

TWO YEAR ANNIVERSARY OF SUCCESSFUL PUBLIC HEALTH CAMPAIGN BASED ON HUMAN RIGHTS

Nearly two years ago success was achieved by and for the people of Vieques with the cessation of all military. The 62 year-long campaign against US bombing exercises had insisted on two other goals as well: the return of land ownership to the 10,000 inhabitants and a federally sponsored program for decontaminating this island-municipality of Puerto Rico. The campaign explicitly focused on health as a fundamental human right referencing the Universal Declaration of Human Rights (UDHR). Living in a healthy and safe environment, it was contended, is basic to this human right.

The USA has signed and ratified several documents which bear directly upon the right to health as a fundamental human right –not just the UDHR. The US has signed and ratified treaties including: the United Nations Charter, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights (ICCPR), all of which oblige our government to assure Americans the necessary conditions for maintaining health, including access to needed and preventative health care. The US has also signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN Convention on the Rights of the Child (UNCRC) which have not yet been ratified. Since we have regularly ratified treaties 25 or 30 years after signing them, even these “not yet ratified” treaties have authority. Furthermore, there have been cases in which the US has made strenuous efforts to comply and enforce such signed and “not yet ratified” treaties (SALT II for example).

There is definitely a strong legal basis for expecting the US to fulfill its obligation to respect the right of all Americans to the necessary conditions of maintaining their family’s and their own health. Legal arguments have been made at least 150 times already in US courts based on these same international documents. Our government is committed to respect these laws as the “supreme law of the land” enforceable within all states and territories of our nation (US Const Amend VI). True the current White House marks an all time high in disdain for human rights and international conventions. Yet, at the same time we find ourselves in great need of international support for our policies and the Bush administration tries mightily to project an image of our nation as a bastion for freedom and democracy. The success of the Vieques campaign is all the more noteworthy at this moment and we rightfully acknowledge its significance at this two-year anniversary for it not only appealed to the body of human rights law, but did so arguing for health-related obligations which relate directly to some of the greatest concerns of our nation at this time. We can also celebrate the campaign’s success on several levels.

The campaign demonstrated the power that could be harnessed through community-organizing and grassroots campaigns centered around well-recognized human rights law. Specifically, the community chose in 1999 to confront their more powerful opposition (the US military) not on the basis of colonialism represented in the unilateral decision by the US to bomb and contaminate this formerly inhabited and beloved island, but rather to challenge the US military on the basis of current human rights law. The Committee for the Rescue and Development of Vieques and other organizations enhanced the competency

of the local Viequenses to technically understand the contamination and its dire health consequences and to become empowered themselves to act as their own foremost and effective advocates.

The people of Vieques and their allies in the campaign have shown us all how we might successfully wage a struggle for the recognition and fulfillment of our right to health care. All working Americans are at-risk of being left without access to quality health-care in their time of great need in our current system where health coverage is contingent and ephemeral. However, our struggle to establish and implement our right to health care must energize, educate and empower especially those Americans who are most excluded from timely access to high quality health care resources, i.e. low-income working families and disproportionately ethnic minorities who today make up most of the uninsured. By appealing to Americans on the basis of health care as a fundamental human right which already has a basis in US law, we can mobilize working Americans to stand up and advocate for their own needs. A similar empowerment is hardly possible so long as the struggle is waged on the basis of complex economic plans with excruciating details for what will be covered, for whom, and under what specific circumstances.

Rather, just like the earlier case with the “Right to Education”, we should demand the firm establishment of this right first, because it is needed and warranted –because our nation cannot advance unified and strong without it. Once this right is agreed upon as a priority commitment, a national discourse can proceed devising and implementing the best possible plan to realize this right for all our nation. The US history of achieving a “Right to Education” (secondary/primary) over the course of many years of state-by-state struggle, lends force to this alternative to our current cruel and unproductive health care system. The current system maintains health care as a privilege for just some fortunate Americans, leaving uninsured a full one-third of non-elderly adults and it must be soundly rejected not only as inadequate but as compromising our democracy.

The main arguments heard today against establishing the “Right to Health Care” and against providing for universal health care, are very familiar to anyone who has studied that earlier history of universal education. Education too was said to be too costly to provide to everyone, unwarranted as a right, unnecessary for most of the nation’s young people. It was also said that the quality would suffer if it were to be provided to all families. In retrospect large corporations, small business associations and working Americans all cherish the right to education, as obviously strengthening business and the nation generally. They will all look back on the “Right to Health Care” in just the same way, after we complete this similar political struggle. The people of Vieques have shown us the way.

The Viequenses Experience not only provided an effective model for campaigning for a new US policy that demilitarized the island but also bolstered the existing evidence that health as a fundamental human right is inextricably linked to equity and justice.

- from an article by Maria Idalf Torres in the American Journal of Public Health, January 2005.