

Agent Orange: Resonance on Vietnam-US Relations

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Summary

United States which is an avowed advocate of curbing Chemical and Biological weapons has successfully publicized the issue of Iraq possessing Weapons of Mass Destruction (WMD) including deadly chemical weapons in order to justify its operations. But it has itself used it for its ulterior objectives in the past. The burning and lingering example is that of Vietnam when US troops used chemical dioxin, Agent Orange, to get rid of the green forest cover and other foliage, so as to cut the supply lines of North Vietnamese guerillas.

“Agent Orange has long been a sensitive issue for both countries and we have differed over the lasting impact of the defoliant on Vietnam. I am pleased to say that we are now engaged in practical, constructive cooperation. Both the United States and Vietnam agree that the health of the Vietnamese people and the safety of its environment will be vital for Vietnam’s future. With the support of additional funds approved by Congress in FY 2007 and FY 2009, we are moving ahead with collaborative efforts to help Vietnam address environmental contamination and related health concerns.”

US Deputy Assistant Secretary Scot Marciel

United States which is an avowed advocate of curbing Chemical and Biological weapons has successfully publicized the issue of Iraq possessing Weapons of Mass Destruction (WMD) including deadly chemical weapons in order to justify its operations. But it has itself used it for its ulterior objectives in the past. The burning and lingering example is that of Vietnam when US troops used chemical dioxin, Agent Orange, to get rid of the green forest cover and other foliage, so as to cut the supply lines of North Vietnamese guerillas (freedom fighters). When US troops became directly involved in Vietnam in the year 1964, the Pentagon signed contracts amounting to \$57m (£36m) with exclusive eight US chemical companies to produce defoliants, which also included Agent Orange. It was named so after the coloured band painted around the barrels in which it was shipped. The after effects of the chemical are still reported far and wide in Vietnam and even among war veterans in US. There is a chain of events and cases bitterly denied by the US government. US government scientists had claimed that these chemicals were completely harmless to humans and had a short life in the environment. US strategists argued that Agent Orange was a prototype smart weapon, a benign tactical herbicide that saved many hundreds of thousands of American lives by denying the North Vietnamese army the jungle cover that allowed it ruthlessly to strike and feint. New scientific research, however, confirms what the Vietnamese people have been claiming for past so many years. It also shows that the US government is also one that has illicitly used weapons of mass destruction, stymied all independent efforts to assess the impact of

their deployment, failed to acknowledge cold, hard evidence of maiming and slaughter, and pursued a policy of evasion and deception¹. The same Frank stein has been haunting United States for the last three decades but it is using the selective amnesia and discriminatory judgment to avoid catering to the victims of Agent Orange, both in US and Vietnam. The steps that have been taken recently are satisfactory but not adequate.

Agent Orange- Ignominious Past and Lingering Effects

The war in Vietnam was the first to see a full-scale use of herbicides in warfare. This was highly inspired by the tactics of the British in Malaya. The United States military developed an expansive spray-system which comprised of aircraft, handsprayers, trucks, helicopters, and boats and was aimed at the defoliation of mangroves and forests, and destruction of crops and their distribution. This was done to remove aerial cover and food supplies to the North Vietnamese and allied forces. While its effectiveness as a weapon of warfare has been questioned, its effects have been far reaching. In this specific case approximately two-thirds of the herbicides sprayed contained a highly toxic, irremovable chemical which is commonly known as dioxin. This has a tendency to concentrate in the body of animals and humans and it has been recognized as among the most toxic substances ever produced, archives recently released from the US Department of Defense inform the extent of exposure and concentration of dioxin to be far greater than previously thought. It is now contended that an additional seven million litres of herbicides were sprayed, in particular with heavy dioxin concentration: more than doubling the total dioxin deposited to 366 kilograms or the world's largest dioxin contamination. Agent Orange, the main herbicide used and primarily for defoliation, it is now thought to have contained closer to 13 parts per million dioxin than an earlier estimate of 3 parts per million. Due to recording error and lost inventory, as well as questions as to what extent did vaporization occur in the atmosphere or after the spray had landed on vegetation, and the extent to which spraying continued after the Americans left, the exact amount of dioxin deposited can never be determined. Over a ten-year period 1961-

