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COUNTER-PROLIFERATION POLICY AND FRANCE'S NEW GOVERNMENT

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The U.S. government's desire to overthrow the current Iraqi regime rests to a large degree on the perceived dangers of proliferation of weapons of mass destruction (WMD) to nations considered hostile to U.S. interests. France also worries about WMD proliferation, but it has taken a different approach to counter-proliferation, an approach that may now gain greater force as a new, unified government takes power in Paris. The U.S. and French positions are not fundamentally at odds, but they do diverge in important ways that may make their common counter-proliferation goals harder for either to achieve. Reaching an intelligent compromise on an international approach to counter-proliferation will begin with an understanding of the different approaches.

The French Approach

French policy does not differ in its major objectives from the U.S. policy. The new French Prime Minister, Jean-Pierre Raffarin, reiterated in recent speech to the Parliament that France recognizes that new threats are emerging and upheld the goal of closing any loopholes in the international community's process for dealing with WMD risk.² France would prefer to treat the causes of proliferation by eliminating the incentives to acquire WMD. Realistically, however, incentives to acquire WMD are unlikely to disappear in the near future and the international community will likely have to manage an international situation in which proliferation remains a constant risk.

The new French Minister of Foreign Affairs, Dominique de Villepin, confirmed in July that an international policy of preventing the acquisition of WMD remains a priority for France as part of its efforts to ensure overall stability.³ France takes a legalistic approach to proliferation

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² Speech of the French Prime Minister, Mr. Jean-Pierre Raffarin, to the National Assembly, Paris, July 3, 2002, available at <http://www.premier-ministre.gouv.fr>.

³ Speech of the French Minister of Foreign Affairs, Mr. Dominique de Villepin, to the staff of the Quai d'Orsay, Paris, July 9, 2002, available at <http://www.france.diplomatie.fr>.

problems. It considers that any violation of international law and obligation should be firmly punished and regards the actual use of WMD as illegal and intolerable. Thus, Paris, for example, considers the *status quo* with Iraq unacceptable and insists that Baghdad observe the Security Council resolutions⁴ regarding destruction of its WMD arsenal and accept the return of the UN weapons inspectors.⁵

Paris believes no panacea exists in the fight against proliferation of WMD. Only a combination of political, legal, economic and diplomatic measures implemented within an international framework and supported by a flexible military response capability and effective defenses can reduce the risk to a politically acceptable and financially sustainable level.

These measures must take account of a world order, which in the French view is multipolar and cooperative. In this view, the equilibrium of the global system rests on a careful balance maintained by the great powers that deters states from violating international norms. Washington, in contrast, sometimes feels it is necessary to actively prevent the emergence of new hostile regional powers, through a policy of regime change. Thus, Washington feels it is necessary to maintain its conventional superiority and its capability to intervene militarily anywhere in the world. More than any other technology, WMD, and in particular the possession of nuclear devices or biological weapons by states or groups hostile to the United States, may threaten that intervention capability.

Non Proliferation/Disarmament and Export Control

French policy towards the proliferation of WMD is based on three pillars: a diplomatic pillar based on respect for the rule of law, a political pillar, based on nuclear deterrence, and a military pillar.

Preventative in essence, French non-proliferation efforts aim to minimize the risk that a crisis will occur or spin out of control by elaborating, improving and promoting legally binding and universal treaties, confidence building measures, export control measures, as well as the dismantlement of WMD arsenals and on-site verification measures.⁶ Such efforts are among the top priorities Villepin assigned to his staff.

One lesson of the international community's experience in Iraq is that more intrusive methods of verifying compliance, such as demands for transparency in nuclear, chemical and biological activities and strengthened controls of materials and technology exports, are necessary, and if vigorously pursued, effective in preventing the acquisition of WMD. Not surprisingly, and despite some U.S. doubts about the efficacy of previous UN inspections of Iraq, Paris continues

⁴ Primarily UN Security Council Resolutions 687, 715, 1051, 1284.

⁵ Speech of the French Minister of Foreign Affairs, Mr. Dominique de Villepin, to the 9th Conference of the Ambassadors, Paris, August, 2001, available at <http://www.france.diplomatie.fr>.

