



GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF
ARMED FORCES (DCAF)

WORKING PAPER – NO. 156

**PROVIDING SECURITY. THE DIVISION OF LABOUR.
ARMED FORCES, GENDARMERIE, POLICE**

Alain Faupin

Geneva, February 2005

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DCAF Working Papers Series

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PROVIDING SECURITY. THE DIVISION OF LABOUR. ARMED FORCES, GENDARMERIE, POLICE¹

Alain Faupin²

Introduction

This topic is quite uneasy as the security tasks of all three organizations, namely armed forces, police and gendarmerie, are either very different, or very intermingled. The only common point is the primacy of the civilian authority, a rule of good governance and of democracy scrupulously applied and overseen.

We should perhaps go through a semantic exercise in order to define precisely what we do mean by “Security”. I would skip it as we have already had this morning a very good approach with Dr Ümit Cizre. Here, we are dealing with both state and human security and also with defense in a very broad sense.

The division of labour between these three organizations is the product of traditions, history, sociology and geography. It is proper to France and cannot probably be exported or applied elsewhere, though some francophone African countries did. It is also resulting from the new threats typology. Intertwined dangers and risks make it necessary to bring diversified answers, on call.

You cannot expect however to see either a gendarme flying a jet fighter, nor a policeman driving a main battle tank or a soldier monitoring the road traffic and fining the speeding drivers... But you can see the three of them involved in the same anti-terrorist action, wearing almost the same gear, using the same equipment, the same weaponry and answering to the same boss.

You can see that all three categories of security and defense agents are now taking part in peace-keeping operations anywhere in the world under the UN, OSCE, NATO or EU flag:

¹ Presentation made at the Conference on: “Democratic Horizons in Security Sector: Turkey and the European Security Sector Governance Experience” organized by DCAF and the Turkish Economic and Social Studies Foundation (TESEV) in Ankara, on February 3rd 2005.

² MG(Ret)

Guatemala, Afghanistan, Haïti, East Timor, Central African Republic, Bosnia and Kosovo, the Congo, testify for that. International relations are now common place for all three organizations. After all , it is a good omen for the EU which is quickly going to be our common house.

Therefore, one can question the need for these different agencies, apparently so different from one another, but often performing the same type of missions when it comes to homeland security. As I said earlier, they are very specific, though it is easier to disconnect Armed Forces from Police than Gendarmerie from Police and Armed Forces.

It is true that the French Gendarmerie Nationale , which concept has been adopted in several countries from the XVIIIth century on, is a very special case. Therefore it will be dealt with specifically By BG Clade Grudé later on.

Texts and laws

The main founding texts and laws are as follows. They can easily be consulted on the French registry of laws, widely opened to the public, and now easily accessible on the websites of the Prime Minister's services, of the defense and interior departments:

- The preamble of the French Constitution and the Bill of Human and Citizens Rights, dating back to 1789,
- The Defense Code updated in 2004,
- The European Constitution and texts on security and defense (2004),
- The Orientation laws for the french National Police (udated in 2003),
- The National Gendarmerie Statutory order (1905 and updated).

Many books, studies, chapters have been written on the division of labour in providing security, stating the differences between policing, securing and defending between what is done in democratic states and elsewhere.

Every country has its own conception of the interaction of each of these tasks with the others. In France, it stems from the "Bill of Human and Citizen's rights" dating back to the first days of the French Revolution. This statement is but the preamble of the 1958 French Constitution and states in its Article One that "***security is an infeasible and inalienable part of the fundamental human rights***".

In its Article 12, it stipulates that ***“a public force is needed to warrant the human and citizens rights. Such a force is instituted for the benefit of all and not for the peculiar use of those who are entrusted with its control.”***

In the spirit of the forefathers of the French Republic, and in the wake of the French philosophers of the XVIIIth century, these articles were intended to fight the arbitrary of autocratic regimes and the pressure of events. They implicitly excluded the military from any task regarding the security of the citizens, “homeland security”, to use a language of our times.

But times have changed and, mutatis mutandis, this concept has evolved resulting in the current intertwining of all three organizations to the benefice of national defense and of homeland state and human security.

