

# **MARITIME SECURITY OPERATIONS (FR MSO) Panel discussion**

Till the beginning of the 90s, we were used to address maritime security, considering the only military threat, and our vital interests and territorial integrity. Since the Berlin Wall fall and the Soviet Union collapse, globalization has developed, as well as local crises. And globalization brought maritimization, the sea being the main way of exchanging goods throughout the world. And maritimization allowed the development of unlawful activities, dealing with organized crime and terrorist acts. So maritime security operations have developed in a way to mainly face non-military threats.

I went to think that Navies were back to what they were built for: protecting merchant traffic, fisheries, and maritime approaches and projecting forces to support land operations. Naval battles, in fact, were only an avatar, allowing naval officers to ignore the rest of the world.

Rather than to read my paper, which will be distributed, I prefer to address three points: some lessons learned, legal issues and organization before concluding.

## **SOME LESSONS LEARNED**

- 1.1. The first lesson is that information is essential, but it is a titanic work to collect all pieces of information on the maritime traffic. It requires a full cooperation between all the nations. This is the American approach with the Global Maritime Partnership. But it raises some legal and organizational issues.
- 1.2. Second, it really is difficult to split apart maritime security and maritime safety. Both are tightly linked. Illegal immigration is both a question of security and safety. A terrorist attack against a tanker, such as the Limburg one in the Gulf of Aden, had environmental consequences.
- 1.3. Third, we cannot focus on one only threat as well as we cannot focus on one only area. When you fight drug or human being smugglers, smugglers adapt their course of action to what you do.  
Look at the drug roads from South America to Europe. In June 2002, the Winner case, the French Navy stopped the ship off Canaries Islands. In February 2008, this is off Liberia coasts that we had to stop a ship.  
Illegal immigration from Africa to Europe went first through the central Mediterranean, toward Malta and Italy; then through the Atlantic, from West Africa to Canaries Islands. Since last year, there is a new road through the Eastern Mediterranean, from Libya to Crete. And we are discovering a new one from Algeria to Sardinia and Corsica.

## LEGAL ISSUES

- 2.1. Sea is a jurisdictional area. There are no borders, but different legal zones. The borders are the coastlines. France maritime borders are the coastlines of its neighbours: America westwards, North Africa southwards, and United Kingdom northwards. In between, you have the territorial waters where the national law is enforced, but where anybody can go through in accordance with the law of the sea. Economic Exclusive Zone is an area where the coastal state can rule to protect its living and non-living resources. In the open sea, there is only the law of the sea and the international conventions regarding different topics such as unlawful acts, drug trafficking, maritime safety and so on. So for any operation, unless we are in a declared area of war, question I will not address, we have to abide by the international law. So France considers that it cannot ask a captain of a ship, who is a private person, to substitute to the flag state when he is asked to be boarded.
- 2.2. The second legal issue addresses the question of exchange of information. Since the threat is no more only military, we need an inter-ministerial, interdepartmental, interagency approach and we need to have bilateral or multilateral agreements allowing this kind of exchange, whoever is the origin and whoever is the end-user in each state.

## ORGANIZATION

- 3.1. Coming to organization, we have as many organizations as states. In the European Union, you have 22 maritime countries out of 27. Each one has its own organization. Only three of them have a single navy, covering both military missions and coast guard missions: Denmark, Portugal and France. France organization is a Napoleon's legacy: one single ministry of the Navy, we unfortunately gave up in 1900, encompassing military, commerce, fishery and scientific fleets; one single maritime authority, still in force, the maritime prefect, an admiral, today double-hated, reporting to the Prime Minister for civilian issues and coordinating the action of all the administrations involved at sea on one hand, and subordinated to the operational commander, the chief of the joint staff, as commander of the maritime area, on the other hand. Thus it is not necessary to develop a coast guard since the coast guard function is assumed.
- 3.2. On the other hand, the European Union has developed specialized agencies in a pillar approach (legal, defence and security, economy and social), covering fisheries, and maritime safety and border control. These agencies are unable to speak to each other, even though maritime issues demand an inter-pillar approach. The way EU FRONTEX agency started to deal with illegal immigration is a land-minded approach with borders at sea and one single mission: a major strategic mistake.

