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The Environmental Consequences of War

Why militaries almost never clean up the messes they leave behind.

By [Clay Risen](#)



In the waning days of World War II, the retreating Japanese army left millions of chemical weapons scattered across northeastern China. To prevent the Allies from capturing them, units buried the shells—containing chemicals including mustard gas, phosgene, and lewisite—in fields, lakes, and streams. The result has been a slow-motion public health disaster: according to Chinese officials, in the last sixty years more than 2,000 people have died from toxins leaking from the weapons, and countless more have been sickened and permanently injured by them.

For decades, the Japanese government denied knowledge of the weapons, as well as any responsibility for cleaning them up. But in 1997 Tokyo entered into talks with Beijing over how to remedy the damage, and Japan eventually agreed to a multibillion-dollar plan to locate and destroy some 700,000 abandoned weapons. In a September 1997 speech in Beijing outlining a "new age" for Japanese-Chinese relations, then Japanese Prime Minister Ryutaro Hashimoto described the effort as

a salve on "a deep wound in our hearts" that reaffirmed the countries' "two thousand years of friendly relations."

What's amazing about the Japanese effort is that it's happening at all. Japan likely will end up spending almost \$1.6 billion to destroy the stock of known chemical weapons in China. If even more weapons are found—and, World War II records being as poor as they are, that's a strong likelihood—the costs could easily double. No wonder the Japanese-Chinese deal is almost the only instance in which a country has voluntarily paid for the environmental damage caused by its military.

Why? The easy answer is that there's no legal requirement—international law is spotty at best when it comes to the environmental and public health legacies of military activity. But the real issues are cost and precedent: remediation and health care for victims are incredibly expensive, and no country wants to set a precedent that would force them to spend billions cleaning up their own mess. "Once you open that door, where does it end?" asks Brian Sheridan, a Clinton-era assistant secretary of defense who worked on cleanup issues. "It's enormously expensive. That's not what countries think of when they go to war."

With the United States now pondering a postwar future in Iraq and Afghanistan, some policymakers will wind up examining whether—or how—America might pay for any damage done to the Afghans' and Iraqis' environment and health. Already, for instance, doctors in Iraq are reporting higher-than-normal levels of cancer and birth defects in cities like Fallujah where the fighting was heaviest. So defense planners are looking to the legacy of Agent Orange in Vietnam for clues. Yet history shows that America's use of Agent Orange was hardly the first instance in which a country has ignored the environmental and health impacts of its wartime strategies. Indeed, almost without exception, countries do not pay for these legacies, for a number of reasons: the cost of cleanup is prohibitive; policymakers worry about the impact of paying on national security; and international law cannot hold a polluter accountable. And when, in a rare case like Japan, nations do pay, they do so for strategic, not moral, reasons.

The U.S. military is hardly a paragon of environmental stewardship, but its sins pale in comparison with those of the former Soviet Union—both in terms of damage caused and refusal to account for it. Like a receding tide revealing flotsam and jetsam, in the early 1990s withdrawing Russian troops left behind thousands of square miles of polluted territory, mostly in the form of bases and testing ranges once home to the mighty Soviet army. In Estonia, where 570 Soviet military facilities occupied almost 2 percent of the entire country, experts found thousands of unexploded rockets, air bases where fuel oil had seeped twenty feet below the surface, and nuclear power plants where toxic waste was left sitting in the open. In the mid-1990s, the cost of cleanup was estimated at \$6 billion, nearly four times the tiny Baltic state's budget.

Russia, however, refused to provide assistance. "It was almost impossible to get Russia to pay off its financial obligations, such as its debts. It is clear that winning any environmental compensation would be impossible," says Petr Pavlinek, an expert on the eastern European environment at the University of Nebraska at Omaha. Russia further claimed, accurately, that the withdrawal agreements it signed with its former satellites absolved it of any cleanup responsibility. Nor did it help that Russia, even at its weakest point in the early 1990s, was too big for its former allies to push around. "The affected countries have no leverage to win any compensation from Russia," says Pavlinek. "How can they make Russia pay? So if they want to clean up the environmental damage they have to do it by themselves, and pay for it, too."

