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Report on the implementation of Human Rights by the Vietnam Association for Victims of Agent Orange/Dioxin (VAVA)

The Vietnam Association for Victims of Agent Orange/Dioxin – UPR – 2014

I. Introduction

During the Vietnam War, U.S. forces conducted chemical warfare which is unprecedented in human history in terms of size, length of time, geographical vastness, population targets and consequences imposed on both humans and the environment.

25% of the Southern area of Vietnam and certain part of North Vietnam were subject to the spraying of approximately 20 million gallons of toxic herbicides or defoliants, collectively called Agent Orange. Most of these herbicides contained Dioxin, - one of the most powerful toxins ever known to science. Any amount of Dioxin, even a trace, is capable of harming humans and environments¹. Over a decade, (1961-1971) the United States spread over Vietnam a total of up to 366 kg of dioxin². Agent Orange that was used to launch attacks on forests and crops, have deprived the Vietnamese people of the right to life and other human rights during the war and at the present time. Agent Orange was often used by the U.S. military in coordination with other kinds of bombs and ammunition, burning substances (napalm and phosphorus) and bulldozers, hence destroying not only the trees and the people, but also every process of evolution - from single-cell organisms to all

¹ According to the Encyclopedia Britannica, "The toxicity of dioxin renders it capable of killing some species of newborn mammals and fish at levels of five parts per trillion (or one ounce in six million tons). Less than two millionths of an ounce will kill a mouse. (1 ounce = 31,125g) (The History of Agent Orange Use in Việt Nam – An Historical Overview from the Veteran's Perspective, March 2002)

² Stellman, J. et al, "The Extent and Pattern of Usage of Agent Orange and other Herbicides in Viet Nam," *Nature*, Vol. 422, April 17, 2003,

the flora, fauna and humans. Scientists call it *ecocide* because of its potential spread through the air, water, soil and food chains, the effects of this poison has no borders. It did not only hurt the people of Vietnam, but also the U.S. and allied troops. Based on this fact, the U.S. government pays compensation to any of its veterans who set foot in Vietnam for even one day and now suffers one of the Agent Orange connected diseases listed by the U.S. Department of Veterans Affairs³. Dr. Jeanne Stellman and her colleagues estimated that from 2.1 - 4.8 million people in Vietnam had been exposed directly to Agent Orange, but her report in fact did not count many other exposed populations, including people who were indirectly exposed⁴. One may consequently conclude that the number of people in Vietnam who were exposed to Agent Orange in Vietnam was much larger⁵. The Vietnam Association for Victims of Agent Orange/dioxin, based on survey samples it has conducted, estimates that in Vietnam there have been approximately 3 million victims of Agent Orange.

Dioxin, after penetrating into its victims' bodies and affecting their immune systems, endocrine systems, reproductive systems, has genetic consequences, and damage other systems. That is the main reason for the rise of hundreds of diseases, especially cancers, for people of all ages of both genders.

Dioxin is not only harmful to those who are exposed directly but also affects their offspring – those who had nothing to do with the war. Several generations of children have been born with serious malformations (blindness, inability to speak, deafness and without limbs, with twisted bodies, severe neurological, mental and cognitive deficits, paralysis and cases of conjoined twins) ⁶.

II. The state of and needs for human rights of the victims of Agent Orange in Vietnam

1. The state of human rights of the victims of Agent Orange in Vietnam

Victims of Agent Orange in Vietnam are normally subject to chronic, dangerous and unusual and multiple diseases, rarely seen before in Vietnam or around the world. Therefore, the lifespan of the victims is often short⁷. Many of them cannot work and require costly medical and other supportive services. Most victims,

³ [Veterans' Diseases Associated with Agent Orange - Public Health www.publichealth.va.gov](http://www.publichealth.va.gov).

⁴ Stellman, J. et al, "The Extent and Pattern of Usage of Agent Orange and other Herbicides in Viet Nam," *Nature*, Vol. 422, April 17, 2003,

⁵ Lê Cao Đài estimated that about 10 million Vietnamese were exposed during the war (Lê Cao Đài : Chât Da cam Trong Chiên tranh, NXB Thế giới 2009)

⁶ In Vietnam today there are about 300.000 child victims. Many of them are subject to severe multi-deformities

⁷ The average lifespan of typical Vietnamese today is 74,3 years old, but the average life expectancy of the first generation of victims is around 60

especially those families with two or more victims⁸, for these reasons, have become the poorest in society and are subject to a very low quality of life⁹. Due to the impact of Dioxin, not only have many children been born with serious birth defects, but millions of other children have died in uterus through miscarriages and stillbirths. Many women have been deprived of their right to motherhood and many families suffer serious psychological consequences. This is particularly true in Vietnam where traditional beliefs hold that such illnesses are a “punishment for past wrongdoings” and where an inability to give birth to children who can continue the family line and honor their ancestors is a great sin. Many people fear becoming a burden on society¹⁰. Others feel that they are living a life that is worse than death.

