

**Law, force and justice
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**Mr President,
Members of the Council,
Ladies and Gentlemen,**

It is an honour for me to be here today to deliver the annual lecture given in memory of Alastair Buchan, the founder of your institute.

In these moments of crisis, a place of intellect and reflection such as yours shows its real importance. It is a forum for exchange and debate vital to thought, an essential laboratory for action.

I am speaking to you at a decisive moment in our history. At a serious moment, when the United Kingdom is engaged in the military operations in Iraq. I naturally wish that this conflict finds a swift conclusion with the minimum possible number of casualties.

And in this time of trial, I come to you in a spirit of respect, friendship and dialogue. I come here to look to the future, beyond the current differences between our two countries. I believe that we will only overcome the current obstacles if we take a clear and frank measure of our divisions. I am certain that, in the troubled world in which we live, we need unity more than ever before. And I hope to show you a French vision that aims to build and re-establish dialogue.

France and the United Kingdom have particular responsibilities as permanent members of the UN Security Council. They should exercise these responsibilities in pursuit of the same goal: international stability, security and peace. This implies working together to define the balance required for any international action: law, force and justice.

Where were we ten years ago?

The end of the Cold War changed our world. Law was placed at the centre of international concerns. Its relationship with force was profoundly changed.

For nearly fifty years, nuclear deterrence had guaranteed order. Both the West and the Communist world knew that the use of force would result in untold devastation on both sides. War would have meant the failure of deterrence and the unthinkable apocalypse.

Yet, with the end of the cold war, force came back as a policy option. It could be envisaged again, because its cost was no longer disproportionate.

Yet it was rarely used, for two reasons. Because the assertion of Western values met with little opposition. Because the United States was moderate in its use of force. Indeed, it has always been true that only moderation makes power acceptable. As Thucydides remarked in ancient times: "We should be praised for being more just

than our available power would normally imply.”

However, no international order can be based solely on the goodwill of the powers. Collective norms were hence defined to contain the use of force within the bounds of collective responsibility.

This new order met with considerable success.

It curbed territorial aggression. In 1991, respect for the rule of law and the use of force drove Saddam Hussein out of Kuwait. Any similar invasion would surely be met today with an immediate and forceful reaction from the international community.

This order also brought assistance to the populations who fell victim to civil war, authoritarian regimes and natural disasters. Following the Gulf War, operation Provide Comfort stopped the flow of Kurdish refugees into Turkey and helped them to return to Northern Iraq. It paved the way for the right of humanitarian intervention and major UN operations: in Somalia, Haiti, Rwanda, Bosnia, East Timor and Sierra Leone.

And not least, the new order helped define a set of standards that made force available to a law based on humanist values. Respect for the individual, the defence of freedoms, and the fight against poverty and epidemics were all given the force of law.

Yet this balance between law and force did not solve all security problems. Firstly, it did not solve the question of Iraq’s disarmament, other than with a policy of sanctions that hit primarily the Iraqi people. Secondly, it did not open up prospects for solving the regional crises threatening the world’s stability: first and foremost the Middle East, which remains a prisoner of a spiral of violence and retaliation; but also the disputes in Cyprus and Western Sahara, and the crisis in Kashmir. In these regions, the promises of the new world order ran into the complexity of religious and ethnic relations, the weight of history and geographic constraints.

Moreover, the international community’s support for this order gradually waned. The results obtained demanded considerable UN resources: in Sierra Leone, a country with 4 million inhabitants covering 71,000 square kilometres, 16,000 UN troops are needed to maintain what remains a fragile order.

The limits of the humanitarian intervention concept have gradually started to show. It makes it possible to take action against a government’s will when an imminent humanitarian catastrophe demands it. But it has also prompted concern among the emerging powers and could be criticised for being partial. Why take action here rather than elsewhere? Who makes the decision to intervene, and based on what legitimate authority?

The case of Kosovo reflects the complexity of these issues. We were faced with some disturbing realities in this crisis. The concept of humanitarian intervention was questioned for the first time. Some powers in the south feared it would allow the Western democracies to unduly encroach on their sovereignty. And Kosovo prompted many criticisms, regretting a premature use of force or the interference of political leaders in the conduct of military operations.

At the end of the day, the operation in Kosovo was a legitimate enterprise and a political success. But it was also a source of divisions. Some saw it as the first instance of a customary right to intervene on humanitarian grounds without a UN mandate. We,

however, saw it as an exception, justified by a large support and the threat of an imminent humanitarian disaster.

September 11 put an end to the emergence of a new world order.

