TOWARDS PERPETUAL PEACE: THE DYNAMICS OF US AND VIETNAM RELATIONS SINCE THE SETTLEMENT OF AGENT ORANGE CASE IN 2000

Bhakti Putra Utama, S.Sos
Department of International Relations
Universitas Diponegoro
bhakser18.bp@gmail.com

Shary Charlotte Pattipeilhy, S.IP, M.A
Department of International Relations
Universitas Diponegoro
charlotte.henriette15@gmail.com

Dr. Reni Windiani, M.S
Department of International Relations
Universitas Diponegoro
reniwindiani@gmail.com

Abstract
Agent Orange is a toxic chemical liquid used by the United States military during the Vietnam War in 1955-1975. The use of chemical weapons is classified as a form of crime due to violations of international agreements. This research tries to explain how Agent Orange has become a significant factor in the dynamics of relations between the US and Vietnam. The dynamics will be analyzed using the concept by Immanuel Kant. There are 6 articles that must be done to achieve lasting peace, but this article only discusses articles 1, 5, and 6 which are the basis for the establishment of perpetual peace. Article 1 Perpetual Peace requires a peace agreement that is made as detailed as possible, evidenced by the articles in the 1973 Paris Peace Accord which did not prevent war in the short term, but succeeded in forming a long-term peace scheme. Article 5 Perpetual Peace is also implemented without the intervention of US in Vietnam domestic politics, which until now holds communist ideology. Finally, the US corrective action through the cleaning of the Agent Orange is an embodiment of article 6 of Perpetual Peace. Changes in relations carried out through various collaborations have resulted in a process leading to lasting peace, at least for the US and Vietnam.

Keywords:
United States, Vietnam, Agent Orange, cooperation, peace, Immanuel Kant
**INTRODUCTION**

Agent Orange is a term for a chemical liquid which is a kind of herbicide that contains dioxin and functions to shed leaves and kill plants so that it is possible to observe enemy movements from the air (Uzych, 1991). United States (US) Army, at that time, sprayed Agent Orange in the southern region of Vietnam, resulting in the destruction of forests and plants in the region. Spraying has spread to the north and border areas of Laos and Cambodia with a total area of 202,000 hectares affected in the 10 year spraying period (Brown, 2010). Spraying occurred up to four times in a number of locations resulting in damage to 3,181 villages in Vietnam. The US Army stopped the mission in October 1971 after spraying 43 million liters or 11.4 million gallons in 10 years (The Conversation, 2017). This clearly damages the ecosystems in these areas.

Not only as a form of crime, the war has also made many Vietnamese, especially those living in the vicinity of the former US military base, experience health problems. In addition, many disabled children were born as a result of the Agent Orange. An estimated 4.5 million Vietnamese and some US military personnel serving in Vietnam have been contaminated by Agent Orange and other herbicides. The Vietnam Red Cross estimates that 3 million adults and children experience health problems (Brown, 2010). Until now, the handling of this case has not been completely over. However, peaceful steps have been taken by the US and Vietnam in handling this case.

There is one interesting thing in this phenomenon. In the past war era, each country looked so aggressive, but now the relationship between the two has changed dramatically and is predicted to be a new milestone for diplomatic relations between the US and Vietnam. US concern only emerged decades after the war ended through a negotiation process and peace efforts that have been carried out since 1995. However, the handling of the Agent Orange case began to be seriously considered since 2000, after President Clinton's visit to Vietnam which initially only aimed to conduct research related to the impact produced by Agent Orange. But over time, US aid has also led to health and disability issues and remediation efforts in the area contaminated by the Agent Orange.

The increasing of conducive relationship that has been marked since the Agent Orange case began to be seriously handled since 2000 will be analysed using the concept of cooperation and the concept of peace which are part of an optimistic perspective of liberalism that cooperation between actors can lead to peace. Peace, according to liberalism, can only be guaranteed if the sources of conflict can be resolved (Steans & Pettiford 2009, p. 115). In this case, the Agent Orange case is the problem that must be
resolved by the two countries. Thus, this article will produce logical and rational views regarding cooperation and good relations established by the US and Vietnam in recent years because of the settlement of the Agent Orange case.

The concept of cooperation and peace is very closely related to the ideas of liberalism which contributed greatly to policy making and public opinion in the era of the 20th century (Dunne & Schmidt, in Baylis & Smith, 2001, p. 110). Therefore, liberalism is considered as a tool to institutionalize peace through cooperation between actors. Liberalism speaks of a positive view of human nature, namely the belief that international relations can be cooperative rather than conflictual, and believes in scientific and technological progress. Therefore, the main focus of liberalism is freedom, cooperation, peace, and progress (Jackson & Sorenson, 2013, p. 173).

This article is a continuation of previous studies that also discuss the improvement of US and Vietnam relations after the handling of Agent Oranges, such as Michael F. Martin's article (2009) entitled Vietnamese Victims of Agent Orange and US-Vietnam Relations, which discusses US aid and the Vietnamese government to the victims of Agent Orange, as well as the positive implications for bilateral relations between the two countries. However, this research does not discuss in detail about the peace that occurred in the two countries after the handling of the Agent Orange.