Thus, the core issue for Agent Orange victims in Vietnam is the right to life. With the denial of this most basic right, they are deprived of all human rights and freedoms. It is well known that people must, first and foremost, live or survive before they may be able to enjoy any other rights, including the most basic ones¹¹.

2. Needs of Victims of Agent Orange in Vietnam

Our Agent Orange victims’ specific needs are immense and varied, but in general include: conditions for a healthy life, housing, money for daily food, medicines, medical examinations and treatment, vocational training, funds for income generation, education, cultural activities, integration into the community, and many other necessities, particularly social recognition, understanding and respect. All of these needs are specified in the 30 articles of the Universal Declaration of Human Rights.

III. The Vietnam Association for Victims of Agent Orange/Dioxin (VAVA) and its achievements in the field of human rights

In facing the increasing needs of the victims, a number of concerned scientists, veterans and personalities actively campaigned for the formation of the VAVA. VAVA was intended to work together with the government and Vietnamese society to look after the victims. VAVA held its founding ceremony on January 10th, 2004 as a social - humanitarian, non-governmental and nonprofit organization.

⁸ In certain places, the percentage of families with two victims and more is from 40 to 45% of the total of families having victimized members

⁹ VAVA Tây Ninh’s local survey showed: 52% of people have no trade or occupation; 54% have no conditions to obtain general education; 58% fail to enjoy social contacts and relationships; 43% have no conditions to access cultural benefits: TV, telephone service, power, clean water

¹⁰ Articles 16, 25, the Universal Declaration of Human Rights

¹¹ The Universal Declaration of Human Rights

Its achievements in terms of human rights, particularly during the last 6 years are shown by the following:

1. Within the country

1.1. To help victims and to organize Vietnamese communities work to provide assistance to them

Realizing the rights of the victims and assuring their ability to enjoy social assistance, as well as being able to get society to help them effectively, requires that the victims and their supporters be well organized. From a small group, VAVA has built up a network of 58 provincial chapters (out of 63 provinces), 529 district chapters (out of 660 districts or 80.30%) and 5.556 communal chapters (out of 10.362 communes or 53,7%). VAVA's current membership is approximately 300,000 people (including about 100 foreigners). Thus, VAVA is truly a national organization with strong ties to the grass roots.

1.2. To help victims to understand their diseases, and educate about preventive measures, and how to take care of themselves; to educate and help communities to develop solidarity with the victims and to provide help to them

In order to enable the victims to understand their own problems and to advocate for their rights and to develop societal support and concrete assistance, VAVA has worked to raise their and community awareness about the negative affects of Dioxin in particular and chemical disasters in general. This is done through various forms of mass media and education activities and in collaboration with medical service agencies in providing them with knowledge on diseases and reproductive issue. VAVA has also focused on encouraging victims to take initiative in overcoming their own difficulties and learning how to care for themselves.

These educational efforts have indeed contributed to mitigating the mental pain of our victims

1.3. To mobilize and coordinate domestic and international support

During the last 9 years (2004 – Dec. 2012), VAVA has received total donations (cash and materials) equivalent to VND 615 billions (or about \$30 million based on current exchange rates), 10% of which was contributed by foreigners. However, the amount collected in the last 3 years makes up 70%. In 2012 alone, the total

amount raised was over VND180 billion (or \$9 million). Domestic sources contribute VND173 billion (\$8.6 million), and foreign sources, VND7 billion (or \$ 350.000). These figures demonstrate VAVA's fast growth and growing prestige.

Thus far, the above-mentioned donations have been used for building 3.000 houses (VND100 billion), 19 local care-centers (VND 56,8 billion); for supporting 3.500 scholarships (about VND10.5 billion) and 1.630 job findings (VND20 billion); for offering gifts to families on the occasion of national holidays (VND250 billion); for providing loans, wheel chairs, rehabilitation equipments, medial examinations and treatment, emergency aid (natural disasters) and several other services to the victims.

VAVA has also tried to act as a coordinating body in making different efforts to support the victims to be more effective through negotiation and consultation with such organizations as the Cross Red of Vietnam, the Vietnam Fatherland Front (Fund for the Poor), and the Vietnam News Agency, as well as coordinating with different governmental centers and agencies or projects. During the past 6 years, in addition to funds raised by VAVA, the amount of additional funds for Agent Orange victims reached over VND 121 billion (\$ 6.5 million).