Armed forces

Let's say from the start that the military are not involved in the first place in security missions, but rather in armed defense missions on the national territory and its approaches and abroad, as needed and deemed necessary by the government. For any involvement in security and police operations, they have to be called in and commandeered by the **civil authority** to which they are immediately and permanently subordinated, either at the national or at the regional level.

Their permanent and prevailing characteristics, stemming from their main mission, are easy to perceive: it is a huge force (ca 300.000), very specialized in the three and even four elements: land, sea, air and space. They are quartered in many different zones and areas, in Continental France or overseas. The French Armed Forces are functionally organized in operational forces deployed in « peacetime » in 5 defense regions, and in the 22 Economic regions . In every district (or *département*), there is a military representative standing close to the Prefect (himself responding to the ministry of the Interior and being the « state representative » and highest civilian authority). This ensures a quick response from the military in case of emergency; this allows and facilitates the planning of different actions and exercising. The armed forces are professional, rapidly deployable and trained for that purpose.

Law and order is neither their key concern, nor their first skill. However most of them have taken part in peace operations and have a good level of experience, as currently in Bosnia,

Kosovo and some other hot spots in Africa. They are now trained in these domains on a regular basis and as part of their professional development.

Their participation in security operations is governed by the **Defense Code** which sets and details the modalities of their involvement, topdown, and in cooperation with the other ministerial departments involved.

As they take part actively in homeland security and in the fight against terrorism, the armed forces abide by a recent instruction, not yet published, which regulates the involvement of military forces in the implementation of the governmental plans « **Vigipirate** » intended for improved and reinforced vigilance, prevention and protection measures against terrorist and criminal threats of all nature and in the four elements. Vigipirate has been in use for over ten years now, but needed to be reshuffled in the view of the current and recent evolution of the terrorist patterns.

Intelligence is a permanent concern and a close coordination with the civilian services is sought, with mixed successes.

Security agencies

The two other security forces are the Gendarmerie Nationale and the national Police. There are a few other uniformed and civilian security forces reporting to other ministerial departments, such as the custom officers, a part of the Department of the Economy, but very few in number and very specialized.

The French policing policy is to have the police missions carried out by two different forces but reporting to the same authority: the French Minister of the Interior. The deeply rooted reasons for this dualism are to be found in the French traditions and history, but they also reflect the ultimate prudence of the lawyers and of the politicians.

The head of the department, a key one in the French Cabinet, has a very broad portfolio and a very strong political grip over the country, as he is in charge of:

- the overall homeland security,
- the elections and electoral issues,
- the territorial organization, infrastructure and administration,
- the border security,

- the religious denominations, cults, assets and status,
- immigration,
- disaster control etc...

It should be done in close connection with the other departments involved (defense, transportation, economy, justice, health, foreign affairs etc...) and under the overall responsibility of the Prime minister whose services remain in charge of the interdepartmental coordination at the national level.

National Gendarmerie

The French National Gendarmerie, heir of a long history, retains in its name the explanation of its existence: « armed people ». It is therefore a military force, part of the defense department but under the control of the Minister of the Interior who tasks it. The DOD is in charge of its budget, recruitment, education, training, equipment, administration and logistics. Its strength is a little more than 100.000, all professional, with the exception of a few conscripts who volunteer for one year or so.