To conclude, the French conception of Maritime Security Operations considers that, in both fields maritime and naval, only one single approach of defence and security can offer a maritime anticipation of risks and threats. France relies on a multilayer interconnected organization, which allows to prevent risks and threats, and to ensure law enforcement, from the high sea to the coastline.

# FRENCH MARITIME SECURITY OPERATIONS (FR MSO) Contributing paper

## 1 INTRODUCTION

France is the second coastal country, considering the size of its maritime economic zones. Thus, its stability, security, political and economical interests definitely depend on these maritime areas. Nowadays, we all know that globalisation stresses the interdependence process between the nations in a variety of fields, such as economy, defence, or security. With globalization, the borders tend to fade away, the spectrum of threats to widen, as civilian and military actions blend with each other. If the defence missions remain vital for our maritime forces, it is not questionable that the ones dedicated to security and safety are of paramount importance in the people's opinion.

In this new context, joint, inter-ministerial, and international cooperation approaches have become essential. This is why in 2002, the French Navy developed a concept of maritime security operations, named "maritime safeguard"; and have dedicated for the last decades over 30% of its activities to achieve missions of these kinds.

### GENERAL USAGE BACKGROUND.

The French conception of MSO considers that in both fields, maritime and naval, **only one single approach of defence and security** could offer a maximum anticipation of risks and threats. The multi-purpose means available in the French Navy easily permits to operate on the whole spectrum.

The concept by itself relies on a permanent maritime safeguard system, organised in a succession of layers connected together, with one permanent posting around the French coastlines (overseas departments and territories included) jointly monitored by both the French Navy and some other governmental administrations. This organisation also includes high sea patrols, to remain as close as possible to the threats. This permanent positioning is adapted appropriately to the risks and threats level and relies on the blue-water capacities and abilities of the French navy.

Forces involved in this maritime safeguard can either operate under the Chief of Defence's operational command, such as the naval forces, engaged in defence missions, or upon the request of the Prime Minister (naval forces and other units engaged in inter-ministerial missions). Our will to mix both, the needs in defence and the needs in security, is concretely embodied, through a reinforcement of an inter-ministerial and international action of the Navy, side by side with other French administrations.

To coordinate and organize these multi-tasks missions, as well as to ensure law enforcement at sea, the whole of the French territory is divided into maritime zones. Every single one of them is commanded by a double-hatted maritime zone commander, his second hat being a civilian one under the authority of the Prime Minister. So, in continental France, this maritime zone commander is also a maritime prefect, reporting directly to the Prime Minister; overseas he is the deputy to the Government delegate for what we call State's

Action at sea. This organisation enables our military authorities to apply the French jurisdiction to whoever, anywhere, trespasses the law.

## **MARITIME SECURITY POSITIONING**

To complete this coastal organization, backed up by some civilian structures, our forces are also involved in three kinds of missions:

- First, the ones dedicated to the maritime defence of the French territory, designed to ensure the security of the territory at sea, which mainly consists in protecting the most sensible defence facilities, such as our military harbours. This permanent protection enables France to assert its sovereignty in its territorial waters which includes the safeguarding of our rights in the most distant, remote areas, commissioned by the French jurisdiction. This policy is applied around France as well as in the overseas territories. We recently led a large scale operation in South America, to ban illegal fishing from the French Guyanese waters to the Brazilian fishermen. This operation was monitored from a strategically placed patroller, a helicopter and about 50 navy commandos. Smaller range operations are regularly deployed off the Clipperton rock, small French island, located in the west of Acapulco. This maritime defence aims at insuring the freedom of movement of our strategic supplies and at protecting the main maritime routes. Escorting operations of French petrol tankers were also carried out between the Aden gulf and the Arabic Persian docks, during the Gulf War. The Navy is also focusing on the various attempts that could be carried out against our national interests around maritime approaches. This constant alertness also includes the national activities of each coastal and maritime zone/area covered within the French sovereignty or rights to exploit/produce. (Ex: The petrol terminals located in the Gulf of Guinea are currently being watched closely, due to the political situation/climate in the Nigerian delta.)
- Second, the Navy is also involved in the strategic task of prevention. This prevention is applied through an enduring presence and through an effective maritime surveillance, as close as possible from the sensitive areas. These prevention missions, which essentially include surveillance and intelligence gathering, also play a role in the diplomatic side of defence. These missions usually consist in controlling and patrolling each zone where the French interests could be potentially threatened or need to be reassured. It mainly deals with the North Atlantic, real traffic crossroad of the European maritime routes, with the Mediterranean, strategic link between Europe, Africa and the Middle East, with the Indian Ocean, major maritime and strategic pole, and finally with Western Africa and the French overseas territories.

