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Boosting Vietnam-US Relations: The Agent Orange Issue

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EXECUTIVE SUMMARY

- The Second Indochina War, commonly known as the Vietnam War in American and Western accounts and the Resistance War against America for National Salvation in Vietnam, was one of the most devastating conflicts in modern history.
- 45 years after the end of that war in 1975, addressing war legacies remains a top priority for both Vietnam and the United States, including the Agent Orange issue.
- Over the last 25 years, there have been positive developments in addressing Agent Orange's environmental and human health legacies.
- Although increased funding has been allocated to these joint endeavours, more needs to be done to meet on-the-ground demand. Human health projects currently lag behind environmental clean-up ones.
- A valuable lesson from cooperation on the Agent Orange legacies that can be applied more generally is the benefit of top leaders' shared commitment.

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LEGACIES OF ONE OF THE MOST DEVASTATING WARS

The 20th century is remembered, *inter alia*, as one of wars and revolutions. Our collective memory of the century will also inevitably remember the war in Vietnam as one of the most tragic wars in modern history.

The destructive power of the bombs that the United States dropped on the rice fields and jungles of Vietnam far exceeded the atomic bombs that destroyed Nagasaki and Hiroshima in 1945. No less consequential is the 80 million litres of chemicals sprayed by the US Air Force in a military project called Operation Ranch Hand in the south of Vietnam between 1961-1971, of which 61% was Agent Orange, amounting to nearly 370 kilograms of dioxin.¹ Agent Orange, named after the orange barrels which it was stored in, was a powerful herbicide mixture used by the US military as part of its chemical warfare programme during the Vietnam War. The chemical contaminant, specifically TCDD, is the component which is responsible for most of Agent Orange's human and environmental effects. Between 1965-1970, 37 cases of chemical spraying were noted. This totals to an amount of 43,000 litres being used, of which 15,000 litres were Agent Orange.²

According to the Vietnam Association for Victims of Agent Orange, 4.8 million people in Vietnam have been exposed to the herbicide and defoliant chemical. Nearly 3 million have reported effects, hundreds of thousands have died, and many have been left infertile.³ Using carefully crafted research methods and a sophisticated set of data, Professor Jeanne M Stellman from Columbia University and her associates discovered that "at least 2.1 million but perhaps as many as 4.8 million people would have been present during the spraying". Their findings were published in *Nature* in 2003.⁴ The Red Cross of Vietnam approximates that "100,000 Vietnamese children suffer from paralysis of the limbs, vision impairment, mental disability and seizures".⁵

All of this, however, fails to capture the real scope and depth of the damage inflicted. To do so, one has to take into account the mental illness and psychological trauma associated with this lethal exposure, which has been acknowledged by both the Vietnamese government and the United States government. Agent Orange also continues to affect generations of Vietnamese born after the war, with birth defects still being documented even among third-generation victims.⁶ Little is known on when or how such biochemical effects will end.

The environmental impact of Agent Orange is another serious side of the story, which requires Herculean efforts for remediation. According to a research report by the War Remnants Museum in Ho Chi Minh City, approximately 2.6 million ha of land was contaminated by the spraying of chemicals.⁷ To understand the magnitude of this, we should note that the arable land area of the entire Mekong Delta is only around 1.5 million ha. Taking the Bien Hoa air base as an example, the air base and its surrounding area, which was heavily blanketed with millions of gallons of herbicides during the war, constitutes one of the "biggest and most complex environmental remediation projects in the world", according to George Black in *Yale Environment 360*, citing a preliminary study by USAID.⁸ Black estimates that "it will involve the treatment of enough contaminated soils and sediments to fill 200 Olympic-size swimming pools".⁹

The Agent Orange matter thus has become a key factor shaping Vietnam-US relations. With 2020 marking the 25th anniversary of the normalisation of bilateral relations, it is worth

looking back at some of the notable efforts made between the two sides to address the issue and move forward.