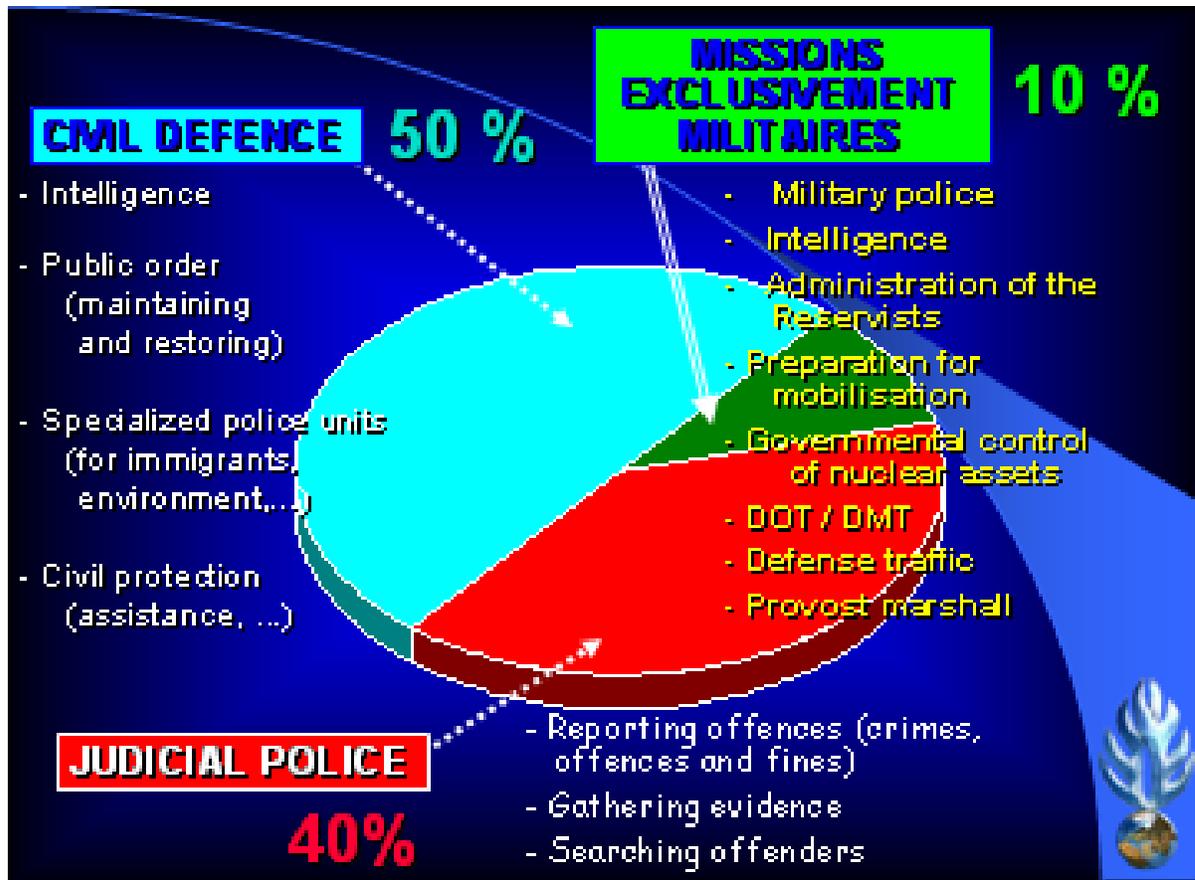
This force is competent on the entirety of the French territory, in Europe and overseas and more specifically on the French military (in a role of provost marshal).The Gendarmerie Nationale works in priority in the countryside where it is hierarchically deployed down to a large number of small units called « *brigades* ».

Its main activities (day to day) remain civilian in nature (administrative, social, economic, judicial, criminal, road traffic police etc...)

Its operational assets allow for the restoration of law and order, for participating in anti-terrorist activities (in and outside the country, on request, for the protection of the French embassies, for taking part in peace operations, for major national exercises and for intelligence gathering.

Right after me, BG Grudé will give you, in his presentation, a more detailed information on the organization, the missions and the place of his corps in the nation.

Roughly the National Gendarmerie, as shown on this chart, that I borrowed from his presentation, involves 60% of its time, resources and strength in civil defense and homeland security missions. The remaining 40% are devoted to judicial tasks.



You can already perceive that some of the missions are shared with the armed forces but that many are in common with the French national police.

What remains obvious is the need for a country the size and the importance of France (62 million inhabitants, 550.000 square Kilometers, 3500 km coast lines, several overseas districts and territories) of at least 250.000 professionals in charge of civil defense and judicial police, not to speak of the more military aspects of public and national security.