These actions also include intercepting operations, which gather forbidding actions, like PSI. This prevention set-up strongly relies on our strategically pre-positioned forces in Tahiti, New-Caledonia, Reunion, the West Indies and Guyana, completed by occasional and regular deployments, like in the Mediterranean Sea, the Atlantic and Indian Oceans and in the Guinean Gulf. This usual and permanent safeguarding posture is always well prepared and adapted to the priorities set by the analysis of the risks and stakes.

- Last, the French Navy forces also take part in inter-ministerial missions. These missions belong to a particular jurisdictional background, whether assured by the civilians or military. Their goal is to fight back terrorism, narcotics, illegal immigration and smuggling, and to help protecting the environment, and to rescue at

sea. These civilian missions are achieved through military or civilian means, or cooperated between both.

#### **THE THREE MARITIME SAFEGUARD PILLARS.**

The safeguard posture is based on three pillars, built to guarantee the efficiency of the naval actions, following a policy of inter-ministerial and international cooperation.

- First of all, **information and maritime intelligence**: The commitment of the powerful means used by the Navy is based on a new kind of intelligence gathering, police and defence all at once. The search for a maximum control of this maritime-based intelligence, beyond the piece of information itself, proceeds from international collaborations and partnerships with every single administration of the French Republic.

Upward, this search aims at giving a warning over an event, and help orienting, directing with a greater reactivity, the commitment of the most adapted means. Regionally and locally, the collected information, enriched by intelligence, can quickly turn into appropriate actions. France is holding a large network of information and a non-stop capacity of action, built along the coasts, like the SPATIONAV-linked watchtowers chain, coastal surveillance brigades from the Gendarmerie Nationale, regular maritime patrols from aircrafts and ships, in collaboration with other administrations. In the open sea, assets are regularly deployed to secure sensitive zones. The central office for the naval/maritime intelligence (CRMAR) gathers all types of information and analyses them in order to establish a recognised maritime picture (RMP) for the maritime zones commanders. This centre is also a point of contact for other foreign centres, as well as an information exchange point.

- **The second pillar** relies on the **complementarities, modularity and adaptability of the means**. The maritime security uses a whole range of information and action means and assets, designed to cover the globe, in the open sea and the coastal areas.

- We plan deployments, on a regular basis, cooperating with allied naval forces, and being backed by an automatic information exchange. An appropriate and unlimited maritime intelligence sharing, i.e. not only focused on a military data exchange, should contribute to reduce the risks caused by environment-threatening ships (polluting or dangerous by nature), illegal immigrant traffic, high sea drug traffic or even terrorism.
- In our maritime approaches or in crises areas, a surveillance set-up is constantly adapted, from our watchtowers, regular patrols (ships and aircrafts), These missions are always executed jointly with other administrations and directions, completed with some short notice intervention capacities

To illustrate this assertion, our everyday efforts are focused on the Brest harbour, in the Channel, or in the vicinity of the straight of Bonifacio, around our vital interest zones such as the major harbours as well as on fishery protection. Overseas and in the open sea, our missions are dedicated to protect the major maritime routes, our energy supplies, and the commercial exchanges from continental France, as well as fishery police in the French Southern and Antarctic Territories, in Guyana, French Polynesia and New Caledonia. The involvement and dedication to protect the Space Centre of Guyana is also very

remarkable, as well as the retaliation against drug traffics and illegal immigration (Guyana, West-Indies, and Mayotte).

