

The US Must Compensate Burn Pit Victims in Iraq Too

Toxic waste from America's war is destroying Iraqi communities. The US owes them legally and morally.

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On August 10, United States President Joe Biden [signed](#) the PACT Act, aiding approximately 3.5 million American veterans with severe medical conditions linked to toxic exposure to burn pits during service, including in Iraq and Afghanistan. Open air pits of military waste, sometimes as large as football fields, are burned to destroy munitions, chemicals, plastics, and medical and human waste, typically using jet fuel. Used widely until at least 2010, burn pits were still permitted at least as of last year, when waste management facilities were not available.

Their impact, however, extends beyond the harm to those who were deployed and exposed to toxins in the short term. Fatal cancers. Birth defects that can cause infant death or lifelong disabilities. Malformations including a missing hand, cleft lip and paralysed club foot. Anencephaly — an underdeveloped brain and incomplete skull. These are just some of the devastating conditions plaguing Iraqi civilians following toxic exposure from the 2003 US invasion and occupation and 1991 Gulf War.

How is this a fair price for civilians to pay for simply residing in their homes while the US “war on terror” forcibly exposed them to burn pits and depleted uranium? When will the US fulfill international law obligations to compensate them for the toxic war zones that its military has left behind?

Biden's signing last week was filled with fanfare and applause, and a moving appearance by the wife and young child of the late Ohio veteran in whose honour the act is named (full title: the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act). Indeed, the legislation is welcome: It covers numerous cancers and lung conditions, and marks progress toward addressing dire suffering similar to

that of Vietnam veterans who were unjustly neglected ([PDF](#)) following Agent Orange exposure. In fact, the PACT Act addresses Agent Orange — 47 years after that war's end.

Biden said this is “the least we can do” for veterans. Where is equivalent acknowledgment – and compensation – for Iraqi civilians, who have no escape from the kind of toxic surroundings the act aims to address for injured US veterans?

Benefit of doubt

Many of those paying the highest price are Iraqi infants born two decades after the start of the “war on terror”. According to Dutch peace organisation PAX, more than 780,000 rounds of depleted uranium were fired in 1991, and more than 300,000 rounds in 2003.

Diseases linked to genetic damage in Fallujah, which was contaminated with depleted uranium munitions, have been documented at [higher rates than in Hiroshima](#).

The PACT Act provides “presumptive conditions” benefits that remove the burden of proof. Instead, veterans will be presumed eligible according to dates and locations of service. Previously, nearly four in five burn pits-connected Veterans Affairs (VA) claims were rejected.

This same benefit of the doubt must be extended to Iraqis through a presumptive benefits-style programme. The US must not delay clean-up and compensation for decades, as with Vietnam. There is more than enough data to justify reparations. Petty, minutiae-rooted arguments can be used to fixate on documentation of the precise dates and nature of civilians' toxic exposure. Yet, there is ample evidence of what I call “toxic saturation” — the long-term, undeniable, accumulative encounters of Iraqi civilians with a variety of deadly toxins. As Iraqi novelist and poet [Sinan Antoon asks](#): “Do we breathe to live? Or do we breathe to die?”

The law is clear. Article 91 of Additional Protocol I to the Geneva Conventions says that violators of international humanitarian law are “liable to pay compensation.” The Environmental Modification Convention (ENMOD) forbids military “environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury.”

There are abundant international regulations that are in conflict with US actions regarding toxins. Article 55 of Additional Protocol I to the Geneva Conventions prohibits means of warfare that damage the environment and “prejudice the health or survival of the population”. The Rio Declaration calls for states to “develop national law regarding liability and compensation” for victims of environmental damage.

Members of the US Congress were not concerned with international law, however, when finally compensating veterans. They acted once they could not resist pressure any longer. US leaders likely fear that compensation would admit US culpability for Iraqi civilians' injuries. The harm caused, however, is obvious and must be remedied.

History repeats

Sadly, Washington's track record doesn't inspire optimism.

The US left Vietnam veterans in the cold, before finally providing [presumptive benefits](#) and benefits for [Agent Orange-linked birth defects](#) in veterans' children. The US Court of Appeals [ruled against](#) Vietnamese people who sought to hold Dow Chemical, Monsanto and other companies accountable. The court justified this partly on the basis that dioxin was a defoliant to clear foliage, not intended to harm humans.

The US has spent roughly [\\$400m](#) to address Agent Orange's environmental and health effects. USAID and Vietnam's government have a [10-year plan](#) costing up to \$500m to clean Bien Hoa Air Base. A smaller amount, \$14.5m annually, was allocated for health and disability programmes.

If this numbers game seems a bit obscure, this is because there have been many parcelled-out allocations of funding, none of which have fully ameliorated harm to Vietnam's people. This becomes clearer when considered in relation to the US military budget of [\\$753bn](#).

These precedents prove that US-funded clean-ups are possible, even as they underscore the grossly inadequate nature of projects to address the horrific, multigenerational effects of dioxin. Cancer and other crushing illnesses plague Vietnam's survivors and their children.

The bad news? History is not simply repeating. Conditions are worsening as new benchmarks are continually set for how bad things can get.

As Vietnamese-American writer and professor [Viet Thanh Nguyen writes](#), we can forgive the atrocities of the past but "the present is not yet finished. The present, perhaps, is always unforgivable."

Way forward

When the Senate finally passed the PACT Act, it was in spite of Republicans who refused to support it — which was seen as retaliation for Democratic legislation on climate and healthcare. This dysfunction regarding compensating veterans provides a glimpse into how antagonistic many US lawmakers would be towards an Iraqi reparations proposal.

The US must take responsibility for toxins used by the military, and by for-profit contractors. Yet abandoning civilians abroad is horrifically consistent with the US approach to environmental racism domestically. Environmental injustice disproportionately impacts US minority communities who often live in sacrifice zones.

These realities make for an uphill struggle, though not an impossible one. The US's recognition of veterans, while ignoring Iraqis, reveals a segregated outlook on justice. The public needs to stand in solidarity with victims of the "war on terror". The US government must expeditiously provide reparations to Iraqis and fulfill international law obligations.

Anything less is environmental racism, and a dangerously hierarchical approach to justice.

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