

**VUFO-INGO Resource Center
Agent Orange Working Group**

3:00-5:00 PM

Thursday, February 3, 2005

International Federation of Red Cross and Red Crescent Societies

15 Thien Quang (corner of Yet Kieu), Hanoi

MINUTES

Attendees:

Andrew Wells-Dang <andrew@ffrd.org> Fund for Reconciliation and Development
Nguyen Thuy Linh <ntlinh1979@yahoo.com> Fund for Reconciliation and Development
Mai The Chinh – Vietnam Association of Victims of Agent Orange/Dioxin (VAVA)
Ms. Luong - Vietnam Association of Victims of Agent Orange/Dioxin (VAVA)
Vern Weitzel <vern.weitzel@undp.org> UNDP, UNV
John Berlow <sea_op@hotmail.com> Friendship Village Volunteer
Rad Kivette <rad@hannahspromise.org> Hannahs Promise
Carl Sternberg <carlsternberg@aol.com> Primevariable
Thu Thuy <cgfed@hn.vnn.vn> Center for Family, Environment and Development
Le Thanh Hang <lhang@amcross.org.vn> American Red Cross
Phan Thu Ha <haphan@ngocentre.netnam.vn> NGO Resource Center
My Hang <myumyu_2000@yahoo.co.uk> Lao Dong Newspaper

Chair: Andrew Wells-Dang

Minutes: Nguyen Thuy Linh

Agenda:

1. Introductions

Minutes of December meeting circulated and approved.
Agenda circulated and adopted.

2. Discussion and approval of Terms of Reference for AOWG

Following discussion and revisions made on the draft TOR in the last meeting in December 2004, a finalized version of the document was prepared. The one-page TOR with defined Description, Objectives, Functions and Coordination of the Working Group was circulated among attendees and approved.

[After the meeting, David Payne from the NGO Resource Center recommended adding one additional sentence to the end of the TOR: "The Working Group facilitator maintains close liaison with the Resource Center to share information on meetings and other activities." The facilitator feels that this is not a substantive change and can be added to the TOR without additional discussion.]

Ms. Ha said that the TOT will be circulated for approval at the next NGO Resource Center Steering Committee meeting and will then be posted on the Resource Center's website. The website is now under revision and will be launched by the end of February.

3. Follow-up database of AO-related activities in Vietnam

As agreed in the December meeting, Andrew adapted the matrix entitled Agent Orange and Environmental Toxics-related projects in Vietnam 2005. The matrix identifies what organizations/projects/individuals working on which areas and in which locations, together with brief descriptions. It will be circulated among group members first, then to be sent out to include others who are not in the group yet and/or reside outside Vietnam.

4. Update on Agent Orange lawsuit in the US (by representatives of VAVA)

Mr. Chinh showed a 30-minute film, *Agent Orange/Dioxin and the Right to Life*, produced by VAVA. The film showed the living situations of people thought to be affected by Agent Orange, as well as the lives of their families. The film also included allegations of how the use of Agent Orange constitutes a war crime. Attendees were impressed by the film and asked Mr. Chinh to update them about the lawsuit filed by Vietnamese victims.

Mr. Chinh gave a brief presentation of timeline of the lawsuit:

Jan. 30, 2004 VAVA & 3 Vietnamese victims of Agent Orange filed suit in Brooklyn Federal Court against 27 chemical companies and 3 subsidiaries of the main companies that produced the defoliants used in Vietnam from 1961 to 1971.

Mar. 18, 2004 The first hearing of the lawsuit was held. Judge Jack Weinstein gave the plaintiff 6 months for the discovery process.

Sep. 18, 2004 The plaintiffs revised and finalized their complaint.

Nov. 13, 2004 The chemical companies submitted motions to dismiss the case.

Jan. 18, 2005 The lawyers for the plaintiffs filed their response to the motions to dismiss of the defendants.

Feb. 8, 2005 The defendants will respond to the plaintiffs' response.

Feb. 28, 2005 The two sides will meet in front of Judge Weinstein

There are 4 main points will be discussed in the court:

- Which US and/or international laws have jurisdiction over the case? (These include the Alien Tort Claims Act, Torture Victims Protection Act, wrongful death statutes, US state laws, Geneva Convention, Convention on the Prohibition of Chemical Weapons, etc.)
- "Political question": Does the judge have the authority to judge things that US government did in the past?
- Statute of limitations: Plaintiffs will respond that they filed the suit within 10 years of the lifting of the US trade embargo on Vietnam (Feb. 2, 1994).
- Standing to sue: Plaintiffs will argue that they represent a class of all Vietnamese suffering from consequences of wartime defoliants.

Some attendees asked if there are any victims in Thai Binh province involving in the suit . Mr. Chinh answered that there are many victims in Thai Binh, and two of them are plaintiffs in the lawsuit. A Thai Binh provincial Association of Victims of Agent Orange/Dioxin has been established; similar associations are being formed to support victims in other provinces.

5. Calendar of upcoming activities in February-April

- Photographer Doan Duc Minh from Ho Chi Minh City recently organized a private show of his photographs of people affected by Agent Orange that not only express their suffering but also their smiles and hopes. If there is interest and funding available, he would like to bring the exhibition to Hanoi (and possibly to the US later). Andrew asked for suggestions on procedure/contact persons/locations to hold such an exhibition in Hanoi.
- Mr. Chinh informed that in March 2005, the Vietnam–French and the Franco–Vietnam Friendship Associations will hold a conference on Agent Orange at the Senate House in Paris. Some Vietnamese representatives and Agent Orange victims will attend.
- On Feb. 2, 2005, Prime Minister Tran Duc Luong will have a meeting with persons who have made many efforts to take care and protect victims of Agent Orange.
- The Fund for Reconciliation and Development will bring a series of visitors from the US to Vietnam in March and April to commemorate the 30th anniversary of the end of the war. More details on this visit will be circulated later.

The next meeting of the AOWG will take place on **Thursday, 7 April 2005** from 3-5 PM. The location will be at the Red Cross conference room barring further notice.