- **The third and last pillar of MSO** is designed to **prepare and monitor the operations**: At the French state level, maritime security activities are organised and monitored like explained previously. Either with the sole means of the French Navy, or jointly, with other ministries and/or international organisations.

The plan, command and control chain is backed by the joint chain of command. The Chief of the defence staff, operational commander of the military means and assets, sets the rules and orders in terms of commitment and trend.

When the missions are co-organised with other ministries, the law-enforcement chain of command, under the authority of the Prime Minister, is lead by the Maritime Prefect in continental France maritime approaches, or by the governmental delegate overseas. The Chief of the defence staff approves the rules of engagement ahead of their actual proposals to the authority in charge of the mission itself.

This organisation guarantees the continuity of the command, the synergy of the contributions provided by the various authorities, and the best use of the multi-purpose ability of the Navy in both fields: defence and security.

#### **WHAT ARE THE MSO AXES OF DEVELOPMENT?**

France believes that, considering the actual stakes, the threats hanging over our nations cannot just be tackled by one single Navy, and tends to contribute to the development of a multinational cooperation, European in particular.

In facts, the European Union maritime borders are currently the theatre of all kinds of threats that could only be tackled from a European perspective. It is important to have a comprehensive European approach to face maritime risks and threats. Our maritime borders are, in fact, on the coastlines of our neighbours, the sea being only a jurisdictional domain. In other words this area should cover a part of Africa and the entire Mediterranean Sea. The involvement of the EU command structures is required, to rationalize, coordinate, and to give an extra political commitment to our actions. This development of inter-agencies actions should turn into a milestone, a step, rather than a final product/finality.

Across these agencies, the cooperation of our activities should be considered. It has been proposed to reinforce the European maritime cooperation off the African coasts. The US Navy already is in the Gulf of Guinea and NATO around the horn of Africa. Many navies operate across sensitive points without taking part in the same mission. It is for us a point to be looked at, to reinforce the European security, as close as possible to the threats. Other such co-operations are manageable, like the secured convoying of the World Food Program in Somalia, jointly co-monitored with Denmark. This French initiative proves that diplomacy and a bit of will can open up narrow paths. Today, World Food Program cargos are escorted from Mombassa, by a frigate and a Special Forces team, directly boarded on the cargo within the agreement of the ship's flag country. A resolution of the International Maritime Organization covers these types of missions, supported by the fact that uncontrollable acts of piracy escape to the control of the transitional Somalia government. The rules of engagement of these missions (that are then possible) are simple enough and strong enough to guarantee the delivery of the food relief.

Of course, the exchange of information of any kind is the proof of the efficiency of our actions. The preventive missions of ocean ships contribute to it. Around the not so busy areas, the use of satellites can show a certain usefulness, which was experienced, in the south of the Indian Ocean, near the Kerguelen Islands.

This navy-to-navy cooperation should be applied to cooperation with and between the commercial fleets, to guarantee the security of the cargo, from the stowage to the security of the journey. This cooperation also requires minimal safety norms/measures in the European harbours, and a certain level of navigability for ships using coastal maritime roads to avoid polluting risks. An inter-agency cooperation must reinforce the military one.

Finally, and this is not so easy, it is important to define a common framework, which would be designed to enforce the law of the sea, and to propose an enhancement of this law when necessary, in order to guarantee the dissuasive power of our missions. It implies a strong political will. In the Guinean Gulf for example, we have to encourage such countries to take part in the security of their own maritime areas. A punctual and direct support to the regional navies should be considered after setting political juridical agreements, especially if this support is brought into territorial waters.

To conclude, I must say that, without a strong political will, satisfying each of these ambitious goals will be a difficult matter. Considering what is at stake with European maritime security, the European Union must assert its maritime policy, and the European nations have to be pro-active.