71 it is estimated that 15 to 16 per cent of land cover of the former South Vietnam, and at least 2.1 million and as many as 4.8 million people were directly sprayed. Missions, discontinued officially in 1971, it is alleged continued by allied South Vietnamese forces until the end of the war in 1975. Select areas of Laos and less directly, Cambodia that flanked the major supply and reinforcement route known as the "Ho Chi Minh Trail" were also targeted. Extraneous in the whole, the extent of territory exposed and the number of flight missions remains contested.²

There are various estimated which indicate that the American military sprayed approximately 11 to 12 million gallons of Agent Orange over an area of approximately 10% of the then-South Vietnam. This happened between the period of 1961 and 1971. There is one scientific study which estimated that between 2.1 million and 4.8 million Vietnamese were directly exposed to this. Various Vietnamese advocacy groups claim that there are over three million Vietnamese who suffer from numerous serious health problems caused by exposure to the Agent Orange. In the last few years, the people of Vietnam have become increasingly concerned about this issue. Various non-government organizations are placing more pressure on the Vietnamese government to remove the dioxin from the environment and also to provide better care to the people already exposed. Some government ministries are comparatively sympathetic to the public concern. But there are other ministries which are apprehensive as they believe that highlighting the dangers of dioxin could have undesired consequences for bilateral relations with the United States. And this in turn will affect the Vietnamese economy³.The Vietnamese government has long sought American assistance. Although the US has provided much scientific and technical support in the past, it has continued to deny any legal liability to provide assistance. It has also regularly questioned Vietnam's assertions regarding the extent of the environmental and health problems attributed to Agent Orange and dioxin. This results in a growing possibility of friction between the two governments over this issue.⁴Even during the visit of Vietnamese President Nguyen Minh Triet to US in 2007, the issue was raised in certain quarters.

Even within the United States there has been lot of issues regarding to the legislation and legal aspects for claims with regard to health problems for the US war personnel who were a part of the Vietnam War. Due to the non committal approach towards addressing the grievances of its personnel exposed to Agent Orange, the victims have lost patience and have sued the defoliant manufacturers in an action that was finally settled out of court in 1984 for about \$180m (£115m). Subsequently, it took the intervention of the former commander of the US Navy in Vietnam, Admiral Elmo Zumwalt, for the government to finally to admit that it had been aware of the potential dangers of the chemicals used in Vietnam from the start of Ranch Hand⁵. In 1991, Congress passed legislation requiring the VA to cover all sicknesses which were linked to exposure of Agent Orange. But in the year 2002, the VA changed its policy to cover only those veterans who had “boots on the ground,” excluding sailors and pilots (who have never been on ground).⁶ Sen. Kirsten Gillibrand introduced a legislation in First Week of November 2009 which requires coverage for the estimated 800,000 nationwide “blue-water vets,” who have illnesses which could be linked to exposure of Agent Orange but they have never set foot in Vietnam⁷. Though compensation will be a major issue, health and medical assistance would become a starting point.

Remedial Measures-Need for Concerted Approach

The persistence of dioxin in the soil has been measured in decades. A combination of tropical rain, erosion, and chemical degradation over time is thought to reduce the general threat of contamination in aerially sprayed areas. But for those in which herbicides were stored, loaded and or sprayed more directly very high dioxin levels continue to be recorded in soil, blood, and breast milk samples. Lower yet elevated soil concentrations have also been taken from aerially sprayed areas, with abnormally high readings coming from sites typically from places where contaminated earth has been excavated, that is, where a pond is dug to raise carp, for example. Yet in general, the bulk of recent scientific research and fears focus on areas immediately surrounding former storage and loading bases where protracted

perimeter spraying occurred. By the same measure are locations of known flight missions shot down and abandoned. At least five C-123 loaded aircraft each carrying 1,000 gallons of herbicides crashed, and another 42 were forced to dump their sortie in emergency. As far as can be judged there has been only modest remediation of contaminated areas. In total it is estimated that approximately 2.6 million hectares were sprayed by herbicides at least once, of which 1.7 million hectares were sprayed by herbicides containing dioxin compound TCDD. Some upland forest areas were sprayed up to ten or more times. The actual environmental impact is difficult to decipher though it is consistently reported that mangrove forests were most sensitive to the dioxin with irreversible consequences for up to 40 per cent of the population. The Vietnamese government, in cooperation with other governments and international organizations, has begun the process of inland and mangrove afforestation, though in 1993, it was estimated that it would take many more decades of industrious labour and a steady supply of international funding to recover the total area destroyed by herbicides. The extent to which this process has continued is not documented⁸.