⁶ Some results of those efforts are: the Non-Proliferation Treaty (NPT), the Conventional Forces in Europe Treaty (CFE), the Missile Technology Control Regime (MTCR) and the Chemical Weapons Convention (CWC).

to advocate the return of the UN inspectors to Iraq so that those inspectors can complete the dismantling of any existing WMD programs and certify that Iraq does not possess and is not attempting to acquire WMD.⁷

Nuclear Deterrence

French nuclear doctrine has shifted since the end of the Cold War from a ‘weak to the strong’ posture directed against the former Soviet Union to a ‘strong to the crazy’ posture designed to counter emerging nuclear threats and WMD proliferation.⁸ French nuclear forces are not directed against any specific country, and Paris has always refused to accept the notion that nuclear weapons should be regarded as weapons of war to be used as part of a military strategy.

In 1978, the U.S. government publicly pledged that the United States would not use nuclear weapons against any non-nuclear state party to the NPT.⁹ However, in 1997, President Clinton elaborated a new policy that permits U.S. nuclear strikes in the event of enemy attacks using chemical or biological weapons.¹⁰ Current research in the United-States on using ‘mininukes’ to defeat adversary’s underground chemical or biological facilities may reinforce an inclination to use nuclear weapons as weapons of war—a war-fighting concept consistently rejected by France on political grounds.

Counter-Proliferation

Much of the rationale for current American and French counter-proliferation policies results from similar lessons learned during the Gulf War when deficiencies in capabilities to deal with chemical, biological, nuclear and radiological (CBRN) threats were noted in both national after-action reports and NATO-led reviews.

In French doctrine, ‘counter proliferation’ refers to all military measures taken to prevent the use and spread of WMD and to limit the effects of WMD should they be used. These measures can be divided into ‘passive defense’ and ‘active defense’:

- *Passive defense* refers to measures to protect troops and civilians from the effects of WMD. Such measures include well-established planning and protection concepts, the use of protective equipment, the provision of medical assistance, and appropriate training. Passive creates an ‘obligation of means’, that is to say, an obligation to use the best means possible to diminish the effects of WMD.

⁷ Speech of the French President, Jacques Chirac, to the 9th Conference of the Ambassadors, Paris, August 27, 2001, available at <http://www.elysee.fr>.

⁸ Speech of the French President, Jacques Chirac, to the *Institut des Hautes Etudes de Défense Nationale*, Paris, June 8, 2001, available at <http://www.elysee.fr>.

⁹ Better known as a ‘negative security assurance’, the Clinton administration renewed this pledge at the NPT conference in 1995.

¹⁰ Presidential Decision Directive 60 (PDD) on nuclear strategy, November 1997.

- *Active defense* refers to measures taken to prevent the acquisition or use of WMD. Active defense therefore creates an ‘obligation of results’, i.e. an obligation to end a crisis by preventing acquisition of NBC weapons and their associated delivery systems, reversing proliferation where it has occurred, and preventing the threat of use or effective use of WMD possibly through the use of force. In many cases, active defense is a highly political act that would only be undertaken in a strict accordance with France’s international commitments, at the earliest stage possible, as close as possible to the territory of the proliferating foe, and at a maximum distance of friendly forces and any non-combatant population to preserve them from potential harm.

Even when resorting to active defense measures during a crisis, France believes that strenuous efforts should be made to avoid harming pre-existing non-proliferation and disarmament efforts through the implementation of counter-proliferation measures that increase the incentives to acquire or use WMD.

Assessing WMD Proliferation

National intelligence assets play a major role in assessing the status of WMD proliferation, in implementing France’s security and defense policy and in maintaining France’s strategic autonomy.

Until the 1991 Gulf War, French interest in WMD proliferation was modest, but since that time has grown consistently. Expert teams and human intelligence capabilities have been assembled. France now has commercial and military satellite observation capabilities to monitor the proliferation of WMD, although the United States remains the main producer and provider of strategic and proliferation-related intelligence in the world. Still, national technical means have their limits, and much remains to be done to gather precise and reliable data on proliferation.

Beyond simple quantity of information, various additional factors obscure the proliferation landscape and contribute to the different assessments in Paris and Washington on the level of WMD-related risks and threats, particularly with regard to identifying the intentions of proliferating states. French analysts often perceive that Washington has a technologically derived assessment of proliferation issues that assumes that nations with the technical capabilities to proliferate also have the intent to proliferate.

