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Agent of influence

The realpolitik case for compensating Vietnam.

By [Geoffrey Cain and Joshua Kurlantzick](#)

Anh Nguyen Khanh, a motorbike driver in the mountains outside Da Nang, a city in southern Vietnam, is only fifty-three, but he looks much older. His fourteen-year-old son was born with severe spina bifida and cannot walk; his seventeen-year-old daughter has Down's syndrome. His wife, shattered by her two children's hardships, has become so mentally unstable she must be restrained at times. "Life is the hardest thing," says Anh Khanh, who supports his family by transporting vegetables between villages, earning about \$100 per month. "This [life] is truly a curse."

As a child during the Vietnam War, Anh Khanh remembers watching as American forces sprayed the area around his home with Agent Orange, a defoliant containing the chemical dioxin and used by U.S. forces to kill plants and expose enemy movement. "I remember seeing the American warplanes dropping some sort of chemical on the jungles," he says. "We thought everything was okay, because they weren't dropping bombs ... It wasn't until the 1980s, when our generation started having children, that we learned the horrible effects of war would follow us our entire lives." Today, Anh Khanh, like many Vietnamese, is convinced that the remnants of dioxin, a poison, in his village's soil have destroyed his family, causing his children's birth defects, which then ruined his wife's mental health. The local government, he says, has little money to help him, and offers just \$15 per month in benefits, only enough to cover a portion of the food and health care costs of one of his two children. "God is watching over us," he says. "That's our only hope."

During the Vietnam War, the United States sprayed as much as 18 million gallons of Agent Orange on the country, according to a Government Accountability Office study. Decades later, the long-acting toxin continues to exact a terrible toll on the people of Vietnam. While the U.S. insists that there is not enough evidence to link the spraying of the defoliant to any illnesses in Vietnam, the government in Hanoi estimates that as many as 400,000 Vietnamese have died early from ailments related to exposure to dioxin and that 500,000 children have birth defects because of exposure to the chemicals leeching into water and soil.

Until recently, the lingering effects of Agent Orange were not something the Vietnamese government talked much about. After normalizing relations with Washington in 1995, Hanoi's overwhelming goal was to win favorable trade deals with the United States and admission into global bodies like the World Trade Organization; bringing up unpleasant subjects like Agent Orange worked against that strategy. But having attained those goals a few years ago, the government is now becoming more aggressive in pressing its claims. "Vietnam feels more confident in where it stands with the U.S., so now it can go back to some of these war issues," says Edmund Malesky, a Vietnam expert at the University of California, San Diego. At the annual meeting of Vietnamese and American government representatives to an Agent Orange task force, held last September,

Vietnam's deputy minister of natural resources and environment, Nguyen Xuan Cuong, declared that U.S. assistance in Agent Orange cleanup thus far "has not met our expectations."

Despite pressure from Vietnam, the U.S. has steadfastly refused to acknowledge any American responsibility for tragedies like the family of Anh Khanh. In part this is because the United States is under no compelling legal obligation to compensate Vietnam. Attempts by Vietnamese plaintiffs to win damages in American courts have repeatedly failed; international laws and treaties regarding the environmental and health consequences of war are weak and largely unenforceable. And while there is sound medical evidence linking dioxin exposure to an ever-wider variety of illnesses, proving causation in individual cases in Vietnam is nearly impossible. But the biggest reason why the U.S. refuses to take responsibility for the effects of Agent Orange in Vietnam is one of precedent: doing so, defense officials insist, would open Washington up to claims from Koreans, Filipinos, Iraqis, and anyone else impacted by the actions of U.S. armed forces.

Yet for all these difficulties, Washington should help pay for the damage done by Agent Orange in Vietnam, because in this case our moral concerns coincide with our strategic ones. Though most Americans still see Vietnam through the eyes of the war, endlessly chronicled in books and films, average Vietnamese citizens have moved on. "The past is closed," says Tien Nam Tran, professor of international relations at Vietnam National University. "Vietnamese people do not see Americans as rivals from the previous war." Rather, Vietnam has become one of the most pro-American countries in Asia. With its proximity to and historical animosity toward China, it also has the potential to be a pivotal ally in one of the most dangerous regions of the world. And with China winning allies across Asia, the U.S. badly needs friends like these. That's an argument even the hardest-core national security hawks in Washington ought to listen to.

