

Tuesday, June 19, 2007

## VIETNAM: IT AIN'T OVER 'TILL IT'S OVER



A Japanese vessel berthed in Danang in central Vietnam Friday with over 1,000 people on board who will attend an ongoing local festival and a peace forum. The forum also dealt with some "left over" details from the U.S. war in Vietnam.

The Peace Boat passengers declared their support of a law suit filed concerning the use of agent orange and its aftermath in Vietnam.

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.

The following is from the Vietnam News Service.

### **Peace Boat passengers lend support to dioxin victims**

DA NANG - Passengers on the Peace Boat that visited Da Nang on Saturday voiced their support for the lawsuit filed by Vietnamese victims of Agent Orange against 37 US companies that manufactured the toxic defoliant sprayed by US army during the war in Viet Nam.

A delegation from the Peace Boat led by captain Yoshioka Tatsuyta joined a conference on legacies of war - Agent Orange and its aftermath, which was jointly organised by the Da Nang Association of Agent Orange Victims, the Peace Boat, and the Global Partnership for the Prevention of Armed Conflict (GPPAC) last week.

The conference, which is part of the GPPAC Asia Pacific Inter-regional Forum Activities in Viet Nam, was held to show support for the lawsuit.

Some 20 GPPAC members from around the world attended the forum, where they watched documentaries on veterans and their descendants who had been affected by the war.

Pham Lenh, 62, a former soldier of Battalion No 2 of the Sai Gon Regime's Paratrooper Division, said his three children who are AO victims have received Government help and support.

Marte Hellema, a GPPAC member from the Netherlands, said it was the first time she saw the suffering of Agent Orange victims in Viet Nam.

She said US veterans exposed to Agent Orange were compensated US\$180 million while Vietnamese dioxin victims received nothing. "It's unjust!" she said.

"We stand side by side with you because the fight for justice is still ahead," said Yoshioka.

The chairwoman of Da Nang Association of Agent Orange Victims, Nguyen Thi Van Lan, said millions of Vietnamese people had been affected by dioxin.

"Our main concern is that the cause for congenital malformation is the effect of dioxin."

A survey among 174,198 AO victims reveals that there are 169,193 children (the first generation) and 5,005 grandchildren (the second generation) affected.

Lan said the Vietnamese Government had implemented social policies to support those who joined in the war and their affected children.

The conference wrapped up after delegates signed their names on a document calling for support for Vietnamese AO victims.

## Showing loyalty

An online chorus programme to support Agent Orange/dioxin (AO) victims was performed on Sunday, one day before the Vietnamese AO/dioxin lawsuit before the US Court of Appeals in New York.

The special show, organised by the Viet Nam Association of Victims of Agent Orange/Dioxin (VAVA) and website [www.nhacso.net](http://www.nhacso.net), was launched with the song "Why did you die?" written by the late Thanh Truc in 1985 and performed by My Le with translations in English, Chinese, French, Japanese and Russian.

As many as 157,682 people took part in the one-hour show and append online signatures to a petition at [www.dongcavicongly.com](http://www.dongcavicongly.com) in support of the victims, said Nguyen Ngoc Long, the website's editor, including many from the US, UK, France, Germany, the Netherlands, Japan and the Republic of Korea.

Two chorus shows will also be held at Hoa Binh village and Youth Cultural Palace in HCM City and a fund-raising CD will also be released.