Previous studies of the Vietnam War still revolve around the state of the war itself. In addition to research that addresses the Vietnam War in general, more specific research related to Agent Orange is only examined from a health perspective, as researched by Jeanner M. Stellman and Steven D. Stellman through their article titled Agent Orange During the Vietnam War: The Lingering Issue of Its Civilian and Military Health Impact in 2018. In addition, there are also Agent Orange studies that are examined from environmental aspects, such as Alvin L. Young's research entitled The History, Use, Disposition and Environmental Fate of Agent Orange in 2009. Research on the role of the US in the mechanism of peacebuilding or post-conflict peace building in a number of countries in the world has also been investigated by Monika and Susanti (2005) who criticize US intervention in the process of democratization in post-conflict regions such as Iraq and Afghanistan. The intervention turned out to have a negative effect on the two countries, especially when US used to create peace was precisely through war. Criticism of liberal development was also expressed by Kharisma (2017) where liberal peace building is not a mature concept, but a concept that needs to be developed so that the technical implementation of peace building which had ended badly in a number of
regions, could be improved. In contrast to these two, in the context of relations with Vietnam, the US actually did not democratize, as we know, after its defeat in the Vietnam war, the US no longer intervened in the socialist ideology held firmly by Vietnam until now.

Research related to the impact of relations between the two countries after the handling of the Agent Orange case through the eyes of International Relations becomes interesting in order to complete all the elements and have never been touched related to research on the Vietnam war itself. A number of other research articles discuss more about assistance provided by the US to Vietnam to deal with the prolonged health and environmental impacts of the Agent Orange (Hynes, 2016; Young, 2009). Research that focuses on the politics of Agent Orange in the perspective of the Australian state was also expressed by Jock McCulloch (1984), but this research is very skeptical of improving relations between the agents of the agents of the Agent Orange and the state occupied by Agent Orange. Therefore, this research seeks to fill the academic void by denying skepticism of previous studies on changing US and Vietnamese relations by using Perpetual Peace Immanuel Kant's work, which is very optimistic that lasting peace between the countries of the world can be well established.

This article attempts to explain the dominant factors behind the conducivity of relations between the US and Vietnam in various aspects. The increasingly conducive relationship that was marked since the Agent Orange case began to be seriously handled in 2000, will be dissected using the concept of cooperation and the concept of peace which are part of an optimistic perspective of liberalism that cooperation between actors can lead to peace. Peace, according to liberalism, can only be guaranteed if the sources of conflict can be resolved (Steans & Pettiford, 2009, p. 115). In this case, the Agent Orange case is the problem that must be resolved by the two countries. Thus, this research will produce logical and rational views related to good relations maintained by the US and Vietnam in recent years. This research also aims to examine whether cooperation and peace are still relevant concepts for use in contemporary issues or even other concepts that are more effective and efficient to apply.

Therefore, this study try to answer the question: How is Immanuel Kant's Perpetual Peace approach in analyzing peace relations between the US and Vietnam after the handling of Agent Orange? To answer the question more comprehensively, this article is divided into several sections, firstly the framework of the analysis, research methods, discussions and conclusions. The analysis framework will explain in more detail about
Immanuel Kant's work on perpetual peace. The third part of this article is a research method that will explain the methods of data collection and analysis that will help in analyzing the discussion of articles 1, 5, and 6 in Perpetual Peace. Article 1 discusses the peace agreement between the US and Vietnam, Article 5 is proven by US non-intervention on Vietnam's domestic politics, and finally article 6 is a clarification of the US's *Bellum Internecinum* in the Vietnam War. Finally, this article will present the conclusion and shortcomings of this research, so that it can be used as a foundation for further research.

**ANALYTICAL FRAMEWORK**

This article uses the thoughts of one of the liberal leaders, Immanuel Kant (1724-1804), an 18th-century German philosopher with his phenomenal work "Perpetual Peace". The term Perpetual Peace itself was used by Kant after he saw this word in a hostel in the Netherlands, which was made as a satirical inscription against the representation of the church (Kant, 1795). Perpetual Peace is a series of approaches to achieve lasting peace between countries. According to Kant, creating peace requires transformation from individual consciousness, state constitution, and federal contracts between states to avoid war (Dunne & Schmidt, in Baylis & Smith, 2001, p. 165). As a final goal, lasting peace requires cooperation from all parties, where the purpose of this collaboration is precisely to change the political structure and international system that is very conflictual. In his essay "Perpetual Peace" written in 1795, Kant argues that most people can change the structure of relations between countries (the international system), because they will never choose to fight, except to defend themselves, because they themselves will bear the burden or the effects of the war (Kant, 1795).

Regarding peace itself, Kant revealed that peaceful conditions and coexistence are not natural, because natural conditions for a country are war and things that lead to the endless threat of war. Therefore, a state of peace must be created to avoid hostility so that each country feels safe (Kant, 1795). In his work, there are a number of points which will be the unit of analysis in this article. These ideas are listed in Chapter I Perpetual Peace which consists of 6 articles, as follows: (1) There is no peace agreement that has the possibility of war in the future. The agreement must be valid without any loopholes to be misused, (2) There is no independent country, big or small, that comes to other countries with the intention of mastering it through inheritance, trade, and donations or assistance, (3) Avoiding arms competitions, (4) Prohibition of giving debt to a country for war
purposes, (5) Do not intervene in the domestic affairs of other countries, (6) Prohibition of war with the use of poisons, illicit killings, betrayal, and mass extermination during the war.