Of greater concern are the sites of former US bases and adjoining areas, abandoned after the war and resettled as villages where local inhabitants raised food, washed and ingested water from surrounding sources. As a result of a joint study by Hatfield Consultants (British Columbia) and the Vietnamese Ministry of Health in the Aluoi Valley, 15 families residing near former Special Services base also were relocated. Aquaculture ponds were deactivated with no further excavation of the soil permitted and provincial authorities provided educational advice to valley inhabitants on how to avoid or reduce their exposure to dioxin. The study served as a mirror for all military installations and potential dioxin reservoirs in southern Vietnam. Grave regard is held for the former Bien Hoa base where a known major spill of 7,500 gallons of Agent Orange and three smaller spills each of several hundred gallons occurred in early 1970. The former base is located in close proximity to Bien Hung lake that connects to the Dong Nai river. It is reported that the Vietnamese Department of Defence carried out detoxification of several “hotspots” including Bien Hoa, Da Nang, and Phu Cat in late 2006.

At an estimated cost of US\$10 million per site, the Vietnamese government is currently calling for international assistance. It is unclear what financial contribution the United States will make, if any, towards these efforts, yet according to most recent press reports it is prepared to offer technical advice and make available scientific and historical archival information but has ruled out compensation for individual victims of Agent Orange in Vietnam.⁹

Since the end of the cold war, there has been a gradual warming of bilateral relations between the United States and Vietnam. During this process of “normalization” Vietnamese leaders continued to press on the issue of reparation but the focus was now on Agent Orange. The Vietnamese at this time also pushed for US assistance in the location of its own 300,000 unaccounted servicemen. Later in 2000, during President Clinton’s visit to Vietnam, the United States agreed to a joint research study on the effects of dioxin/Agent Orange as well as the provision of data and materials to assist in the location of missing Vietnamese servicemen. The extent to which either has been met is doubtful. Funding for the study as outlined in a 2002 memorandum of understanding between the two countries was discontinued by the Bush administration in March of 2005, reportedly due to want of Vietnamese Ministry of Health approval. According to Vietnamese sources, however, the joint research programme was unilaterally ended. The remains of 300,000 North Vietnamese and 1,500 US servicemen are unaccounted, to say nothing of the South Vietnamese which neither has taken issue.¹⁰ The granting of Permanent Normal Trade Relations (PNTR) to Vietnam in 2007 and increasing strategic importance of Vietnam both in terms of trade and defence would ease discussions between the two countries.

To gain a fuller appreciation of the situation of Vietnamese victims of Agent Orange, it is necessary to return to Paris, 1973¹¹. Fading prospects of military victory and rising internal pressures from both sides led to more frequent private and public talks that culminated in the final signing of the Paris Peace Agreement in January 1973. For reasons of expediency as well as political pliability the final agreement was left vague in a number of key provisions. While reports of private discussions and

interpretations of these provisions differ and are complex, it is clear that the greatest American concern lay with securing the release of its prisoners and exiting the war on terms that did not damage its international credibility, viz. “peace with honour”. For Hanoi, with respect to the Americans, it was to remove them anon from the war (personnel, bases, and equipment included) and secure an agreement for post-war reconstruction assistance. For all its failings, chiefly the violation of the ceasefire by all parties, the agreement was successful as a vehicle for the release of prisoners and withdrawal of US forces from Vietnam. In a climate of distrust, concern would linger over whether all US prisoners had been released and whether full cooperation had been given to the search for the missing and dead. No post-war aid would ever be paid¹².

Even among the western thinkers and academicians, there is anguish over US non committal approach to provide succor to both Vietnamese and US war veterans which have been affected by the deadly chemical agent. One of the Professors Prof. Marjorie Cohn states

“Several treaties the United States has ratified require an effective remedy for violations of human rights. It is time to make good on Nixon’s promise and remedy the terrible wrong the U.S. government perpetrated on the people of Vietnam. Congress must pass legislation to compensate the Vietnamese victims of Agent Orange as it did for the U.S. Vietnam veteran victims.” Our government must know that it cannot continue to use weapons that target and harm civilians. Indeed, the U.S. military is using depleted uranium in Iraq and Afghanistan, which will poison those countries for incalculable decades”¹³.