Russia wasn't the only Cold War adversary to skip out on cleanup duty. During the 1990s the United States decommissioned scores of bases around the world, and in almost every instance it left an

environmental pigsty in its wake. The sprawling naval base at Subic Bay in the Philippines, once America's largest overseas military installation, never had a sewage treatment plant; instead, wastewater was dumped directly into the bay. In 1992, the General Accounting Office (predecessor of today's Government Accountability Office) estimated that the cost of cleaning up the facility, along with Clark Air Base to the north, "could approach Superfund proportions." The 1991 eruption of the Philippines' Mount Pinatubo exposed these shortcomings: the volcano sent thousands fleeing to the bases for safety, and after just months of living there, hundreds came down with asbestosis and other ailments likely caused by military toxins. But when Manila demanded compensation, Washington balked, claiming, justifiably, that the 1947 Military Bases Agreement between the two countries cleared it of any responsibility for the base once it left. Washington's attitude, says Sheridan, was that "fighting the Cold War was a shared responsibility—we did our part by providing a protective umbrella, and they provided the land." Though local nonprofits and members of the Filipino government continue to press the United States for aid, observers say there is almost no chance that Manila will ever see a penny in compensation.

The United States did a better job cleaning up after itself in Panama, where it steadily decommissioned bases throughout the 1990s in the run-up to the handover of the Panama Canal Zone on December 31, 1999. Unlike in the relatively unimportant Philippines, the U.S. had a powerful strategic reason to help, though the assistance did not please all Panamanians. Much of the American cleanup was focused on unexploded ordnance left on firing ranges deep in the Panamanian jungle, which was difficult to reach. In several cases the Pentagon simply cordoned off the contaminated areas, claiming that moving in equipment would do more damage to the environment than just leaving the weapons to rot.

As in Panama, in Canada the U.S. has serious strategic interests. The country is also America's largest trading partner. So while the U.S. military shuttered several Canadian facilities in the 1990s and claimed it had "no legal obligation" to help clean them up, in 1998 Washington reversed its position and offered \$100 million. The reason? Realpolitik. "There is no other country with the same combination of geography, historical relationship, and vital significance to U.S. national security," said Deputy Secretary of Defense John Hamre in a letter to Congress—though he made sure to add that this was "a special case not duplicated anywhere else in the world."

If countries don't want to pay for cleanup, international law can hardly make them. While a number of treaties since the 1970s—the First Protocol to the Geneva Conventions, the Environmental Modification Convention, and others—have tried to limit the environmental consequences of war, they have all made broad exceptions for militarily necessary activity. They have also had weak, even nonexistent, enforcement mechanisms, and the definition of "militarily necessary" has been highly flexible. "Where the international community has sought to hold states and individuals responsible for environmental harm caused during armed conflict, results have largely been poor," concludes a recent report by the United Nations Environmental Program.

One exception to this weak enforcement was the 1991 United Nations Compensation Commission (UNCC), which oversaw payments by Iraq for damages it caused in Kuwait during the first Gulf War—explicitly including, for the first time, damage to the environment. "It was found that the intentional opening and burning of the wells as a tool of war merited compensation and liability," says Mark Drumbl, an international environmental law specialist at Washington and Lee's School of Law. The \$28 billion paid to Kuwait and its citizens since then, coming primarily from the so-called Oil-for-Food Program, has helped deal with the millions of gallons of crude oil spilled during Iraq's "scorched earth" campaign.

This was, of course, victors' justice, not the result of a voluntary international regime. More to the point, the UNCC effort also proves the limits of international legal protections. In 2005 the UNCC denied a request by Saudi Arabia for a share of the Iraqi funds to cover public health damages, based on a two-year study by researchers at Johns Hopkins; according to the UNCC, the research failed to show conclusively that the increased respiratory ailments and decreased life spans found among the Saudi population were exclusively caused by the war, holding claimants to a standard that was almost impossible to meet.