The handling of the Agent Orange case in this article is not to improve the past and bad relations between the two countries, but rather as an effort to open new path and relations in the future. This article will then focus more on articles 1, 5 and 6. The first article talks about the prohibition on making conditional peace agreements. The point is that no peace agreement can be considered valid, if it contains a hidden intention to prepare for a future war. Therefore, to achieve lasting peace is to stop the war completely, not only temporarily. A peace agreement must also not be built on the basis of a calculation of profit and loss. Kant declared that peace is not something that just happens but must be created with various efforts (Kant, 1795).

Meanwhile, the fifth article talks about the prohibition of any country from intervening in the domestic affairs of other countries, especially if the country is in conflict, unless the conflict seems to cause the state to split into several camps that are difficult to make peace. Under these conditions, humanitarian intervention is permitted only if it uses the principle of R2P (Responsibility to Protect). If the conditions are not the case, intervention is strictly prohibited since it will interfere with the fighters in the country in fighting the evil in the country (Kant, 1795).

And finally, the sixth article Perpetual Peace explains about the prohibition of war using poison (chemical or biological weapons), murder, betrayal, and mass extermination. This can happen because the act is included in the category of dishonesty tricks. If you really have to and are forced to do war, then fight fairly by following the applicable rules. In war, all countries will have the same value, namely asserting their rights through the use of force, making it difficult for the court to decide who is right and who is wrong (Kant, 1795).

At the end of Chapter I Perpetual Peace, Kant stressed for each country to implement the six articles. Nonetheless, Kant gave special emphasis to articles 1, 5, and 6 required to be carried out. According to Kant, articles 1, 5, and 6 are articles that must be implemented immediately so that lasting peace can be realized and maintained, while articles 2,3 and 4 can be more lenient in its implementation. The emphasis of articles 1, 5 and 6 is also important because basically war is a natural desire or state of nature of humans and nations, so what needs to be done is to prevent war that does not have the opportunity for peace. While for articles 2, 3, and 4 will be able to run slowly if articles
1, 5, and 6 are going well. Article 1, for example, a peace agreement that was not built based on the good will of the two countries in conflict will certainly not last long. The international world has often witnessed the failure of the peace agreement when the state of the country relapsed again in a conflict situation, for example the Israeli-Palestinian peace agreement which continues to fail because of the inability of both parties to guarantee lasting peace. Article 1 becomes the basis for the success of subsequent chapters.

Article 5 is the second condition for the success of the peace agreement. Often the actions or fears of domestic intervention by other countries are one of the reasons for the conflicting parties to disobey the peace agreement. US intervention in the 1973 Paris agreement, for example, became the basis of the failure of peace between North and South Vietnam, because in that agreement South Vietnam had to admit its defeat against North Vietnam. This is what underlies the US to be more careful to re-intervene in Vietnam's domestic affairs. Article 6 which prohibits genocide and the use of weapons of mass destruction is also a condition of eternal peace. Genocide and the use of weapons of mass destruction committed against civil society have a prolonged effect of revenge that is difficult to eradicate only through a peace agreement. War alone has created a grudge that is difficult to overcome, let alone the use of inhumane methods during the war, will only further complicate the peace that is actually desired by everyone.

**RESEARCH METHOD**

This article uses the type of International Relations research methodology that is Case Study. Case study strategy is an approach used to investigate and understand a phenomenon by gathering various kinds of information which is then processed to get a solution so that a problem can be solved (Cresswell, 2013). One of the advantages of the Case Study methodology in this article is to develop a historical explanation of a case (Sprinz and Wolinsky, 2002). The case study methodology in this article aims to test theory (theory testing) with confirmative logic, namely to test the accuracy of the Immanuel Kant Eternal Peace theory in US and Vietnam peace relations (Sprinz and Wolinsky, 2002).

The data obtained in this study is through secondary data analysis published by the Ford Foundation and ASPEN Institute. The main book referred to in this article is the Perpetual Peace book by Immanuel Kant, which has also been translated by Harun Arpani and Setiadi Hendarto in Indonesian. This article is descriptive in nature with the data
DISCUSSION

Article 1 Perpetual Peace: Peace Agreement Between US and Vietnam

Article 1 Perpetual Peace reads "No Treaty of Peace Shall Be Held Valid in Which There Is Tacitly Reserved Matter for a Future War". The article emphasizes that a peace agreement is not permitted that allows of future wars. The peace agreement agreed upon must be valid without any loopholes to be misused by interested parties (Kant, 1795). A peace agreement must be made clearly and be able to benefit those who agree. That way, the problems that triggered the war can be resolved so that the possibility for further war does not occur. The process of agreeing to a peace agreement may seem trivial, but if the peace agreement is made with a mind of objection, it can lead to further wars in the future.

Reflecting on this article, Kant stressed the importance of a written agreement, so that the gaps in error for the ensuing war could be minimized. In the case of the Vietnam War and the Agent Orange, this written agreement refers to the 1973 Paris Peace Talk. The agreement in this regard was considered as the first step for the US and Vietnam in their efforts towards lasting peace. The Paris Peace Talk 1973 was attended by officials or representatives of parties to the conflict in the Vietnam War, namely the government of the Democratic Republic of Vietnam (North Vietnam), the Republic of Vietnam (South Vietnam), the US, and the Provisional Revolutionary government representing South Vietnamese revolutionaries.

Although this article seems utopian, but in contemporary international relations, all peace agreements have been made in great detail and comprehensively, thus closing the possibility of violations committed by the warring parties. Perpetual Peace is a concept of redundancy, but that does not mean the concept is impossible to do. Immanuel Kant created Perpetual Peace which is practical.

