons Training Facility,” for ground warfare, maneuver training, and live impacts.[7] On the western side of the island, the base used an area named the “Naval Ammunition Support Detachment (NASD)” as storage for ammunition and

vehicles. In 1961, President John F. Kennedy blocked the Navy's secret plan to displace the entire Viequense civilian population, including digging up the dead from their graves.[8]

The local resistance movement, opposing the Navy's occupation, expanded after April 19, 1999, when a U.S. F-18 fighter jet accidentally dropped two 500-pound bombs on an allegedly safe area, killing civilian David Sanes Rodriguez.[9] Due to continued protests, the U.S. Navy shut down the naval base and withdrew from Vieques in 2003, but not without leaving environmental destruction.[10]

Vieques still faces the detrimental consequences of U.S. ecological militarism, such as unexploded artillery, and monumental pollution released from the heavy metals and toxic chemicals caused by the heavy use of munition dropped on the island.[11] The Navy's militarism has worsened health conditions for locals.[12]

Consequently, and almost ironically, on February 7, 2005, the EPA placed Vieques on the National Priority List, a list of sites throughout the U.S. and its territories that contain hazardous substances or pollutants requiring further investigation, at the request of former governor, Sila María Calderón.[13] The EPA subsequently labeled the "Atlantic Fleet Weapons Training" area in Vieques a Superfund Site, recognizing it as a contaminated site, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.[14] Such action demonstrates that the U.S. recognizes its obligation to manage chemicals and waste, which have severely impacted Viequenses' human right to a healthy and sustainable environment. [15] Indeed, throughout the clean-up process, the Navy and EPA must ensure community participation by meeting with residents and issuing public notices. [16]

However, the method of clean-up, carried out by the U.S. Navy itself, has been problematic for residents. The EPA and the Navy have not involved the people of Vieques in the Superfund Site decision-making process. At one point, the Navy held community meetings only in English with highly technical information not understandable by the average Viequense person. [17] Further, the Navy uses an open detonation technique that eliminates old bombs by blowing them up, and open-air burning of vegetation to find cluster

bombs.[18] These methods subject locals to a cycle of ecological militarism and health issues while giving Vieques little say in the matter.[19] Vieques' lack of decision-making power contradicts the EPA's objective to rely on community involvement to understand local priorities and the goal of providing technical assistance to increase community understanding of the clean-up process.[20] The Navy is trying to fix the damage caused by decades-long activity by employing similar tactics to what created this precarious situation in the first place.

As of 2019, the EPA affirms that hazardous substances may still be present at the site, additionally stating that clean-up is not complete, human exposure is not under control, and the site is not ready for redevelopment due to contamination issues.[21] This is especially troublesome because Hurricane Maria, as well as Hurricanes Harvey and Irma, caused Superfund Sites in Puerto Rico to experience inundation, potentially widening the toxic footprint of the Vieques Site.[22] Inundation spreads toxic chemicals into waterways, communities, and farmlands, which is in contrast to the goals of the Thirty-Seventh Session of the Human Rights Council.



PHOTO OF VIEQUES, PUERTO RICO VIA FLICKR BY KATIE WHEELER, LICENSED UNDER CC BY-NC 2.0.

[23] Contamination has caused heightened cancer rates among Vieques' residents, and because there are still unexploded bombs all over the small island, Judith Enck, the former EPA administrator for Region 2, stated concern that the bombs on land washed into the sea after Hurricane Maria, further spreading contamination.[24] Indeed, if the environmental threat that Vieques faced was already perilous due to toxic pollution, and if Hurricane Maria exacerbated that level of peril with inundation, then Vieques warrants particular attention from the U.S. government. Puerto Rico is, after all, a U.S. territory subject to U.S. laws and fiscal budget — a fact that the EPA has been accused of overlooking in other scenarios.[25] These accusations may increase given President Trump's proposed 2020 fiscal budget, which would cut funding for the EPA by 31%, yet the Navy plans to complete the clean-up on land by 2026 and the underwater clean-up by 2036.[26]

Although U.S. domestic environmental law serves to protect rights that are codified within the international human rights framework, the EPA has failed to properly protect the environmental and health rights of the people of Vieques. Yet, because of Puerto Rico's status as an unincorporated territory, Puerto Rico has not been able to directly enforce U.S. environmental law. The inadequate response to the crisis in Vieques demonstrates how the federal government has violated Puerto Rico's inalienable right to self-determination and independence because the United States abstained from voting in the UN General Assembly resolution 1514 (XV).[27] According to the UN Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples ("UN Special Committee on Decolonization"), despite the majority of Puerto Rican people rejecting its current status as a U.S. territory on November 6, 2012, the United States has failed to set in motion a decolonization process for Puerto Rico.[28]

The United States' political control of Puerto Rico denies the island sovereign decision-making power to address the crisis caused by the U.S. Navy's training site and Hurricane Maria in Vieques. The United States and the political representatives of Puerto Rico must begin a decolonization process immediately, which is not only long overdue but necessary for the Viequeses to adequately combat the effects of the environmental damage and ensure the protection of their fundamen-

tal human right to a clean and healthy environment.

[29] Unless the United States relinquishes its grip on Puerto Rico and places it on the path to decolonization and independence, it will be difficult for Puerto Rico to properly confront its challenges given that the federal government has not enforced the Navy's cooperation and neglected the leadership of Viequesese people in the operation.

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Kazakhstan: Neglects and Abuses Against Children with Disabilities

by Courtney Veneri

Kazakhstan has nineteen state-controlled institutions for children with mental illnesses or developmental disabilities.[1] The children in these institutions are marginalized and live apart from society in poor conditions, where they are subjected to neglect and abuse. [2] Kazakhstan must improve conditions for children living with disabilities in state-controlled institutions in order to properly implement its own legislation and to comply with its international obligations.

People living with disabilities in Kazakhstan are generally not considered to be valuable members of society, and they face discrimination and isolation.[3] There-

fore, parents are sometimes reluctant to register their children as having a disability — around three percent of children in Kazakhstan are registered as having a disability, as opposed to the global average of ten to fifteen percent.[4] Children who are registered as having a disability are excluded from society and kept locked away in institutions.[5] The State does not provide these children with a proper education, and they often remain in institutions for the rest of their lives, as the state moves them to an adult institution when they turn eighteen.[6] Children living with disabilities who are not in institutions are often homeschooled or put in inadequate, segregated schools.[7] These schools do not facilitate any socializing with other children, increasing the marginalization of children living with disabilities. Further, the teachers working to teach the children rarely show up, stunting their progress and preventing them from progressing in their education and knowledge.

Furthermore, the conditions of the state facilities are prison-like.[8] Children are sedated — sometimes for up to twenty-four hours.[9] They are beaten, forced to work, and made responsible for the younger children. [10] Children are crammed into rooms — up to twenty children may share a room, and those who are unable to walk are kept in beds or cribs.[11] The children living in these institutions are unable to participate in society or go to school, and are rarely given an education within the institution.[12] They are subject to physical restraints and forced sedation.[13]

In 2019, Human Rights Watch conducted in-depth interviews with children living in state-controlled institutions and published a report detailing the issues the children were facing.[14] They recommended that children should be integrated into society and that institutionalization should be ended in Kazakhstan to the furthest extent possible — by encouraging children with disabilities to be taken care of by their families and communities.[15] Children should be supported by their communities rather than forced to live in neglect.[16]

Kazakhstan is a party to both the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), and it has federal law focused on disabilities — Law No. 39/2005. [17] The general international standard for a state's responsibilities for people living with disabilities is