"65 Years of Agent Orange Disaster"
Vietnam Union of Friendship Organizations Seminar
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Remarks
Susan V. Berresford

I believe that US policy toward Agent Orange in Vietnam needs to be driven more by concepts of justice than it has been so far.

Of course, justice has two faces. Punitive justice often comes about right after a war — sort of settling scores. I am not talking about that. I am concerned today with the more valuable healing side of justice.

Healing acts of justice between the US and Vietnam have come about for three reasons. One: our countries are partners. In today's uncertain world, we know that partners need to strengthen their ties; US helping more with Agent Orange in Vietnam is welcome. Two: the US created the chemical mess that harmed so many, so we have some responsibility for putting it right. And three: both our countries have an interest in showing how moral concepts like justice can be brought to bear more often in post-war circumstances around the globe.

If the idea of justice gets stronger as a global moral force, maybe there will be less use of chemicals in warfare. I wonder if there is a possibility that the US could disavow using chemicals in future wars?

And we should always remember that concepts of justice are not stagnant — societies and international relations change. They require new ideas about how to define what is just or fair.

I am struck by the value of one new concept of justice at work today around the globe. It is an approach called "transitional justice". It is used in countries within which terrible harm occurred but the country is unable to bring the many offenders into the criminal justice system. There are too many to prosecute or sometimes it's unclear who was really responsible. So governments have begun to explore new ways to reach forgiveness or acceptance in the interest of national unity and reconciliation.

Under transitional justice, forgiveness is made possible for individuals who did serious harm but who came forward, told the truth and helped in some ways with restorative acts. While these new "transitional justice" practices have so far just been applied to individuals, perhaps they could be considered between nations as well.

The key element is telling the truth and having that truth influence the restorative processes. Thinking about the US, Vietnam and agent orange, the US ultimately was honest about the chemicals harm to its own people and provided needed services. We have not been as direct about acknowledging the harm and responsive care for individuals in Vietnam.

The US supports health and disability assistance in Vietnam, but we say "regardless of cause" despite the fact that we all know the reason for our support is agent orange.. If the US could be more explicit about its reason for acting helpfully, it could lead to more focus on those with clear cases of agent orange harm. We could at least explicitly target our support "primarily" to agent orange cases. Charles Bailey has noted that most of the current assistance misses this target group, due in part to the language we use as guidance.

Another focus of "transitional justice" has been to find a way to resolve the sense of harm so it is no longer a friction point in society. If we apply that logic to the relationship between the US and Vietnam around agent orange, it suggests that we must finally answer the question we ran into a lot in the dialogue group — what is enough?

If the ideal is a transition from conflict to reconciliation, what will it take to get there? What is realistic and possible for the US? Our countries should be discussing this vexing question now since a sense of restorative responsibility could easily fade over the next decade. Moral sensibility doesn't last forever.

Bishop Desmond Tutu who led South Africa's Truth and Reconciliation Commission reminds us that "A true peace can ultimately only be built on justice."

Let us work hard to make justice possible with truth now and with clarity about what can bring us to full agreement.