The 1973 Paris Peace Agreement, which has nine chapters and 23 verses, was made in detail in context, strict in supervision, and specific, especially in terms of time. An explanation of the withdrawal of US armed forces in Vietnam, for example, is detailed in article 2 paragraph 4 where the US has six days to withdraw all its military forces. This article also specifically discusses that weapons and war materials (including chemicals Agent Orange) were also withdrawn from Vietnam:
Within sixty days of the signing of this Agreement, there will be a total withdrawal from South Viet-Nam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, armaments, munitions, and war material of the United States and those of the other foreign countries mentioned in Article 3 (a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time (Paris Peace Accord, 1973).

Other articles of the agreement also seek to build lasting peace between the US and Vietnam such as:

a. Article 1 verses 3: The parties promise to maintain a truce and to ensure lasting and stable peace.

b. Article 8 verses 22: restoration efforts after the Vietnam conflict must be carried out with the principle of mutual respect for the independence and sovereignty of each, and without intervention in their internal affairs.

c. Article 2 verses 4: The US will not use its military to intervene in Vietnam's domestic policy. Interventions against Vietnamese politics that still hold communist ideology will certainly re-position the two countries in a hostile situation as before. Therefore, this article explicitly prohibits the US from intervening in all domestic Vietnamese policies and politics.

d. Article 2 verses 5: Demolition of all military bases in South Vietnam The United States and other allied countries will be completed within sixty days from the signing of this Agreement

e. Demolition of military bases is done not only by the US, but also its allies, this is done so that lasting peace is not only the responsibility of the US, but also all its allies.

In addition, the mechanism of preventing violations will be very minimal given that the Paris Peace Agreement also has several special commissions whose task is to monitor the course of the peace process between the parties to the conflict at that time. These commissions came from countries that were not directly involved in the Vietnam War. In its task, the commission has a very vital war, not only guaranteeing that no further war occurs, the commission must also ensure that all military activities must be stopped, in accordance with the provisions contained in the 1973 Paris Peace Agreement.

Nevertheless, the true intention of the US peace has been pursued since 1968 through President Richard Nixon who at that time promised to seek a peaceful path in
Vietnam (Arungbudoyo, 2017). The statement of the President Nixon at that time was as follows.

*Let's all start peace and reconciliation. In recent years, we have tried to continue to negotiate peace. I will proceed with the next peaceful step. I realize this all takes time. But we must work hard towards this peace* (Gunawan, 2016).

However, due to the many factors that influence, both economic, political, social, and military, written peace can only take place a few years afterwards. This phenomenon must be understood that peace efforts cannot indeed happen instantly. This article sees that the dynamics that occur in this case are natural, given that this conflict is a prolonged conflict.

Until in the end the conflict ensued again, this time the conflict occurred in Cambodia involving 19 countries, including the US and Vietnam. Therefore, the 1973 Paris Peace Agreement was deemed a failure. The 1973 Paris Peace Agreement was only able to stop the Vietnam War, not the Indochinese War. However, due to the good faith of the countries involved in the conflict in Cambodia, the idea to make peace was based on agreeing to an agreement. In this case, the peace agreement in question is the 1991 Paris Peace Agreement. Thus, the 1991 peace agreement was used as a complement to the ineffective 1973 peace agreement. So that in the Paris Peace Agreement signed on October 23, 1991, the impact of peace will expand, not only for Vietnam and the US, but for the 19 countries involved. However, Cambodia as the "host" received more impact, because the agreement was not only to end the conflict, but also for the development of a just and democratic Cambodia, which was based on human rights and the rule of law.

Similar to the 1973 Paris Agreement, the 1991 Paris Agreement also has a supervisor, the UN-formed UN Transnational Authority in Cambodia (UNTAC). And until now, the 1991 Paris Peace Agreement is a peace agreement that is still relevant in this case (OHCHR, 2011). In addition, peace efforts were also evidenced in one of the contents of the 1991 Paris Peace Agreement, namely the withdrawal of all foreign military forces, military advisers and weapons, ammunition and equipment from Cambodia immediately after the agreement was signed (USIP, n.d.). All parties involved in the conflict in Cambodia must recognize and respect Cambodia's sovereignty, independence, territorial integrity and neutrality. And this research claims that the 1991 Paris Peace Agreement was the first step forward for peace in the region.
As a final provision, the 1991 Paris Peace Agreement states that “The Signatories shall, in good faith and in a spirit of cooperation, resolve through peaceful means any disputes with respect to the implementation of this Agreement.” (USIP n.d.). Thus, the agreement is expected to be able to create peace for the 19 countries involved by cooperating and conducting peaceful ways in resolving disputes that occur. The 1991 Paris Peace Agreement was also the result of a long series of processes and other factors, such as the end of the Cold War (El, 2014). So, what is expressed by Kant in Perpetual Peace is not merely a theory. Perpetual Peace is in fact applicative even though like other theories in International Relations, it will face many obstacles and challenges.

**Article 5 Perpetual Peace: Non-US Intervention in Vietnam's Domestic Affairs.**

Related to article 5 Perpetual Peace, states "No State Shall by Force Interfere with the Constitution or Government of Another State". Article 5 prohibits a country from intervening in the domestic affairs of another country, be it the constitution or the system of government (Kant, 1795). Let domestic affairs be the personal affairs of each country. In that article, Kant emphasized the meaning of a country's sovereignty by emphasizing the principle of non-intervention of a country in the affairs of the constitution of another country in any way (Wilkins, 2007).