National police

The French National Police is a civil force under the control of the Department of the Interior. Its strength is close to 125.000 professional agents, specialists and policemen. This force is competent on the French territory – and its air and sea approaches- in Europe and overseas. Its main concerns are the large cities (from 20.000 up) and the borders.

National Police is complemented by other forms of police, responding to the city mayors, generally unarmed and with no judicial authority: the municipal police.

A recent orientation law on internal security, voted in August 2002, clearly states the three following priority tasks of the French National Police.

1. Public peace and security. This has to do with law enforcement, but also with the protection of individuals and properties. Last but not least, it should prevent not only the disruption of the public order and quietness, but also delinquency and crimes.

2. Judicial police is the second of its priority missions. Under the direction, control and monitoring of the judicial authority (Justice Department, Courts etc...), the task of the National police is to look for, investigate and record crimes, to gather evidence and search for criminals and their accomplices, to arrest them and to hand them to the relevant judicial authorities.

3. Intelligence and information. This is to allow the government of the French Republic to detect and prevent any internal (and external) threat likely to disrupt law and order, state institutions as well as the vital interests and the sovereignty of the nation.

This can be summed up in the five following tracks which are the police priority tasks:

1. To ensure the security of the individuals, of their properties and of the national institutions.
2. To master the migratory flows and to fight illegal immigration.
3. To fight organized crime, such as drug, human, and weapons trafficking and major crimes.
4. To contribute to the protection of the country against any external threat, and specifically against terrorism under all its forms.
5. To maintain, secure and enforce law and order.

Police Organization

Each track is dealt with by several directorates and units which cover the entirety of the domain, though none of them works in seclusion but in close cooperation, not only with the other directorates, but also with the corresponding units of Gendarmerie Nationale, and if need be, of other ministerial departments.

On track one, Human and state security, we find:

- the Central Directorate for Public Security specialized in road traffic safety and in urban violences and crimes (DCSP),
- the Central Directorate for general Intelligence coping with information relating to the vital state interests (DRG)
- the VIP protection unit (SPHP).

On track two, Immigration, we find the Central Directorate of Border Police which is in charge of coordinating the national policies in the field of illegal immigration. It does so in close connection with the Customs, the treasury, Gendarmerie Nationale , the Transportation Department, Health Department and, of course with its foreign counterparts. (DCPAF).

On track three, fight against crime, two organisations tackle the issues at stake:

- the Central Directorate for Judicial Police (DCPJ)
- the Regional Groups of Intervention (GIR), a mix of Gendarmes, Policemen, Customs officers, agents of the treasury and different experts.

On track four, protection against external threats and terrorism, we find the Territory Surveillance Directorate which coordinates its activities with the DRG and DCPJ, in the framework of the anti-terrorist coordination unit (UCLAT, headed by the chief of the National police in person.)

Track five is handled by:

- the Central Directorate for Republican Security Companies (DCCRS) and its 61 mobile units, somewhat the “standing forces” of the National Police. These units are generally working with the Directorate for Public Security.
- the Research, Intervention and Deterrence Support Unit (RAID) is intended to intervene in special occasions needing high operational expertise and skills.

Miscellaneous

All the tracks, missions, directorates and units, which are the core business of the National Police, could not properly work without the assistance and the support of additional but key services such as:

- the Directorate for Administration (DAPN),
- the Directorate for Education and Training (DFPN)
- the National Police General Inspectorate (IPGN) mainly for “quality control” to check the compliance of the actions with the legal requirements,
- the International Technical Cooperation Directorate, which supports cooperation programs abroad with no less than 95 countries worldwide and also the French national police agents disseminated in these countries to promote and ensure liaison and cooperation

Interservices cooperation

You might be under the impression that similar, but not identical assets exist within National Gendarmerie. And you are right. Redundancy exists and is cultivated, especially in the field of capabilities. Once again what is different between the two corps lies in the framework of their employment, cities versus countryside, and on the military character of Gendarmerie which makes it more immediately available; no trade unions are allowed and the right of striking is not in its chart. Many more Gendarmes serve abroad, in peace operations and in other capacities, than policemen. Recruitment bridges exist between the military and gendarmerie etc...