During the early years of the Vietnam War, Agent Orange was not a major tool in the American arsenal, but as North Vietnam's army and the Viet Cong proved successful at using the jungle to hide men and materiel, the spraying of defoliant became central to American war fighting. The Vietnamese government estimates that the U.S. sprayed roughly 12,000 square miles of Vietnam, around 10 percent of the country's total area. Meanwhile, in areas like Da Nang, home to a major U.S. air base, American forces stored large amounts of dioxin, some of which ultimately leaked out of storage containers. One study by the Hatfield Consultants, a prominent environmental analysis firm, suggested that the soil around Da Nang today contains up to 365 times the acceptable international standard of dioxin.

Hoang Thi The, a seventy-one-year-old widow once married to a Viet Cong officer, lives in Da Nang. She cares for two grown children who suffer from severe handicaps: her son was born with deformed limbs, while her daughter is deaf, mute, and paralyzed—problems caused, a local doctor told her, by dioxin. The children spend every day lying on wooden beds at home, staring at the walls. "In the past, we had a lot of money, and we went everywhere around Vietnam to find a treatment [for their ailments]," she says. "But no treatment came. Now we have nothing. I worry what will happen to my children when I die."

For years, the evidence appeared inconclusive on Agent Orange's links to diseases. But in recent decades, medical research, much of it focused on American veterans of the Vietnam War, has shown dioxin to be a risk factor in an ever-growing number of illnesses. The list includes Parkinson's disease, Hodgkin's disease, ischemic heart disease, leukemia, prostate cancer, and (in children of those exposed to the chemical) birth defects such as spina bifida and clubfoot. Nor is there much doubt that many Vietnamese are carrying around dangerous amounts of the toxin in their bodies. One analysis of more than 3,000 Vietnamese, published in the *American Journal of Public Health*,

found far higher levels of dioxin in their blood than among people who'd lived in unsprayed areas.

Yet figuring out exactly who in Vietnam has been exposed to how much dioxin is extremely difficult. Despite some records kept by the U.S. Army, no one knows exactly how much Agent Orange was sprayed in different parts of the country. And as one comprehensive Congressional Research Service study notes, "Both the South Vietnamese and North Vietnamese governments were not keeping detailed troop deployment information," making it hard to prove who fought in the sprayed areas.

Even Vietnamese health officials admit they cannot necessarily tell, in a poor country where most ailments go untreated, which handicaps actually stem from exposure to dioxin. "We have a very limited budget, and we cannot be certain who is an Agent Orange victim and who is not," says Phan Thanh Tien, who works at the Da Nang Association for Victims of Agent Orange/Dioxin, a government-funded nonprofit. "When a family with a handicapped child comes to us, we must ask, 'Where do you live?' If they live in an area that was sprayed heavily, or has contaminated water, we assume they are Agent Orange victims." Indeed, few organizations in Vietnam have the money to run a definitive test for dioxin exposure. (It costs roughly \$1,000 to test one person's level of dioxin exposure, and per capita GDP in Vietnam is only \$2,600.) Vietnamese domestic politics also plays a role in claims. As Phan Thanh Tien admits, families of veterans who fought on the side of North Vietnam during the war receive more government compensation for suspected Agent Orange-related illnesses than everybody else.

Even if Vietnam could definitively determine who was affected by Agent Orange, however, the Pentagon would still worry that admitting responsibility and providing money for victims would set a dangerous precedent. The U.S. government could find itself having to provide similar compensation to those claiming ill-health effects from our wartime activities—past, present, and future—everywhere from the Korean peninsula to Afghanistan. No wonder that during the Clinton administration, the period when the United States restored relations with Vietnam, Assistant Deputy Undersecretary of Defense Gary Vest, during a visit to Vietnam, made clear to his hosts that the U.S. could not admit any responsibility for the consequences of its spraying of Agent Orange, according to several American officials. In the Bush administration, both Secretary of Defense Donald Rumsfeld and Secretary of Veterans Affairs Jim Nicholson reportedly delivered similar messages to Hanoi.

The U.S. government's position is understandable, but it rests on a blatant inconsistency. On the one hand, Washington insists it cannot pay compensation because there is insufficient evidence to show that the diseases the Vietnamese people suffer were caused by the Agent Orange U.S. forces sprayed. On the other hand, by law any American veteran who set foot in Vietnam during the war and who suffers—or whose offspring suffer—from any one of a wide range of medical conditions is presumed to have contracted that condition because of Agent Orange, and is hence eligible for VA health care and other benefits. Vietnamese officials can be forgiven for not taking seriously the U.S. government's insistence that when it refuses to acknowledge responsibility for the health effects of Agent Orange in Vietnam, it is merely following the science.