Article 5 has been well manifested by the state, as well as international organizations, such as ASEAN, which see that the intervention of other countries in domestic politics will actually make the situation of the intervened country more chaotic, disintegration will occur, and escalation of conflict will increase. Although this conflict occurred in Southeast Asia, this article does not see any significant role from ASEAN. That is why, there is no specific discussion about ASEAN in handling the Agent Orange case. We can see that in general, the Agent Orange case was resolved bilaterally. The US, as one of ASEAN's partners, certainly understands the existence of the principle of non-intervention adopted by countries in Southeast Asia. That is why, the arrival of the US to Vietnam is purely for cooperation in handling the Agent Orange case, not as a form of US intervention in Vietnam's domestic politics. After all, this cooperation had been agreed beforehand between the US and Vietnam itself.

Kant’s statement in Article 5 of Perpetual Peace has been widely done internationally. The state will make every effort not to interfere in the domestic affairs of other countries, which will be seen as a form of intervention. That is clearly wrong. However, Kant also offers terms and conditions related to the concept of intervention.
Intervention can be done if there is a conflict that has reached a tipping point, namely causing large numbers of casualties and even causing the division of the country into several camps that are difficult to make peace. Providing assistance to one party or faction, based on this article 5, cannot be classified as an effort to disturb the constitution of another country because the conditions there are anarchic. However, if internal disputes have not reached that point, the interference of other countries, in any form, will violate and interfere with the rights of the fighters in the country against the deterioration in their country and it is considered a violation because it affects the country's autonomy safe (Kant, 1795). Such interventions are legal to do while still upholding the Responsibility to Protect (R2P) principle. This principle still applies in relations between countries, even in some conflicts in Africa and the Middle East.

After the war, the US did not intervene in military or domestic affairs against Vietnam, and vice versa. The non-interference of US in Vietnam's domestic affairs is also in line with the provisions contained in chapter 4 of the Paris Agreement which provides for the right of self-determination of the Vietnamese people (British Institute of International and Comparative Law, 1973). After Vietnam is united, all matters relating to the progress of the country, it is an initiative of the country itself or is the result of an agreement of both parties in this case is a form of mutually beneficial cooperation. Each party pledges to respect the ceasefire and maintain peace in Vietnam and resolve problems through negotiations and avoid all armed conflicts as stipulated in Chapter 5 of the Paris Agreement (British Institute of International and Comparative Law University Press, 1973).

The absence of US interference in Vietnam's domestic affairs can also be seen from the economic aspect. Doi moi for example, an economic and political reform launched by Vietnam after the war ended. Through this policy, Vietnam has returned land to farmers, liberalized the private sector, encouraged domestic investment, promoted trade, and opened the door for foreign investors. Vietnam is slowly changing the system from a state-planned economy to a market-based policies and incentives for foreign investment (Shivakumar, 2005). Vietnam also turned into one of the fastest growing countries in the world.

Those policies originated purely from the initiative of the Vietnamese government to see the success of the Soviet Union while following the trends at the time. US did not intervene in the constitution and other aspects in Vietnam. Although Vietnam is in the form of communist-socialism, which incidentally is not in line with US style, but still
trying to maintain peace with Vietnam, of course based on mutual relations that benefit the two countries. This phenomenon illustrates that US no longer carries out its mission to eradicate communism, as it did in the Cold War era.

**Article 6 Perpetual Peace: Clarification of The US Bellum Internecinum in The Vietnam War**

In the original work, article 6 of the introduction to Perpetual Peace states "No state during a war is to permit acts of hostility that would make mutual confidence impossible after the war is over-e.g. the use of assassins and poisoners, breach of capitulation, incitement to treason in the opposing state ". The article emphasizes a condition of warfare without the use of poison, murder, betrayal or incitement, espionage so that it will trigger mass destruction during the war (bellum internecinum) (Kant, 1795). Fight fairly by following the applicable rules.

A note to take that chemical weapons, biological weapons, nuclear weapons, and radiology are part of Weapons of Mass Destruction (WMD) or weapons of mass destruction (Gray, 2007: 284). Kant, in this concept strongly prohibits war aimed at wiping out a party. This type of war must not exist in relations between nations. War, according to Kant, was only the saddest way possible because of the demanding nature of humanity (Kant, 1795). If applied to the present context, the Kant principle can be used to prevent war from occurring due to the desires or needs of large countries towards the potential of small countries. Therefore, war with the use of all means must be strictly prohibited.

The realization of article 6 Perpetual Peace in international relations is realized in the formation of *Just War*. War is difficult to avoid but even if it has to go to war, war can be arranged in such a way that the negative effects of war can be minimized. In war, all countries will be of equal value. Affirming their rights through the use of force, it is difficult for the court to decide who is right and who is wrong. There's even the term "If the war goes on justly, let God decide who the winner is" (Kant, 1795). The term requires the parties to the conflict to apply in a sportive manner and comply with all applicable regulations.

Without comprehensive research, it will be difficult to explain whether the Agent Orange event was an intentional element by the US or not. Claims that attacks against civilians as well as non-military objects are inevitable side effects, although such claims can also be seen as a release of responsibility. That is why Just War in international law
is needed to be able to anticipate the worst possible by promoting the principle of prudence and humanitarian considerations (Rosyidin, 2017, p. 171).