Parliamentary oversight is permanent. A very special focus is put on homeland security by MPs as it directly concerns their constituencies. They vote the budget after thorough discussions and enquiries. It is perhaps the most disputed budget in the State, even if it is not the largest (it comes after Health, Education, Defense) because of the input of the territorial instances which contribute in the funding at the local level, with regional and not national public monies (for instance the housing of the gendarmerie and CRS).

One word is also necessary on the “Organization of Civilian Defense and Security”, mainly in charge of human security in case of national and regional emergencies (natural and human made catastrophies). The Minister of the Interior, in charge of “Civil Security” is also responsible for “Civil Defense”. His mission is *“to take any measure of prevention and assistance as requested by the safeguard of populations, environment and properties”*. He interacts, in that field, with the military.

To that purpose, at each administrative and territorial level (regions and districts) and right beside the Prefects (representing the Central State) stand the executive director of Civil security; he is responsible for the coordination of all the assets needed in the handling of a given crisis and in the actions of prevention and of intervention: firemen, medics, sanitation,

communications, energy, transportation etc.... This individual is also entrusted with the responsibility of liaising with the military (to include the Gendarmerie Nationale) and to set up plans and exercises for the Operational Defense of the Territory.

EU

Well, how does that all fit in the European picture? Taking stock of Dr. Wim van Eekelen's presentation on the security sector reform and on the convergence of the European security Systems, I personally consider that the French security system fits well the European requirements.

Indeed, we do not set a perfect example of parliamentary oversight, at least in the field of intelligence and of armed forces –there are some historical and cultural reasons for that. But it is overcome by the very incisive and intruding “democratic oversight” exerted by the French media. Indeed, many points could still be improved and there could be a less complicated and intricate way of doing security business. But it is our heritage and our way of proceeding, democratically and openly.

As we rely on the same principles as those encapsulated in the foreword of the EU Constitution preamble, we have no problems with the future, on the contrary. Even if we do not share, yet, the border organization and still use different agencies and tools to perform its duties, these duties are carried out and well. Our borders are very extended as they are not limited to continental or maritime Europe, but stretch on other continents and oceans.

There are European projects in all the fields dealing with Civil Security and Defense. Some of them are already in germs in the EU constitution to be voted for and accepted in the near future.

I think that, with a long history and with deeply rooted traditions and know-hows we can bring our stone to the common house.

Conclusion

Before closing I deem it necessary to stress a few points:

- The security challenges for Europe are numerous and very demanding as all the hot spots have not yet disappeared. In addition the transitioning countries face real

problems of adaptation to the European standards, especially in the social field as well as with the good governance and democratic practices. It calls for a close cooperation and liaison with the foreign security agencies

- Short-to-mid term transnational threats are increasingly complex and request *diversity of skills, adaptation and cooperation*, namely illegal immigration, terrorism, drugs
- The civil authority should have power over all military and non military assets and forces, insomuch as it is democratically vested with such responsibility: primacy of the civilian control over security
- There is a permanent need for parliamentary oversight which is to the benefit of the public and of the security agencies themselves while reinforcing the democratic processes .
- A proactive communication policy with the public and parent services is indispensable, as well as a permanent effort of coordination at the highest levels of the state and of the regions (prime minister's and regional prefect's).
- Intelligence (*understanding*), Intelligence (*knowledge*), Intelligence (*foresight and cleverness*). And sharing it all.

Thank you for your attention; I stand ready for any question or clarification and will leave the floor to my friend, General Claude Grudé of the Gendarmerie Nationale.



Geneva Centre for the Democratic Control of Armed Forces (DCAF)

Established in October 2000 on the initiative of the Swiss government, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) encourages and supports States and non-State governed institutions in their efforts to strengthen democratic and civilian control of armed and security forces, and promotes security sector reform conforming to democratic standards.

The Centre collects information and undertakes research in order to identify problems, to gather experience from lessons learned, and to propose best practices in the field of democratic governance of the security sector. The Centre provides its expertise and support, through practical work programmes on the ground, to all interested parties, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, and academic circles.

Detailed information on DCAF can be found at www.dcaf.ch

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