1.4. To represent victims' interests, act as their voice and to provide review and advisory services to the Government on its policies regarding Agent Orange

VAVA, right from its onset, has been determined to be an organization that represents the interests of all the victims - workers, peasants, intellectuals, veterans, religious believers, business people and public servants - and representatives of all groups of victims, including those once worked for the former hostile regime.

In acting as their representative, (a) VAVA has done a good job in performing its consultative role, helping the Government to set forth and develop policies and practical measures regarding Agent Orange victims; to supervise, review and carry out implementation of these policies in practice, working with the authorities, at the central, regional and local levels, so that problems and weaknesses may be limited; (b) VAVA is committed to taking care of all victims, regardless of social or political differences, and regardless of where they live (urban centers, rural areas or remote mountainous regions).

2. In the international arena

Assuring care for three million victims is a very heavy task, and therefore VAVA believes that in addition to its domestic capacity, Agent Orange victims also need international support, particularly from the U.S. The U.S is culpable for this immense tragedy, and it must bear a part of the responsibility in mitigating this burden. This means that the U.S. must assure justice for the victims of Agent Orange in Vietnam. The right to enjoy protection of justice is contained within the Universal Declaration of Human Rights¹².

With a desire to emphasize the need to address the serious damage done to the right to life of the victims of Agent Orange in Vietnam, VAVA has built relationships with organizations working on humanitarian and human rights issues across the world, particularly those in the U.S., Japan, Europe, and South Korea, so that we may work together to fight for justice and to raise public awareness about the dangers of chemical warfare.

VAVA has thus far held two “International Conferences of the Victims of Agent Orange” in Hanoi (2006, 2011). Hundreds of representatives of victims and their supporters of different countries, ages and living conditions have come to participate in sharing views and experiences on how to take care of the victims and to fight for their justice.

On the basis of stressing the importance of the right to life, VAVA has urged several UN organizations (UNDP, UNESCO, UNICEF) and organizations holding ECOSOC status (IADL, WPC) to extend their support to the victims of Agent Orange in Vietnam, both physically and mentally.

On the basis of stressing the importance of the right to life, VAVA has come to discuss human rights issues in several ASEAN People's Forums, and ASEM People's Forums. In May 2012, VAVA sent representatives to the UN Human Rights Forum in Geneva (Switzerland), where they called for those who are interested in the human rights and the development of human rights to focus on the fact that the right to life is being violated all over the world, especially that of Vietnamese Agent Orange victims which is being hit by the effects of the US government's use of Agent Orange.

On the basis of stressing the importance of that aspect of human rights, and its penetrator's responding moral and legal responsibility¹³. VAVA's representatives, on behalf of all Vietnamese Agent Orange victims, in 2004, filed a class action in U.S. courts which was dismissed in 2009, against the U.S producers and suppliers

¹² Article 7, the Universal Declaration of Human Rights

¹³ Article 7, the Universal Declaration of Human Rights

of Agent Orange, . VAVA has met with U.S. Congressional and government officials to remind them that, while they pay billions of U.S. dollars to compensate their Agent Orange -connected veterans¹⁴ , and pay a symbolic sum of money for the clean up of the Da Nang Airport, they continue to completely ignore their responsibility for Vietnamese Agent Orange victims – the human beings who are victimized by U.S. actions. This is a discriminatory act contrary to international human rights law¹⁵.

IV. CONCLUSION

The support for the victims of Agent Orange in Vietnam constitutes one of the great tasks within Vietnam’s policy designed to protect human rights in general. VAVA is very proud and honored to be highly regarded by public opinion, domestically and internationally. On this occasion, we call upon the UN High Commissioner and all relevant societies to help us in realizing our human rights mission more effectively and to ask the U.S Government to fulfill its responsibility as above-mentioned.

On behalf of the Vietnam Association for Victims of Agent Orange/Dioxin



Nguyen Van Rin
President

¹⁴ According to GAO, 2005, The U.S Government paid disability benefits to its 160,000 Vietnam veterans, in 2005, for the four most popular diseases caused by Agent Orange. An average amount of compensation for each victim of one of these disease was \$8,500 plus \$1000 /month for medical treatment. (See GAO-05-371 Civilian Exposure to Agent Orange in Vietnam). According to the mass media in 2010, and a report submitted by the Congressional Research Service, after the recognition of three additional diseases (Parkinson, Heart disease and B-cell leukemia),the U.S. Government spent in FY 2010 \$13.4 billion for compensation paid to its Vietnam veterans and expects to pay over the next 10 years from \$46 to 60 billion for this purpose (Congressional Budget Office, An Analysis of the President’s Budgetary Proposals for FY2011, page 17, available at <http://www.cbo.gov/ftpdocs> and CBO, Budget Projections, FY2010 Supplemental for Wars, Disaster Assistance, Haiti Relief, and Other Programs)

¹⁵ Articles 1, 2, the Universal Declaration of Human Rights