Then what about a country that has already used inhuman warfare methods? Does Kant recommend corrective actions towards the country's behavior? Broadly speaking, all Perpetual Peace articles promoted by Kant are attempts to correct state actions which have justified war behavior which has not been true:

\[
\text{Kant’s claim that reason secures the rules of understanding through principles means that he believes reason to maintain a correct apprehension of particular things, such as human beings, in the broader scope of reality through concepts (Franke, 2001:78).}
\]

Kant's justification for peace carries a consequence of responsibility for the state to remedy any ill effects left after the war ended: "... to fill up the measure of evils, load themselves with a heavy national debt that would embody peace itself and that can never be liquidated on account of constant wars in the future."(Kant, 1795). US has acknowledged that the use of Agent Orange in the Vietnam War was the wrong thing to do amid frustration with Viet Cong guerrillas. As revealed by H. R. McMaster who is a U.S. National Security Advisor under Donald Trump's administration in 2018. “... so this is how you went to war without a strategy. This is how we confused activity with progress in the Vietnam War and didn’t consider long-term costs and consequences.” (Carnegie Council for Ethics in International Affairs, 2015).

The statement explained that the US in the Vietnam War used a wrong strategy and failed in estimating the long-term effects related to the use of tactics in the war, including Agent Orange which was not comprehensively assessed and evaluated. The policy adopted by the US during the Vietnam War was a mistake (Carnegie Council for Ethics in International Affairs, 2015).

Despite avoiding lawsuits, the US reluctantly claims that Agent Orange is a moral responsibility that must be resolved immediately. US is aware that the Vietnam War and the Agent Orange have caused such massive casualties that post-war reform measures are required in accordance with international norms and law. Strictly speaking, this research claims that handling conflict through cooperation is a concrete form of achieving peace.

In addition to linking Article 6 with the 1973 Paris Agreement, this research also links Article 6 to the US attitude after the 1961-1971 Agent Orange spraying in Vietnam. It has been explained that Agent Orange was one of the war strategy mistakes made by
the US in the Vietnam War. These chemicals are not fully studied and evaluated on the
dangers and their impact on humans and the environment (King, 2010). Therefore, the
US claims morally responsible for handling the Agent Orange case. The analysis in this
section will then lead to the policies taken by the US in dealing with the Agent Orange
case in an effort to cover up mistakes and mistakes during the Vietnam War.

The expression of US moral responsibility is not only conveyed by researchers
and the military, but also from the US government itself. The intention to make peace is
a US priority with Vietnam. This was stated by President Trump when giving a speech at
the 2017 APEC CEO Summit, in Da Nang, Vietnam. “… together here in Da Nang to
deepen our friendships, expand our partnerships, and celebrate the amazing
achievements of our people. This city (Da Nang) was once home to an American military
base in a country where many Americans and Vietnamese lost their lives in a very bloody
war. Today we are no longer enemies, we are friends (President Trump Live Stream,
2017).” President Trump's speech suggests that relations between the US and Vietnam
have changed. Many inhibiting factors, one by one resolved. The two countries agreed to
improve relations with each other. Hostile stigma has turned into friends.

That is what later made the US government recognize that the Agent Orange case
became a frightening specter of obstruction of US and Vietnamese relations. Following
up on the statement, President Clinton came to Vietnam in 2000 while keeping promises
to be responsible in the Agent Orange case. The Agent Orange problem then emerged as
a routine topic in bilateral discussions between the US and Vietnam and was used as a
tool to smooth out the normalization of relations that had been cut off for decades.
(Martin, 2012).

As the implementation of article 8, paragraph 22 of the Paris Peace Agreement,
the US undertakes peace restoration with Vietnam through the handling of the Agent
Orange. The US considers that the Agent Orange case is a moral responsibility, and must
be immediately resolved, although previously received many demands from various
parties to handle this case, as stated by Charles Bailey, representative of the Ford
Foundation in Vietnam, who is also the author of the book "From Enemies to Partners": "
The US does not have any strictly legal responsibility to clean up the dioxin in Vietnam,
but many people feel that we have a moral responsibility "(PBS NewsHour, 2017).

In addition, US moral responsibility was also expressed by Eni Faleomavaega, a
former member of the U.S. House of Representatives who was also a former US military
who had served in Vietnam: "The United States, in my humble opinion, has a high, high
moral duty and responsibility and should also help clean up the environment.” (US Government Information 2009, p 4).

US attention to this case actually began in 2000 when President Clinton visited Vietnam. This was used by Vietnamese leaders to pressure the US to compensate Agent Orange victims. But in fact, the US helped more than that. Besides agreeing to provide compensation, the US is also willing to conduct joint research related to the effects of dioxins and Agent Oranges (Manyin, 2006). Compensation provided by the US is donations and humanitarian assistance, remediation of dioxin-contaminated areas, US cooperation through Multinational Corporation (MNC).