Despite disagreements over issues like Agent Orange, the United States and Vietnam are rapidly building a close relationship. For Americans who remember the last U.S. diplomats fleeing the embassy roof in Saigon (now Ho Chi Minh City) in 1975, this amity might seem surprising. But for Vietnam, which fought the French in the 1940s and '50s, and then China in the late 1970s, the American conflict was only one part of a much longer battle. "I don't think most of the issues related to the war are really on Vietnam's mind anymore," says one Vietnamese diplomat who has dealt with the U.S. for years. "We're more worried about what's happening now." And what's happening is business: two-way trade between the United States and Vietnam has grown from around \$1.2 billion

in 2000 to over \$12 billion in 2007 (the most recent year with full data available). Today, America stands as Vietnam's biggest trading partner and largest export market, and the more than 1 million Vietnamese Americans contribute to the interpersonal ties between the countries. This economic relationship will only expand now that Vietnam has joined the World Trade Organization: Fortune 500 companies like Intel already have made big bets on Vietnam, with the tech giant building a \$1 billion chip fabrication plant in the country.

Average Vietnamese, too, have developed favorable impressions of America. According to a 2008 survey of six nations in East Asia by the Chicago Council on Global Affairs, the influence of U.S. soft power in Vietnam (a combined measure of economic, political, and cultural influence) was higher than in all other countries surveyed, which included longtime American allies like Japan. On the ground in Vietnam, anecdotal evidence confirms the survey results. When then President Bill Clinton visited Hanoi in 2000, average Vietnamese mobbed his entourage, desperately hoping for autographs, or any kind of contact, from the American leader.

This surprising warmth stems from several factors. By the early 1990s, American war veterans, led by Senators John Kerry and John McCain, pushed for political normalization with Vietnam and led trips back to the country so that average veterans could reconcile with their old adversaries. Since the majority of Vietnam's 80 million people are under thirty years old, most do not remember the war years. And even for older Vietnamese, the fact that the "American war" was only part of decades of conflict—or centuries of conflict, if one counts Vietnam's historic wars against China—means that people do not simply focus their animosity against the United States and that Vietnamese take a highly pragmatic view of the world. "Throughout several thousand years of building and defending our country ... after each invasion that the Vietnamese people had to fight back, Vietnam ... was ready to establish and normalize the relations with the old rivals for the benefits of both sides," says Vietnam National University's Tien Nam Tran.

Perhaps more important, on a strategic level Vietnam's policymakers have chosen to build deep ties with America, and Americans have responded in kind. "You can see they are some of the most impressive strategic thinkers in the region, that they are looking for a real alliance—we want to work closely with them," says one senior State Department official. Strategic ties come from mutual fear of the giant neighbor on Vietnam's northern border. Washington worries that a resurgent China is making rapid inroads into Southeast Asia, long a sphere of American influence. Today, even as China has become one of Vietnam's biggest trading partners, and the two Communist parties proclaim brotherly ties, Hanoi remains uncomfortable with Beijing. The two nations claim some of the same areas of the South China Sea, and have skirmished over small islands in the disputed waters.

Besides its shared fear of China, Vietnam's geographic position also offers vital strategic advantages to the United States. It is situated relatively close to the Straits of Taiwan, the biggest potential flashpoint between Washington and Beijing. The U.S. Navy already has begun port calls in Vietnam, for the first time since the war years. In 2003, Pham Van Tra made the first visit by a Vietnamese defense minister to the Pentagon since the war.

There are still sticking points, other than the legacy of Agent Orange, in the U.S.-Vietnam relationship. Vietnam remains an authoritarian country, and Washington continues to highlight its human rights abuses and lack of religious freedom. In October, the advocacy organization Human Rights Watch blasted Hanoi for going backward on religious freedom after Vietnamese security forces beat monks aligned with Thich Nhat Hanh, a Buddhist leader and peace activist who reportedly urged Hanoi to loosen restrictions on religion. "Once again Vietnam has clamped down on a peaceful religious group—even one that was initially welcomed by the government," Elaine

Pearson, deputy Asia director at Human Rights Watch, told reporters.