RESPONSES TO THE LEGACIES

Addressing legacies of the war has remained a top priority in the bilateral relationship. Following the 1973 Paris Agreement, due to differences in approach, Vietnam and the United States fell short of reaching a consensus on the implementation of war repatriation clauses. The process was initially attached to negotiations on the normalisation of relations. During the Tokyo round of discussions in July 1978, to speed up the process, Vietnam's Vice Foreign Minister Phan Hien announced that Vietnam would detach the issue of war repatriation from the normalisation process.¹⁰ This, however, does not mean that Vietnam gave up on war legacy issues. Rather, it is more of a decision on sequencing, of which should come first – as demonstrated in the later phases of the bilateral relationship.

Subsequent American administrations began to loosen the sanctions against Vietnam partly because Vietnam has given full cooperation to the United States in accounting for the American soldiers missing in action (MIA), an issue of great significance for the former. The lifting of the US embargo on Vietnam happened in 1994, and normalisation came in 1995 under the Clinton administration as a notable outcome of two sides' relentless efforts in this regard. In his speech to announce the normalisation in July 1995, President Bill Clinton stated that "Vietnam has taken important steps to help us to resolve many cases".¹¹

Cooperation on war legacy issues has deepened since normalisation. In reports to Congress since normalisation, every US administration has confirmed that Vietnam has given its fullest possible support in accounting for American MIAs.¹² During his visit to Vietnam in 2017, US President Donald Trump "expressed his appreciation for Vietnam's full and continued cooperation in accounting for United States personnel still missing from the war, and pledged to cooperate with Vietnam in its efforts to locate its missing soldiers."¹³

Thanks to effective cooperation between the two sides on war legacy issues, bilateral ties have also grown remarkably in other areas. Trade, for example, is 120 times bigger today compared to 1994, reaching an impressive two-way value of nearly US\$69 billion in 2019. Vietnam now tops ASEAN member states in the number of students it sends to the United States. The framework for the relationship is comprehensive partnership, but some experts argue that this rubric may underestimate the strategic nature of their ties. It is noteworthy that many in the United States, including veteran groups, have long held the view that progress in bilateral cooperation cannot happen without due attention to war legacy issues.¹⁴

It was not until 2013 that the two sides began working on the Agent Orange issue. Cooperation on addressing war legacy issues, including the Agent Orange issue, represents one of the nine main pillars spelt out in the joint statement between President Truong Tan Sang and President Barack Obama in 2013. Under the new framework, joint efforts have been given more momentum.

A striking example is the cleaning up of Da Nang airport, which is considered a success story by both sides. Started in 2013 and completed in 2018, the project cost US\$110 million and involved a partnership between the Vietnamese Ministry of National Defense (MND) and the United States Agency for International Development (USAID). A partnership of

this nature, between a military establishment and a civilian one, is unprecedented in the US-Vietnam bilateral relationship. Applying innovative technologies such as conductive heating and vacuum extraction, the clean-up project remediated roughly 90,000 m³ of soil and sediment contaminated with dioxins.¹⁵ Upon completion in 2018, a treated and clean area as big as 13.7 ha was handed over to Vietnam's Ministry of Transport for socio-economic development. A visible outcome is the Da Nang International Airport, one of the busiest air terminals in central Vietnam, which has been operating without any concern over the lingering effects of Agent Orange since the completion of the cleanup project in 2018.

The Bien Hoa project is the latest but most ambitious effort thus far undertaken by the United States to continue to remediate the damage caused by Agent Orange. The amount of soil that needs to be cleaned up in Bien Hoa is four times bigger than the Da Nang project. The cost of the project is also estimated to be a lot higher. A study suggests that it may cost “[US]\$794 million (with an estimated cost range of [US]\$476 million to [US]\$1.4 billion) over 8 to 10 years of implementation”.¹⁶ At Vietnam's insistence and with the support of many US politicians on both sides of the aisle, most notably US Senator Patrick Leahy, who played a significant role as chair and then standing member of the Foreign Operations Subcommittee, Senate Appropriations Committee, a fund of US\$183 million has been allocated to USAID to implement the first five-year phase of the Bien Hoa project, which may be extended up to 10 years with more funding. The project was officially launched in April 2019.¹⁷