First, donations and humanitarian assistance. Although initially, the US seemed slow in responding to the Agent Orange case because of the consideration that the costs would be enormous. When the normalization process was underway, US aid increased sharply from around US $ 1 million in 1991 to more than US $ 50 million in 2005. So far, the two largest components of the US aid program were food aid and health assistance (Manyin, 2006). In addition, assistance also came from the Vietnamese central government launching a compensation program for victims of Agent Orange since 2000 which is disbursed every month (Palmer, 2007). In 2010, a joint panel of US and Vietnamese policymakers, which included citizens and scientists, released a clean-up plan that would cost around US $ 300 million in 10 years. Of this amount, US $ 100 million will be used to restore damaged and contaminated ecosystems where the main priorities are Da Nang, Bien Hoa and Phu Cat air bases. Meanwhile, the remaining US $ 200 million will be used for medical treatment for victims of Agent Orange. The panel expects the US to provide half of the costs and expects the remaining funds to come from private donors and NGOs (King, 2010, p. 76).

Second, remediation of dioxin-contaminated areas. The remediation process can be carried out because in 2007, US submitted a report related to Operation Ranch Hand and the distribution of the Agent Orange to the Vietnam Ministry of Defense. And the result is that the two countries agreed to work together in continuing the survey and analysis program and the process of remediating contaminated areas (King, 2010, p. 72). Until 2009, USAID signed a US$ 1.4 million contract to remediate research sites; and is scheduled for completion in 2012. While on the other hand, according to Vietnamese officials, it will cost around US$ 60 million to clean dioxin in three main hotspots, namely Da Nang, Bien Hoa and Phu Cat. Collaboration between the US government and Vietnam regarding the remediation of dioxin has developed in recent years under the guidance of
the US State Department and the EPA. In fact, the EPA has transferred laboratory equipment to the Vietnam Academy of Science and Technology and provided technical assistance (King, 2010, p. 76). Until then the US came back to Vietnam in 2012 after doing extensive research related to the handling of the Agent Orange case. The action taken at that time was by heating the soil with high temperature (minimum 6350 Celsius) to break down dioxin into a harmless compound and then move it to a special place. The collaboration was established through a joint venture between USAID and the Vietnamese government (Malloy, 2016).

Third, cooperation with MNC. The Ford Foundation has taken a significant role in handling the Agent Orange problem in Vietnam. The foundation has raised awareness of the medical and environmental impacts of the Agent Orange and is raising funds for the victims. In 2000, the Ford Foundation made its first Agent Orange donation of US $150 thousand (King, 2010, p. 79). Together with the Aspen Institute, the Ford Foundation became two parties that had a major contribution in handling the Agent Orange case. Both organizations claim that they poured funds of US$ 300 million as a long-term plan (2010-2020) to overcome the humanitarian crisis in Vietnam due to Agent Orange (Brown, 2010).

**CONCLUSION**

Changes in relations between Vietnam and the US for the better due to various factors. Human rights issues, prisoners of war, Agent Orange, and other factors. However, Agent Orange is a big case that is still being handled. This case is one of the cases which is the biggest obstacle for the US and Vietnam to have good relations. On the one hand, even as a losing party in the war, the US felt that Agent Orange was their moral responsibility.

By acknowledging its mistakes during the previous war, US began handling the Agent Orange case since 2000, after President Clinton's visit to Vietnam. In the early years, the progress of Agent Orange case was limited to research on impacts and hazards. But in 2007, aid in the form of funds gradually began to flow, both for the remediation of areas contaminated by dioxin, as well as assistance to victims who were experiencing health problems.

The dynamics of US and Vietnamese relations have changed since the handling of the Agent Orange case due to cooperation has a variety of benefits. Cases and problems can be solved with the right solution if the disputing parties want to move together to
solve what is considered to be an obstacle between the two parties to get along well. This phenomenon proves that the US and Vietnam both have good intentions to create peace.

The guidelines, created by Immanuel Kant in 1795 through Perpetual Peace, were able to explain the changing relations between the once hostile US and Vietnam, now friends. Conflict resolution is an absolute thing to do and will have an impact on the tightening of relations between the parties involved in working together to resolve the conflict, both directly and indirectly. That was what Kant then considered that peace cannot exist by itself. Peace is something that must be created, of course using the rationality of the actors involved to the maximum extent possible to avoid the negative effects of the peace process itself.

Thus, articles 1, 5, and 6 of Perpetual Peace can be an indicator of the movement towards peace created by the US and Vietnam. Compliance with the peace agreement, not interfering in the domestic affairs of other countries, and recognizing mistakes related to the use of chemical weapons is a positive reflection of the implementation of Perpetual Peace conducted by the US and Vietnam. In addition, the rational attitude of the two countries has proven to be effective in the case of Agent Orange to lead to massive cooperation between many parties. In addition, the concept of cooperation is still relevant to be used by the state in resolving conflicts for the sake of creating lasting peace.

However, research on Agent Orange can still be developed, such as the case analysis of Agent Orange from the perspective of Non-Governmental Organizations (NGOs) or Multinational Corporation (MNC) which is known to have a relatively large contribution in handling this case. The further research is expected to be able to provide other variations on research related to herbicides and chemical compounds called Agent Orange. The second limitation in this research lies in the implementation of the other articles in Perpetual Peace that actually must be implemented by US to make peace relations between the two countries can be as sustainable as desired by Kant in his work.

**BIBLIOGRAPHY**

Arungenbudoyo, W. (2017). HISTORIPEDIA: Perjanjian Paris Tandai Kekalahan AS di Vietnam (Online). *Okenews*, 27 Januari. <https://news.okezone.com/read/2017/01/27/18/1602315/historipedia-perjanjian-paris-tandai-kekalahan-as-di-vietnam> [Accessed on 12 Maret 2019].
British Institute of International and Comparative Law. (1973). Vietnam. *The International and Comparative Law Quarterly* 2(22), pp. 379-382.