Even the Chemical Weapons Convention, which has done a remarkable job of ridding the planet of domestic chemical weapons stocks, has had only a mixed record at forcing countries to clean up weapons abandoned overseas. Ethiopia, for example, has charged that Italian chemical weapons—in particular, mustard gas and phosgene, which Mussolini's Fascist government used in the mid-1930s during the Second Italo-Abyssinian War—remain scattered around the country. Yet in a recent official statement, Italy claims, "According to our records in Rome, at the end of the 1935–1936 war between Italy and Ethiopia, no deposits of chemical armaments were left in the country," and it has refused to offer compensation.

So why did Japan choose the road less traveled? Why didn't it do like Italy and Russia and simply stonewall? In fact, at first, it did: China began calling for compensation in the mid-1980s, and it took twenty years for Tokyo to even admit it had left chemical weapons behind. What changed, fundamentally, wasn't the force of international law or Japan's sense of moral responsibility, but China's emergence as a regional and then a global superpower, which changed Japan's own strategic calculus. With China on the ascendance militarily—playing a larger role in resolving regional disputes like North Korea, and becoming Japan's largest trading partner—Tokyo could not afford to let World War II legacies get in the way of what was becoming its most important economic and political relationship in Asia. In other words, like the U.S. decision to approve cleanup in Canada but not in the Philippines, Japan made a strategic choice. "It's a savvy thing for Japan to be engaged with," says Sheila Smith, a Japan expert at the Council on Foreign Relations. "It's a threatening situation, with people getting hurt every day, and it's something Japan can do something about right now."

Beginning in the early 1990s, Japan sent teams of scientists to survey the location and extent of the weapon dumps, and in 1995 it formed a binational team to isolate and neutralize thirty chemical shells. But much more help was needed, and in 1999 Japan inked a deal with China to locate and destroy massive amounts of chemicals. Japan, however, made the mistake of attempting to handle the cleanup itself, rather than providing money to the Chinese government and letting Beijing handle the actual details. Japan's attempt to manage the cleanup has resulted in cost overruns, delays, and acrimony. In 2008, four executives at Pacific Consultants International, the firm contracted to help implement the cleanup, were arrested for siphoning more than \$1.3 million out of the program and into their private bank accounts. "Getting it all together has been more of a hassle than anyone anticipated," says Jeffrey Kingston, a professor at Temple University's Tokyo campus. "A lot of those barrels were dumped in swampy ground, so it's not an easy operation." Simply getting high-tech remediation equipment through the baroque Chinese customs bureaucracy has been a nightmare, he says.

Because of the cleanup problems, the Japanese effort hasn't won many kudos from the Chinese public. As a result, outside observers are likely to take the Japanese experience as an object lesson in why *not* to embark on cleanup efforts. Here's a country that committed billions, not to mention its reputation, to a project whose scope it didn't comprehend—and what does it have to show for it?

Given such meager precedents, it is all but impossible that the United States will feel itself compelled, legally or morally, to compensate Vietnam for its use of Agent Orange. Even if it did, says a former

Pentagon official, "It will always be in our interest to deny." After all, admitting responsibility for Agent Orange's effects would open the U.S. military to untold claims around the world. "We will do gymnastics to avoid setting that precedent," says the former official.

Still, there are ways to provide Agent Orange-related aid to Vietnam without setting such a precedent. Indeed, the U.S. is already doing so. In early 2008, as a result of diplomatic overtures from the Bush administration, a small amount of American funds began flowing to a dioxin remediation effort around Da Nang, one of the central depots for Agent Orange during the war. But the State Department and the Pentagon have been careful to characterize the Da Nang effort as a humanitarian gesture, not an admission of a link between the dioxin around the city and the former herbicides stored there. "I would say the real reason they're doing it is geopolitical," say Susan Hammond, director of the War Legacies Project, which studies the long-term health and ecological consequences of war. "They want to have closer military-to-military relations with Vietnam."

Like China vis-à-vis Japan, Vietnam is an increasingly important trading partner for the United States, and an important potential ally in the event that competition with China heats up. Whether it is important enough to merit serious compensation will determine whether it ends up like the Philippines, Panama, or Canada.