In the case of Iraq, analysts in Paris and Washington barely diverge on their assessment of Iraqi technical capabilities. All tend to agree that, despite many troubling bits of information, currently there is no publicly available, reliable, and precise intelligence that points to a clear and imminent danger coming from Iraq. The main difference in the two capitals assessment of Iraqi WMD may result from the processing of the intelligence data into tailored analysis for policy-makers rather than from the data themselves.

Toward a Strategic Concept for Counter-Proliferation

Beyond actions approved by the United Nations' Security Council, French authorities consider that the unilateral use of force cannot be legally justified except in the case of legitimate self-defense. Pre-emptive strikes for the purposes of counterproliferation would therefore be illegal under international law. While the current U.S. administration is contemplating such pre-emptive strikes to destroy WMD facilities, particularly in Iraq, French officials feel that the large uncertainties and the huge political costs that such an option would entail make such strikes inadvisable.

In the French view, preemptive strikes set a very dangerous precedent, undermine international laws, risk ruining the reputation of the attacking state, and ultimately may end in achieving the opposite of its intent in terms of security and stability. Therefore, devoid of any decision made by the Security Council, Paris would not look kindly upon any preemptive military action to change the regime in Baghdad.¹¹

But in the case of a WMD attack, France would almost certainly not restrain itself, and would consider attacking important targets using all means available under the laws of war.¹² France, however, would not consider responding to a biological or chemical attack with WMD.

In attempting to improve its conventional military arsenal *vis-à-vis* most states that have or are attempting to acquire WMD, the United States is seeking more non-nuclear options to deter and counter WMD threats short of escalation to the nuclear level. American military planners seem to prefer engaging enemy targets selectively and at comfortable distances, unilaterally if necessary, and often preemptively. Ideally, they believe such sophisticated planning should be free of political interference.

French military planners, assumedly like their American counterparts, consider that WMD capabilities in proliferating countries are often not very vulnerable to air attacks with off-the-shelf conventional weaponry. Targeting WMD capabilities has become very difficult due to the mobility of some assets, the use of decoys, the hardening of storage and launch sites, and the presence of sophisticated defenses around key facilities. As of now, the conventional air-to-ground missiles and precision-guided munitions in service in the French military are considered inappropriate for use against CBRN targets, mostly because of an unacceptable risk of collateral damage. Special forces operations and other innovative technical approaches might be considered as alternatives to long-range air strikes.

¹¹ Speech of the French President, Jacques Chirac, to the 9th Conference of the Ambassadors, Paris, August 27, 2001, available at <http://www.elysee.fr>.

¹² Speech of the French President, Jacques Chirac, to the *Institut des Hautes Etudes de Défense Nationale*, Paris, June 8, 2001, available at <http://www.elysee.fr>.

As far as passive defense is concerned, there are more similarities than differences in the U.S. and French approach. With the notable exception of immunization policies against potential bio-warfare agents, most protective measures and practices are comparable across the Atlantic.

Finally, France, like the United States, considers that the political solidarity and strategic unity of a coalition are fundamental principles that serve to achieve the following:

- Prevent any pressure or intimidation by threat of use or actual use of WMD,
- Insure that potential perpetrators never perceive the use of WMD against a coalition member as a viable option,
- Deny the proliferating actor the ability to degrade the political and military decision-making process of the coalition, including through the indirect effect of influencing public opinion.

Conclusion

France's approach to counter-proliferation has steadily matured since 1991, and it may now gain greater force as a unified government takes power in Paris. The varying positions described above demonstrate that compatible transatlantic counter-proliferation policies do not yet exist and that the precise strategic, ethical, legal and technical contours of such a policy are far from obvious. Nonetheless, the compromises necessary to contain any emerging gap in U.S. and European counter-proliferation policies are at hand. Jointly establishing new rules and commonly shared references to deal with a proliferating, if not a 'proliferated', world is the challenge ahead. This will require a more dynamic, frank, and sometimes controversial, but nonetheless constructive debate between the United-States, France and more widely the European Union. The Iraqi issue might become a catalyst for that debate.