Brown, F.Z. (2010). Rapprochment Between Vietnam and the United States. *Contemporary Southeast Asia* 32(3), pp. 317-342.

Carnegie Council for Ethics in International Affairs 2015, *Lt. Gen. H. R. McMaster: U.S. Policy Mistakes in the Vietnam War*. Online Video, Accessed on 22 Mei 2019, <https://www.youtube.com/watch?v=AA4vTa-j_d8>

Cresswell, J. W. (2013). *Research Design (Pendekatan Kualitatif, Kuantitatif, dan Mixed) Edisi Revisi*. Pustaka Pelajar: Yogyakarta

Franke, M.F.N. (2001). Global Limits : Immanuel Kant, International Relations, and CritiquE of World Politics. Albany: State University of New York Press.

George, A. L. & Bennet, A. (2005). *Case Study and Theory of Development in Social Sciences*. Belfer Center of Science: Massachusetts.

Gray, C.S. (2007) *War, Peace, and International Relations: An Introduction to Strategic History*. New York: Routledge.

Hyners, P.H. (2016). The Legacy of Agent Orange in Vietnam, *Peace Review*, 28:1, 114--122, DOI: 10.1080/10402659.2016.1130415

Jackson, R. & Sorensen, G. (2014), *Pengantar Studi Hubungan Internasional: Teori dan Pendekatan Edisi Kelima*. Pustaka Pelajar: Yogyakarta.

Kant, I. (1795). *Perpetual Peace: A Philosophical Sketch*, 25 Mei 2019. Accessed on <http://fs2.american.edu/dfagel/www/Class%20Readings/Kant/Immanuel%20Kant,%20_Perpetual%20Peace_.pdf>

Kharisma, M.W. (2017). The Philosophical Worth of Liberal Peacebuilding. *Global : Jurnal Politik Internasional*, 19(1), 1-15

King, P.S. (2010). The Use of Agent Orange in the Vietnam War and Its Effects on the Vietnamese People. Tesis MA. Georgetown University.

Martin, M.F. (2012). Vietnamese Victims of Agent Orange and U.S.-Vietnam Relations. *CRS Report*.

McCulloch, J. (1984). *The politics of Agent Orange: The Australian Experience*. California: Heinemann

OHCHR 2011, ‘Cambodia – 20 Years On from the Paris Peace Agreements’ *United Nations Office of the High Commissioner of Human Rights*, 21 Oktober, Accessed on 23 Mei 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/Cambodia>
20 yearsonfromtheParisPeace.aspx

Paris Peace Accords. (1973). Tersedia di : https://treaties.un.org/doc/Publication/UNTS/Volume%20935/Volume-935-I-13295-English.pdf [Accessed on 16 Maret 2019]

President Trump Live Stream. (2017). President Trump FULL Speech in Vietnam @ APEC CEO Summit 2017 (Online Video). Accessed on: <https://www.youtube.com/watch?v=FJEmKCB036s> [Diakses 16 Maret 2019].

Rosyidin, M. (2017). Kejahatan Perang: Perspektif Politik dan Hubungan Internasional. Semarang: EF Press Digimedia.

Shivakumar, M.S. (2005). A New Era for Vietnam and US? Economic and Political Weekly 40(31), pp. 3374-3376.

Sprinz, D.F dan Wolinsky, Y. (eds) (2002). Cases, Numbers, Models: International Relations Research Methods. <http://www.sscnet.ucla.edu/polisci/faculty/trachtenberg/syllabi/lists/harvard/mora/vcsik%20(sprinz%20wolinsky).pdf> [Accessed on 12 Februari 2019]

Steans, J. & Pettiford, L. (2009). Hubungan Internasional: Perspektif dan Tema. Yogyakarta: Pustaka Pelajar.

Susanti, D. & Monika, S. (2005). Peran AS dalam Transisi Rejim di Negara Lain: Studi Kasus Afghanistan, Global : Jurnal Politik Internasional, 7(2), 40-56

Stellman, JM. & Stellman SD. (2018). Agent Orange During the Vietnam War: The Lingering Issue of Its Civillian and Military Health Impact (Online). <https://ajph.aphapublications.org/doi/10.2105/AJPH.2018.304426> [Accessed on 12 September 2018].

The Conversation. (2017). Agent Orange, Exposed: How U.S. Chemical Warfare in Vietnam Unleashed A Slow-moving Disaster (Online). <http://theconversation.com/agent-orange-exposed-how-u-s-chemical-warfare-in-vietnam-unleashed-a-slow-moving-disaster-84572> [Accessed on 16 September 2018].

USAID. (n.d.). Environmental Remediation (Online). <https://www.usaid.gov/vietnam/environmental-remediation> [Accessed on 9 Maret 2019].

USAIDVietnam. (2015). U.S., Vietnam Cooperate on Agent Orange/Dioxin Remediation (Online Video). <https://www.youtube.com/watch?v=s6rC6JEsIc0> [Accessed on 9 Februari 2019].
Uzych, L. (1991). Agent Orange, the Vietnam War, and Lasting Health Effects. *Environmental Health Perspectives* 95, pp. 211.

Wilkins, B.T. (2007). Kant on International Relations. *Journal of Ethics* 11(2), pp. 147–159.

Young, AL. (2009). *The History, Use, Disposition and Environmental Fate of Agent Orange*. New York: Springer