Expectations are still high. The Agent Orange issue has two critical aspects – environment and human health. While the former has seen some progress, as demonstrated above, work on the latter is slower. In numerous reports for the Congressional Research Service, specialist Mike Martin, whom the author of this piece has spoken to on multiple occasions, gave the same assessment. He pointed out that the Victims of Agent Orange Relief Act of 2019 (H.R. 326) would require the Secretary of State to “provide assistance to individuals in Vietnam with health issues related to exposure to Agent Orange, as well as to institutions that provide health care for covered individuals”.¹⁸ However, as of May 2017, Martin pointed out that USAID had only “obligated two-thirds of the appropriated funds for FY2011-2017”.¹⁹

Even if all the appropriated funds are fully utilised, the amount is still smaller than the funding for environmental projects. Over the course of 30 years, according to the USAID office in Vietnam, “the U.S. Government has contributed more than [US]\$125 million in assistance to persons with disabilities in Vietnam”.²⁰ The effort was not substantially geared up until 2019, when the Office of the National Steering Committee on the Settlement of Post-War Unexploded Ordnance and Toxic Chemical Consequences (Office 701) of Vietnam and USAID signed a Memorandum of Understanding which allocated an encouraging but still modest amount of US\$50 million for projects assisting people with disabilities in seven provinces, namely Dong Nai, Binh Phuoc, Tay Ninh, Binh Dinh, Quang Nam, Thua Thien-Hue, and Quang Tri.²¹ This stands in contrast to the fact that the number of provinces that have documented Agent Orange victims is 63. According to US Senator Patrick Leahy, it took 15 long years for the US government to start processing the request of support from US soldiers who were also exposed to Agent Orange.²² There will be remaining hurdles to be overcome in the future with regard to stepping up assistance to the Vietnamese victims.

One of the critical hurdles is the discrepancy between the two sides in constructing each side's desired narrative. The US government has suggested a lower number of possible victims, in contrast to official Vietnamese statistics. It has taken numerous conferences and dialogues between Vietnam and United States to narrow this gap in statistics and to enhance mutual understanding. The Aspen Institute, for example, played such a role in setting up the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin in 2010, and issued a plan of action for the period of 2010-2019.²³ More certainly needs to be done.

LOOKING FORWARD

War legacy issues, particularly the Agent Orange problem, has assumed a critical role in Vietnam-US relations because it clearly involves questions of trust, morality, humanitarianism and justice, among other things. Cooperation on this matter therefore will remain a high priority going forward.²⁴

In comparison, few foe-to-friend countries in the world have been able to accomplish what Vietnam and the United States have done in addressing war legacies and building a bilateral relationship. On-the-ground demands, however, have yet to be met – not only in the human health aspect, but also in the otherwise encouraging progress made in the clean-up of contaminated soil, which would benefit from more funding and more coordinated efforts. In addition to Bien Hoa airport, other areas heavily contaminated by dioxin include Phu Cat and sections of A Luoi Valley.

The good thing is, for the first time, clean-up funding found its way into the John McCain National Defense Authorization Act in 2019. In other words, US clean-up efforts now have the 'defence' element. For a long time, clean-up work has mostly been a 'civilian' issue, undertaken by the State Department, or more specifically, USAID. Observers of Vietnam-US relations have long concluded that joining hands on war legacy issues would help the two militaries reach greater mutual understanding and build higher confidence in each other. The Bilateral Relations Fact Sheet on US-Vietnam relations by the US State Department states that "U.S. efforts to address legacy issues such as UXO/demining, MIA accounting, and remediation of Agent Orange (a defoliant used by U.S. forces) provided the foundations for the U.S.-Vietnam defense ties".²⁵ More broadly, the work on war legacies has clearly touched the hearts of the peoples on either side, who play instrumental roles in promoting the bond between the two countries.

