



Vietnam: It Ain't Over 'Till It's Over

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Lawyers representing approximately three million Vietnamese plaintiffs appealed the dismissal of their civil lawsuit to the US Court of Appeals for the Second Circuit [official website] Monday. The plaintiffs argued that more than 30 American chemical companies should be held liable for billions of dollars in compensatory damages and environmental cleanup costs for producing and supplying defoliants like Agent Orange [VA backgrounder], which were sprayed in Vietnam during the war to destroy forest cover and render crops unusable. The plaintiffs argued that the companies were aware that defoliants, which often contained dioxin - a known teratogen and suspected carcinogen, was harmful but continued to supply the approximately 18 million gallons used by the US military in Vietnam. The chemical companies argued that the defoliants were not intended to injure people and therefore not subject to prohibitions against the use of poisons in international rules of war. The defendants also said that a favorable ruling for the plaintiffs could hinder the United States' ability to wage war, citing the current use of depleted uranium used by the US military in munitions and armor plating.

The 2005 district court ruling dismissed the plaintiff's lawsuit on the grounds that dioxin could not be considered a banned poison under the international rules of war and that the plaintiffs failed to prove Agent Orange caused their injuries. In 1984, chemical manufacturers reached a private settlement with over 10,000 US war veterans.

U.S. warplanes dumped about 18 million gallons (70 million liters) of the defoliant on Vietnamese forests between 1962 and 1971 to destroy Vietnamese sources of food and cover. The plaintiffs seek damages from dioxin poisoning which decades later they say has caused cancer, deformities and organ dysfunction.

Jonathan Moore, the lawyer for the Vietnamese plaintiffs, said the chemical companies knew that the "agent orange" herbicide containing dioxin was harmful but did nothing.

"They knew how it was going to be used and they had reason to believe the effect would be disastrous and they did it anyway," Moore told the panel of three judges for the U.S. Second Circuit Court of Appeals. "We are now seeing years later the fruit of that terrible poisonous product."

About 4.8 million Vietnamese people were exposed to the dioxin and more than three million of them have suffered physically as a result.

"Besides the three million reported victims, we still don't know who will be the last victims of Agent Orange," said Tran Xuan Thu, vice president of the Viet Nam Association for Victims of Agent Orange/Dioxin (VAVA) before heading the Vietnamese delegation to the United States.

Before the hearing, the Vietnamese plaintiffs and supporters held a rally. Among them was Nguyen Van Quy, a former member of the North Vietnamese army exposed to "agent orange" who is at the end stage of multiple cancers and has two children with birth defects.

"We need to tell the American citizens of the bad impact and consequences of 'agent orange' to many generations in Vietnam," said Quy, who traveled to New York from Haiphong, Vietnam.

Peace Boat's passengers comprise mainly Japanese youths in addition to 20 members of the Global Partnership for the Prevention of Armed Conflict (GPPAC) belonging to 14 nations.

Peace Boat is a Japan-based international non-governmental and non-profit organization that works to promote peace, human rights, equal and sustainable development and respect for the environment.