Firstly, the world entered the age of mass terrorism. We now know that the terrorist organisations will stop at nothing to spread their message of hate.

Secondly, it changed the meaning of power: in a world where the weak can destabilise the strong, where ideologies deny the most fundamental rights, the use of force is not a sufficient answer. When the blade unites with new technologies, it sidesteps the classic rules of power.

Thirdly, it revealed the vulnerability of the United States, triggered a feeling of anger and injustice and led this country to change its view of the world. Attacked in the heart, America refocused its priorities on its own security, its own soil and its own population.

These times of great changes call for a renewed close and trusting relationship with the United States. France is ready. We understand the immense trauma that this country has suffered. We showed unwavering solidarity with the Americans after September 11 and we share their utmost determination to tirelessly fight terrorism worldwide. Our military commitment in Afghanistan and especially our intelligence input illustrate this. Lastly, we will continue to work together on the major proliferation challenges facing us, especially in North Korea.

Because they share common values, the United States and France will re-establish close co-operation in complete solidarity. We owe it to the friendship between our peoples, for the international order that we wish to build together.

Over the last few months, some have wondered about France's reasons for its ways of going about settling the Iraq crisis. I would like to say loud and clear that our choices were not made against one country or another, but in the name of a certain idea of collective responsibility and of a world vision.

We shouldn't underestimate the stakes here. We need to know by which rules we would like to live together: only consensus and respect for law can give force the legitimacy it needs. If we overstep this mark, could the use of force become a destabilising element?

We also need to know how to manage the many crises throughout the world. Iraq is not an isolated case. North Korea and other countries are raising new threats of proliferation. We must therefore give ourselves the means to deal with them. We had started defining a disarmament method together and this method was giving results.

Lastly, we have a fundamental concern: how could we neglect the risk of increased misunderstanding between peoples? A misunderstanding that could lead to a clash of cultures. Isn't that the major challenge of the day? Is it unavoidable? We must find the right answers and fuel the spirit of dialogue and respect amongst peoples.

In this respect we noted two elements that lie at the heart of resolution 1441: the international community is most effective when it is united ; the international community is truly legitimate when it assumes its full responsibility.

Responsibility meant that the Council had to work relentlessly to improve inspections in order to make the most of resolution 1441. We did so constantly from January onwards. We proposed reinforcing the inspectors' resources, adopting a stringent timetable for inspections, a speedy and focused work programme, and a short deadline for the interim report to be presented.

Responsibility also meant that Security Council members should decide together what must be done. And that they should keep control of the process at every moment. That is why the Council could not endorse an ultimatum including an automatic use of force. Indeed it would have been outside the framework unanimously agreed on in resolution 1441. And it would not have been in keeping with the spirit of our work. Those are the simple reasons for the impasse in the Security Council during the last round of negotiations. In this context, France was continuously searching for a compromise. France kept its options open, including the use of force, should inspections fail.

The situation in the Council did not change even by one vote because most members felt the peaceful option had not been pursued to the full. Because the military timetable seemed to overtake the diplomatic agenda from January onwards. Because the very principle of inspections soon seemed to be called into question. Because the sense of a gradual shift in objectives from the disarmament of Iraq to regime change, or even the reshaping of the Middle East, no doubt increased the misunderstandings.

Through the Iraqi crisis, two different understandings of the world are coming head to head. They reflect different relationships between law and force, between international legitimacy and the defence of national security interests.

According to one such understanding - developed in US think-tanks - democracy can be imposed from the outside. Having faith in the power of the law is therefore something of a delusion. International legal tools become constraints more than safeguards of international security. Some even say that the US would assume its responsibilities alone and show its strength while Europe's position reflects its weakness. It also means that some governments might decide of their own accord to strike first given the scope of the threats. Self-defence then knows no bounds or constraints.

But the limits of the use of force in Iraq and unclear political prospects for the country fuel many questions on the relevance of such an analysis.

We live in a complex world. It can no longer be explained by series of alliances, as was the case in the 19th century or the Cold War. Today's world is about new threats - terrorism and the proliferation of weapons of mass destruction; about extremely volatile regional crises; about extremist and fundamentalist ideologies active across the world; about organised crime becoming a new means of financing and implementing these threats. Using force in this context will not solve the real issues. It may reveal new fault lines.

We believe in democracy, just as the British and the Americans do. With the Magna Carta, the Declaration of the Rights of Man and the US Constitution, our countries headed the democratic revolution. We are convinced that democracy needs resolve, conviction and getting used-to.