Together with joint efforts in clearing unexploded ordnances (UXO) and accounting for soldiers missing in action, US-Vietnam cooperation on Agent Orange issues could serve as Terms of Reference for countries that have unresolved war legacy issues. Endeavours in this regard would help solve the problems at hand and boost longer term mutual confidence and cooperation between the two sides. In the case of Vietnam and the United States, once erstwhile enemies, trust is a precondition for a lasting and fruitful relationship.

¹ Vietnam Association for Victims of Agent Orange (2019), "Tham hoa chat doc hoa hoc 1961-1971" [The chemical catastrophe 1961-1971], *Da Cam Viet Nam* (<https://dientudacam.vn/trong-nuoc/tham-hoa-chat-doc-hoa-hoc-trong-chien-tranh-o-viet-nam-va-dau-tranh-doi-cong-ly-cho>)

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² Vietnam Association for Victims of Agent Orange (2019), “Tham hoa chat doc hoa hoc 1961-1971” [The chemical catastrophe 1961-1971], *Da Cam Viet Nam* (<https://dientudacam.vn/trong-nuoc/tham-hoa-chat-doc-hoa-hoc-trong-chien-tranh-o-viet-nam-va-dau-tranh-doi-cong-ly-cho-nan-nhan-da-cam-luong-tam-va-trach-nhiem-cua-nhan-loai-bai-1-tham-hoa-chat-doc-hoa-hoc-1961-1971-893.html>), accessed 15 April).

³ Le Phuong & Hong Khanh (2019), “Chung tay giai quyet hau qua chat doc da cam/dioxin tai Viet Nam [Joining hands to address the Agent Orange/dioxin issue in Vietnam], *The Voice of Vietnam* (<https://vovworld.vn/vi-VN/binh-luan/chung-tay-giai-quyet-hau-qua-chat-doc-da-camdioxin-tai-viet-nam-773662.vov>), accessed 15 April 2020).

⁴ Jeanne Mager Stellman, Steven D. Stellman, Richard Christian, Tracy Weber, & Carrie Tomasallo, “The extent and patterns of usage of Agent Orange and other herbicides in Vietnam”, *Nature*, Vol. 422 Issue 6933, 17 April, 2003, p. 685.

⁵ Ash Anand, “Vietnam’s horrific legacy: The children of Agent Orange”, *News.com.au*, 25 May 2015, (<https://www.news.com.au/world/asia/vietnams-horrific-legacy-the-children-of-agent-orange/news-story/c008ff36ee3e840b005405a55e21a3e1>), accessed 15 April 2020).

⁶ See, for example, Damir Sagolj, “Vietnamese families still battling the aftermath of Agent Orange”, *Independent*, 4 April 2017 (<https://www.independent.co.uk/life-style/health-and-families/agent-orange-vietnam-war-us-damir-sagolj-a7664491.html>), accessed 15 April 2020).

⁷ War Remnants Museum, *Hau qua chat doc da cam trong chien tranh Viet Nam* [Report on the Agent Orange consequences in Vietnam] (<http://www.baotangchungtichchientranh.vn/Main.aspx?L=VN&P=16&I=261044439>), accessed 14 April 2020).

⁸ George Black (2019), “Fifty years after, a daunting cleanup of Vietnam’s toxic legacy”, *Yale Environment 360* (<https://e360.yale.edu/features/fifty-years-after-a-daunting-cleanup-of-vietnam-toxic-legacy-dioxin-agent-orange>), accessed 14 April 2020). A further assessment of the environmental impact can be found in USAID Vietnam (2016), *Environmental Assessment of Dioxin Contamination at Bien Hoa Airbase*, 3 May 2016.

⁹ Ibid.

¹⁰ Quoc Viet (2015), “Tin hieu Jimmy Carter” [The signal from Jimmy Carter], *Tuoi tre*, 5 July 2015 (<https://tuoitre.vn/tin-hieu-jimmy-carter-772647.htm>), accessed 18 March 2020).