Yet these problems do not overshadow cooperation. Hanoi has launched a regular, high-level dialogue with the State Department. "The Vietnamese are incredibly eager to meet with us, and it's an easy way to build up ties," says one State Department official who covers Southeast Asia. The U.S. gives Vietnam some \$100 million in annual aid—to fight pandemic disease, to promote trade and investment, and to improve the rule of law, among other goals—making it one of the biggest recipients of American assistance of any nation in Asia. In the long run, in fact, Vietnam could become the closest U.S. ally in its region, given the shared strategic interests, Vietnam's pragmatic foreign policy, and the country's natural ties to America.

It is hard to imagine this mutually beneficial relationship coming to full fruition, however, unless the United States does more to address the legacy of Agent Orange. The burden of that legacy is on display at a daycare center for older children with mostly dioxin-related disabilities run by the Da Nang Association for Victims of Agent Orange/Dioxin. The center consists of four small rooms and one large one with paint-chipped walls, a few tables, some plastic chairs, and one lone fan. Dozens of children are crammed into the rooms, where they play with toys and learn vocational skills like sewing while their parents work in hotels and factories. The services are meager—the center cannot afford, among other things, an on-site doctor to give the children required checkups on their conditions. "We can only take in the most severe cases, so we must decline many families who need help," says Nguyen Thi Hien, who runs the NGO. This facility and another one run by the NGO provide care for only about 100 of the estimated 1,400 kids in Da Nang with Agent Orange-related disabilities.

Washington has already embraced the foundations for a potential Agent Orange solution. In neighboring Laos, heavily bombed during the Vietnam War, the U.S. government has contributed a modest amount of assistance for getting rid of unexploded ordnance—projects that come with no statement of legal responsibility for American actions. This has helped to rebuild the United States' image in that country. And in Vietnam, the George W. Bush administration already took the first step toward an Agent Orange solution, providing an initial \$3 million to clean up spilled Agent Orange in and around the former U.S. air bases in Vietnam and for the humanitarian needs of residents near those bases.

The next step will be to assist the actual victims of Agent Orange spraying. Washington will not want to deliver the aid itself; as Japan discovered when trying to help clean up the residue of World War II chemical weapons in China, getting involved in on-the-ground service delivery makes the donor vulnerable to byzantine and sometimes corrupt local politics. And because of the inherent difficulties of determining who is and who isn't a victim of Agent Orange, the U.S. should not even try. Better, instead, for Washington to determine an annual sum of aid for Vietnam, call it humanitarian assistance—thus avoiding any link to or responsibility for Agent Orange—and give it to Hanoi, letting the Vietnamese government figure out how to use it to help Agent Orange victims.

Such a resolution might not please everyone in Vietnamese government circles, where opinion remains divided on how aggressively to push the United States on Agent Orange. Officials from the Ministry of Foreign Affairs, tasked with building the strategic relationship, express in private the most caution about using Agent Orange as an issue. Agricultural officials, too, worry about allowing stories of dioxin to tarnish the reputation of Vietnamese produce. Meanwhile, according to several Vietnam specialists, conservatives within the ruling Communist Party, who tend to be the most skeptical of ties to the United States, want to push the hardest on Agent Orange, and might strongly resist a compromise in which the U.S. government did not admit any guilt. Still, given its inherent

pragmatism, and its desire to move beyond the war, Hanoi probably would take such a deal.

The bigger political difficulty is likely to be here in the United States. Any attempt by the Obama administration to offer aid to the victims of Agent Orange in Vietnam will almost certainly be used by the president's opponents to stir up old Vietnam-era political and cultural resentments which, unlike in Vietnam, are still very much alive in the United States. But Obama might find that on this issue he has allies on the other side of the aisle who understand the strategic stakes. One of them may be John McCain, a key architect of the reconciliation with Vietnam. "We need to continue to address the issue [of Agent Orange] both in compensation for the victims as well as cleanup of areas that are clearly contaminated," the Arizona senator declared on a visit to Vietnam in April of 2008.

This fall, Obama probably will visit Vietnam himself to attend a summit of the Association of Southeast Asian Nations. When pressed on Agent Orange by his Vietnamese hosts—as he almost certainly will be—the president will have a choice in how he responds. He could reiterate current U.S. policy and leave it at that. Or he could seize the moment by offering humanitarian aid to the Vietnamese victims of Agent Orange—a bold move that would address a bitter legacy from America's past while sealing a vital strategic alliance for years to come.