On the other hand Vietnamese academics like Professor Nguyen Trong Nhan have lamented the fact that the efforts are too late and too little. He states

“Vietnam can’t solve the problem on its own. Hanoi helped the US military to track down remains of MIAs (US servicemen missing in action), and we asked them to reciprocate with humanitarian

aid for victims of Agent Orange.... American victims of Agent Orange will get up to \$1500 a month. However most Vietnamese families affected receive around 80,000 Dong a month (just over \$5 dollars) in government support for each disabled child.”¹⁴

The issue does not only have ramifications on the bilateral relations but it also poses important question about how to rectify the mistakes that have been committed in the past and how the erring parties should comply with the international norms. Even the International Tribunal which arbitrated the matter in his judgment stated that:

This Tribunal finds

1. that the United States Government is guilty of the offenses listed above and determines that the damage to the environment of Vietnam can be defined as “ecocide”;
2. that the Chemical companies who were charged in the summons and complaint are guilty of complicity in the offenses listed above; and
3. that the United States Government and the Chemical companies which manufactured and supplied Agent Orange must fully compensate the victims of Agent Orange and their families. The US Government and the Chemical companies must also repair the environment to remove the contamination of Dioxin from the soil and the waters, and especially from the “hot spots” around former US military bases¹⁵.

To complete the above task of compensation and repair, the Tribunal recommended that the Agent Orange Commission be established to assess the amount of compensation to be allocated to each victim, family group, and community. The Agent Orange Commission will also determine the amount necessary to provide specialized medical facilities and rehabilitation and other therapeutic services to the victims and their families. The Agent Orange Commission will also estimate the costs of the necessary studies of contaminated areas and the cost of environmental repair in the future. The Agent Orange Commission will

also determine the amount to be paid to the State of Vietnam to indemnify it for monies it has expended to support the victims and repair the environment. The Tribunal urges the Government of the Socialist Republic of Vietnam to forthwith constitute such Agent Orange Commission of people of eminence in the fields of medicine, science, engineering, law, epidemiology, agriculture, toxicology, ecology, public administration, and representatives of civil society. The Agent Orange Commission shall make its recommendations within one year of its constitution. Once the Agent Orange Commission has established the requisite amounts, those monies shall be paid by the United States Government and the Chemical companies jointly and severally to a trust fund specially created for present and future victims and their families, and repair of the environment. The amount of \$1.52 billion a year being paid by the United States Government to the US Vietnam veteran victims of Agent Orange can be employed as a guide for the calculations performed by the Agent Orange Commission¹⁶.

Though to a limited extent, more than 35 years later, US allocated an additional \$3 million in FY2009 funding for Agent Orange/dioxin activities in Vietnam. The proposal is to use approximately \$1 million of this funding for further support of environmental health activities and the remaining \$2 million for environmental remediation efforts¹⁷. This shows the costs of using a chemical warfare and its effects not only on the humans but also on the inter-state relations. Vietnam has been seeking medical and detoxification cooperation from US on Agent Orange while in return it offered to help USA in the search for US soldiers Missing in Action (MIA). The initiatives taken from both sides is conciliatory and the warming of relations would provide help to the victims of the Agent Orange but there is more to be done from both sides¹⁸. The efforts for rehabilitation and providing medical assistance are necessary but the compelling action is that the culprit companies and the government should be internationally castigated and the international obligations should be enforced. The treaties and conventions have provided the platform for discussion but it is necessary that these gruesome acts of ‘biocide’ should not be repeated in human history.

Endnotes:

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3. Michael G. Palmer, The Case of Agent Orange, Contemporary Southeast Asia, April 2007
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14. Prof. Marjorie Cohn, Agent Orange Continues to Poison Vietnam, Global Research, June 14, 2009
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16. International Peoples' Tribunal Of Conscience In Support Of The Vietnamese Victims Of Agent Orange, Executive Summary Of The Decision, Paris, May 18, 2009 at http://www.vn-agentorange.org/paris_2009_tribunal_exec_summary.html (Accessed 22.10.2009)
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