

Chemical hypocrites

As it struggles to justify its invasion, the US is getting ready to use banned weapons in Iraq

When Saddam Hussein so pig-headedly failed to shower US troops with chemical weapons as they entered Iraq, thus depriving them of a retrospective justification for this war, the American generals explained that he would do so as soon as they crossed the “red line” around Baghdad. Beyond that point, the desperate dictator would lash out with every weapon he possessed.

Well, the line has been crossed and recrossed, and not a whiff of mustard gas or VX has so far been detected. This could mean one of three things: Saddam’s command system may have broken down (he may be dead, or his troops might have failed to receive or respond to his orders); he is refraining, so far, from using chemical weapons; or he does not possess them.

The special forces sent to seize Iraq’s weapons of mass destruction have yet to find hard evidence at any of the 12 sites (identified by the Pentagon as the most likely places) they have examined so far. As Newsweek revealed in February, there may be a reason for this: in 1995, General Hussein Kamel, the defector whose evidence George Bush, Tony Blair and Colin Powell have cited as justification for their invasion, told the UN that the Iraqi armed forces, acting on his instructions, had destroyed the last of their banned munitions. But, whether Saddam is able to use such weapons or not, their deployment in Iraq appears to be imminent, for the Americans seem determined on it.

Chemicals can turn corners, seep beneath doors, inexorably fill a building or a

battlefield. They can kill or disable biological matter while leaving the infrastructure intact. They are the weapons that reach the parts other weapons can't. They are also among the most terrifying instruments of war: this is why Saddam used them to such hideous effect, both in Iran and against the Kurds of Halabja. And, for an occupying army trying not to alienate local people or world opinion, those chemicals misleadingly labelled "non-lethal" appear to provide a possibility of capturing combatants without killing civilians.

This, to judge by a presidential order and a series of recent statements, now seems to be the US government's chosen method for dealing with Iraqi soldiers sheltering behind human shields, when its conventional means of completing the capture of Baghdad have been exhausted. It makes a certain kind of sense, until two inconvenient issues are taken into account. The deployment of these substances would break the conventions designed to contain them; and the point of this war, or so we have endlessly been told, is to prevent the use of chemical weapons.

Last week Bush authorised US troops to use teargas in Iraq. He is permitted to do so by an executive order published in 1975 by Gerald Ford, which overrides, within the US, the 1925 Geneva protocol on chemical weapons. While this may prevent Bush's impeachment in America, it has no standing in international law.

The chemical weapons convention, promoted by George W's father and ratified by the US in 1997, insists that "each state party undertakes not to use riot control agents as a method of warfare". Teargas, pepper spray and other incapacitants may be legally used on your own territory for the purposes of policing. They may not be used in another country to control or defeat the enemy.

For the past two months, US officials have been seeking to wriggle free from this constraint. In February, the defence secretary, Donald Rumsfeld, told Congress's armed services committee that "there are times when the use of non-lethal riot agents is perfectly appropriate". He revealed that he and the chairman of the joint chiefs of staff, Richard Myers, had been "trying to fashion rules of engagement" for the use of chemical weapons in Iraq.

Rumsfeld, formerly the chief executive of GD Searle, one of the biggest drugs firms in the US, has never been an enthusiast for the chemical weapons convention. In 1997, as the Senate was preparing to ratify the treaty, he told its committee on foreign relations that the convention "will impose a costly and complex regulatory burden on US industry". Enlisting the kind of self-fulfilling prophecy with which we have since become familiar, he maintained that it was not "realistic", as global disarmament "is not a likely prospect". Dick Cheney, now vice-president, asked the committee to record his "strong opposition" to ratification.

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Last month Victoria Clarke, an assistant secretary in Chemical Donald's department, wrote to the Independent on Sunday, confirming the decision to use riot control agents in Iraq, and claiming, without supporting evidence, that their deployment would be legal. Last week the US Marine Corps told the Asia Times that CS gas and pepper spray had already been shipped to the Gulf. The government of the US appears to be on the verge of committing a war crime in Iraq.

Given that the entire war contravenes international law, does it matter? It does, for three reasons. The most immediate is that there is no such thing as a non-lethal chemical weapon. Gases that merely incapacitate at low doses, in well-ventilated places, kill when injected into rooms, as the Russian special forces found in October when they slaughtered 128 of the 700 hostages they were supposed to be liberating from a Moscow theatre. It is impossible to deliver a sufficient dose to knock out combatants without also delivering a sufficient dose to kill some of their captives.

The second reason is that, if they still possess them, it may induce the Iraqi fighters to retaliate with chemical weapons of their own. At the same time, it encourages the other nations now threatened with attack by Bush to start building up their chemical arsenals: if the US is not prepared to play by the rules, why should they?

The third reason is that the use of gas in Iraq may serve, in the eyes of US citizens, to help legitimise America's illegal chemical weapons development programme. As the US weapons research group Sunshine Project has documented, the defence department and the army are experimenting with chemicals which cause pain, fear, convulsions, hallucinations and unconsciousness, and developing the hollow mortar rounds required to deliver them.

Among the weapons they are testing is fentanyl, the drug which turned the Moscow theatre into a gas chamber. Since March 2002, the government's "non-lethal weapons directorate" has been training the Marine Corps in the use of chemical weapons. All these activities break the convention.

The deployment of chemicals in Baghdad could be the event which finally destroys the treaties designed to contain them, and this, in turn, would be another step towards the demolition of international law and the inception of a bloody and brutal era, in which might is unconstrained by universal notions of right.

You cannot use chemical weapons to wage war against chemical weapons. They are, as the convention makes clear, the instruments of terrorists. By deploying them, the US government would liquidate one of the remaining moral distinctions between its own behaviour and that of the man it asks us to abominate. #