We do not oppose the use of force. We are only warning against the risks of pre-emptive strikes as a doctrine. What example are we setting for other countries? How legitimate would we feel such an action to be? What are our limits to the use of such might? In endorsing this doctrine, we risk introducing the principle of constant instability and uncertainty. We risk not controlling situations and rushing into escapism. Let us not open a Pandora's box.

How, then, can we act? Our own view is underpinned by a number of requirements.

Unity: It is necessary given the complexity of our world. We can only uproot terrorism if we increase our police, judicial and intelligence co-operation. We can only respond to proliferation if we develop together an effective method. We must build on what we started doing in Iraq. We can only solve regional crises if we start a constructive dialogue with all parties involved.

Responsibility: All the countries are collectively responsible for increasing the security and stability of our world. Force is not a privilege some enjoy and law the alibi of others. We are all bound by the law.

Legitimacy: It is the key to the effectiveness of international action. If we want to develop the right answers to the challenges of the modern world and to take appropriate measures - including the use of force - we must do so with the authority of collective decisions.

We must now find once again the path to European unity and reassert transatlantic solidarity on the basis of those requirements. We must rebuild the world order shattered by the Iraqi crisis.

This is a goal for all Europeans - the fifteen current members of the EU and the soon-to-be members. However, it is a particular challenge for France and the United Kingdom, which have developed over time a different relationship to the US. Yet we are both concerned about the quality and strength of the transatlantic relationship, which we acknowledge as a stabilising force in our world.

The alternative is not between force and law. Force must serve the law. Force must be contained by the law to reverse Pascal's words: "unable to make what is just strong, we have made what is strong just." Asserting the primacy of the law is not an admission of powerlessness. It is a moral and political obligation, the prerequisite for justice and effectiveness. Indeed, only justice can guarantee lasting security.

Conversely, if the international system is still seen as unjust, if force always seems to prevail over the law, if the opinions of the people are disregarded, then destabilising factors will grow stronger, proliferation programmes will develop, power play will go on needlessly, and hostility towards western democracies will be increasingly manipulated.

We must now define our common goals.

Firstly, we must fully disarm Iraq. A unanimous international community rallied around this goal. It must now be carried through by the inspectors. The UN must steer the process. More importantly, the UN must be at the heart of the reconstruction and administration of Iraq. The legitimacy of our action depends on it. We must come together to build peace together in a region rife with a sense of insecurity and deep fault lines.

The fight against terrorism must remain our priority. We must pursue our co-operation, strengthen our exchange of intelligence and develop new tools to fight against the financing of terrorist networks.

We continue to have a rich and ongoing partnership with the US and the United Kingdom on proliferation. This partnership must go hand in hand with the work we will conduct in the UN at the summit proposed by France. We also suggest that European countries consult closely and develop a common analysis of proliferation risks so as to assess together the means to respond. We have started developing disarmament tools. They are based on a balance between force and law. Establishing a standing group of UN inspectors would give flesh to our hopes.

All these challenges demand that we work together more than ever before to find a political settlement to the Middle East crisis. Because this is the mother of all crises, because it is fuelled by a deep sense of injustice, we can only have lasting peace if it is justice-based. Such justice must meet the expectations of the Palestinian people and guarantee the security of Israel. Only justice can strengthen peace and law.

All these goals can only be met if the UN gives the impetus. But they can be implemented within major regional poles.

To be truly stable, this new world must be based on a number of regional poles, structured to face current threats. These poles should not compete against one another, but complete each other. They are the cornerstones of an international community built on solidarity and unity in the face of new challenges.

The determination of European countries to develop a common foreign and security policy must reflect that. This determination shows our will to bring about a true European identity. An identity that all the peoples of our continent are yearning for. We wish to go resolutely down this path with the support and involvement of the United Kingdom. We have already covered much ground together in the field of defence. After the decision in Macedonia, we must pursue our projects such as taking over from NATO in Bosnia or establishing a European armaments agency. A strong

Europe will be in everyone's interest. It will strengthen the security of our world.

France and the United Kingdom must overcome the current difficulties and remain united.

I am convinced that what brings us together concerns the deepest identity of our peoples. We have the same sense of independence. We have the same sense of our countries' global role. I cannot forget that, at the bleakest time in our history, the United Kingdom welcomed the man who personified the honour and spirit of resistance of our country. At the same time, Winston Churchill and the British people embodied the hopes of free peoples.

Strengthened by our mutual respect and friendship, France and the United Kingdom want to be present and active when Europe comes together to contribute to a world that fulfils our shared yearning for peace and justice./.