¹¹ Bill Clinton (1995), *Remarks announcing the normalization of diplomatic relations with Vietnam*, 11 July 1995 (<https://www.govinfo.gov/content/pkg/PPP-1995-book2/pdf/PPP-1995-book2-doc-pg1073.pdf>), accessed 14 April 2020).

¹² My Chau (2019), “Hop tac MIA Viet Nam-Hoa Ky: 30 nam nhin lai” [30 years of Vietnam-US cooperation in accounting for MIA], *Bao Quoc te* (<https://baoquocte.vn/hop-tac-mia-viet-nam-hoa-ky-30-nam-nhin-lai-85746.html>), accessed 16 April 2020).

¹³ “Joint statement: Between the United States of America and the Socialist Republic of Viet Nam”, 12 November 2017, *Website of US Embassy and Consulate in Vietnam* (<https://vn.usembassy.gov/2017/11/12-joint-statement-united-states-america-socialist-republic-vietnam/>), accessed 15 April 2020).

¹⁴ See, for example, National Leagues of Families of POW/MIA, *Vietnam’s ability to account for American’s missing from the Vietnam War*, 21 January 2020 (<https://www.pow-miafamilies.org/vietnamrsquo-s-ability-to-account-for-americanrsquo-s-missing-from-the-vietnam-war.html>), accessed 17 April 2020).

¹⁵ USAID, *Key facts on environmental remediation of dioxin contamination at Da Nang airport* (<https://www.usaid.gov/vietnam/key-facts-environmental-remediation-dioxin-contamination-danang-airport>), accessed 12 March 2020).

¹⁶ USAID Vietnam, *Environmental Assessment of Dioxin Contamination at Bien Hoa Airbase*, 3 May 2016, p. 19.

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- ¹⁷ “Biên Hoà Airport dioxin clean-up project launched”, *VietnamNet*, 22 April 2019 (<https://vietnamnews.vn/politics-laws/518986/bien-hoa-airport-dioxin-clean-up-project-launched.html>), accessed 16 June 2020).
- ¹⁸ Mike Martin, “U.S. Agent Orange/Dioxin Assistance to Vietnam”, (*Congressional Research Service Report*, 13 May 2020, (<https://fas.org/sgp/crs/row/R44268.pdf>), accessed 16 June 2020).
- ¹⁹ Ibid.
- ²⁰ USAID, “People with disabilities”, *Vietnam* (<https://www.usaid.gov/vietnam/persons-with-disabilities>), accessed 16 April 2020).
- ²¹ “50 triệu USD hỗ trợ nạn nhân chất độc da cam” [US\$ 50 million assisting victims of Agent Orange], *Bao Dien tu Chinh phu* (<http://baochinhphu.vn/Xa-hoi/50-trieu-USD-ho-tro-nan-nhan-chat-doc-da-cam/373226.vgp>), accessed 16 April 2020).
- ²² “Overcoming war legacies: The road to reconciliation and future cooperation between Vietnam and the US”, *Website of Vietnam Association of Victims of Agent Orange* (<https://vava.org.vn/news/overcoming-war-legacies-the-road-to-reconciliation-and-future-cooperation-between-vietnam-and-the-us-103.html>), accessed 16 April 2020).
- ²³ See, for example, The Aspen Institute, *The Agent Orange in Vietnam Program* (<https://www.aspeninstitute.org/programs/agent-orange-in-vietnam-program/>), accessed 15 April 2020).
- ²⁴ See, for example, “Joint statement: Between the United States of America and the Socialist Republic of Viet Nam”, 12 November 2017, *Website of US Embassy and Consulate in Vietnam* (<https://vn.usembassy.gov/20171112-joint-statement-united-states-america-socialist-republic-vietnam/>), accessed 15 April 2020).
- ²⁵ US State Department, “U.S. Relations With Vietnam”, *Bilateral Relations Fact Sheet* (<https://www.state.gov/u-s-relations-with-vietnam/>), accessed 12 March 2020).

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