

The inspection process was rigged to create uncertainty over WMD to bolster the US and UK's case for war

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It appears that the last vestiges of perceived legitimacy regarding the decision of President George Bush and Tony Blair to invade Iraq have been eliminated with the release this week of the Iraq Survey Group's final report on Iraqi weapons of mass destruction. The report's author, Charles Duelfer, underscored the finality of what the world had come to accept in the 18 months since the invasion of Iraq – that there were no stockpiles of WMD, or programmes to produce WMD. Despite public statements made before the war by Bush, Blair and officials and pundits on both sides of the Atlantic to the contrary, the ISG report concludes that all of Iraq's WMD stockpiles had been destroyed in 1991, and WMD programmes and facilities dismantled by 1996.

Duelfer's report does speak of Saddam Hussein's "intent" to acquire WMD once economic sanctions were lifted and UN inspections ended (although this conclusion is acknowledged to be derived from fragmentary and speculative sources). This judgement has been seized by Bush and Blair as they scramble to re-justify their respective decisions to wage war. "The Duelfer report showed that Saddam was systematically gaming the system, using the UN oil-for-food programme to try to influence countries and companies in an effort to undermine sanctions," Bush said. "He was doing so with the intent of restarting his weapons programme once the world looked away." Blair, for his part, has apologised for relying on faulty intelligence, but not for his decision to go to war. The mantra from both camps remains that the world is a safer place with Saddam behind bars.

But is it? When one examines the reality of the situation on the ground in Iraq today, it seems hard to draw any conclusion that postulates a scenario built around the notion of an improved environment of stability and security. Indeed, many Iraqis hold that life under Saddam was a better option than the life they are facing under an increasingly violent and destabilising US-led occupation. The ultimate condemnation of the failure and futility of the US-UK effort in Iraq is that if Saddam were released from his prison cell and participated in the elections scheduled for next January, there is a good chance he would emerge as the popular choice. But while democratic freedom of expression was a desired outcome of the decision to remove Saddam from power, the crux of the pre-war arguments and the ones being reconfigured by those in favour of the invasion centre on the need to improve international peace and security. Has Saddam's removal accomplished this?

To answer this question, you have to postulate a world today that includes an Iraq led by Saddam. How this world would deal with him would be determined by decisions made by the US, Britain and the international community in the months leading up to the March 2003

invasion of Iraq. One of the key historical questions being asked is what if Hans Blix (who gives his own view, alongside) had been given the three additional months he had requested in order to complete his programme of inspection? Two issues arise from this scenario: would Blix have been able to assemble enough data to ascertain conclusively, in as definitive a fashion as the Duelfer ISG report, a finding that Saddam's Iraq was free of WMD, and thus posed no immediate threat; and would the main supporters of military engagement with Iraq, the US and Britain, have been willing to accept such a finding?

The answer to the first point is that Blix and his team of inspectors were saddled with a complicated list of "cluster issues", ironically assembled by Duelfer during his tenure as head of the UN weapons inspectors, that would have needed to be rectified for any finding of compliance to be made.

These "clusters" postulated the need for Iraq to prove the negative, something that is virtually impossible to do. We now know that Iraq's WMD were destroyed in 1991. The problem wasn't the weapons, but verification of Iraq's declarations. The standards of verification set by Duelfer-Blix were impossible for Iraq to meet, thus making closure on the "cluster" issues also an unattainable goal. This situation answers the second point as well. Since the inspection process was pre-programmed to fail, there would be no way the US or the UK would accept any finding of compliance from the UN weapons inspectors. The inspection process was rigged to create uncertainty regarding Iraq's WMD, which was used by the US and the UK to bolster their case for war.

It appears that there was no way short of war to create an environment where a finding of Iraq's compliance with its obligation to disarm could be embraced by the US and British governments. The main reason for this was that the issue wasn't WMD per se, but Saddam. The true goal wasn't disarmament, but regime change. This, of course, clashed with the principles of international law set forth in the Security Council resolutions, voted on by the US and UK, and to which Saddam was ostensibly held to account. Economic sanctions, put in place by the UN in 1990 after Saddam's invasion of Iraq and continued in 1991, linked to Saddam's obligation to disarm, were designed to compel Iraq to comply with the Security Council's requirements. Saddam did disarm, but since two members of that Security Council – the US and the UK – were implementing unilateral policies of regime change as opposed to disarmament, this compliance could never be recognised. Sadly, when one speaks of threats to international peace and security, history will show that it was the US and Britain that consistently operated outside the spirit and letter of international law in their approach towards dealing with Saddam.

This blatant disregard for international law on the part of the world's two greatest democracies serves as the foundation of any analysis of the question: would the world be better off with or without Saddam in power? To buy into the notion that the world is better off without Saddam, one would have to conclude that the framework of international law that held the world together since the end of the Second World War – the UN Charter – is antiquated and no longer viable in a post-9/11 world. Tragically, we can see the fallacy of that argument unfold on a daily basis, as the horrific ramifications of American and British unilateralism unfold across the globe. If there ever was a case to be made for a unified standard of law governing the interaction of nations, it is in how we as a global community prosecute the war on terror. Those who embrace unilateral pre-emptive strikes in the name of democracy and freedom have produced results that pervert the concept of democracy while bringing about the horrific tyranny of fear and oppression at the hands of those who

posture as liberators.

If Saddam were in power today, it would only have been because the US and Britain had altered course and joined the global community in recognising the pre-eminence of international law, and the necessity of all nations to operate in accordance with that law. The irony is that had the US and Britain taken this path, and an unrepentant Saddam chosen to defy the international community by acting on the intent he is alleged to have harboured, then he would have been removed from power by a true international coalition united in its legitimate defence of international law. But this is not the case. Saddam is gone, and the world is far worse for it – not because his regime posed no threat, perceived or otherwise, but because the threat to international peace and security resulting from the decisions made by Bush and Blair to invade Iraq in violation of international law make any threat emanating from an Iraq ruled by Saddam pale in comparison.

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