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Priorité stratégique de la prospective



Environnement et biosécurité

NATURE'S SENTINELS? A HISTORICAL APPROACH TO THE "GREEN GENDARMES"

On August 20, 2022, the Minister of the Interior, Gérald Darmanin, announced the launch of a "green gendarmerie" to fight fires caused by arsonists. His ambitious goal is to train 3,000 gendarmes in ecological offenses so that each gendarmerie station can have one at their disposal, emphasizing that "it will be a revolution"¹.

In reality, the French national gendarmerie invested very early in the environmental field with a policy of specialized training for its personnel, as early as 1993, through the Environmental Ecology Relay Trainers (FREE), and then the Central Office for the Fight against Environmental and Public Health Violations (OCLAESP), created in 2004. However, while environmental protection already has its historians, research in this field is still limited for the national gendarmerie. And yet, its archives offer an unsuspected potential for a promising project².

I) Fight against poaching and forest arson, defense of public health, an ancient vocation for the soldier of the law?

In 1997, Bernard Prévost, director general of the national gendarmerie stated that "the protection of the environment is a mission that the gendarmes of the year VI already carried out when they arrested the perpetrators of 'damage in the woods' "³. It is true that thanks to its network of "brigades", or field units, woven throughout the national territory from 1720 onwards, the *maréchaussée*, followed by the national gendarmerie, intervened very early in this field. Nevertheless, it would be anachronistic to model current concerns on the mentalities of the time.

The fight against poaching, which has been one of the gendarmerie's missions for centuries, does not aim so much at preserving wildlife as at defending property rights. The law on hunting of May 3, 1844 is perceived, moreover, as "a benefit for property and agriculture, which [rightly] regards poachers as one of their formidable scourges"⁴. The examination of the instruction books of the gendarmes confirms the significant place occupied by hunting and fishing offences in the activities of the basic field units throughout the XIXth century⁵. Arson is also considered from the point of view of property damage and even state security in times of insurrection.

As for the Grammont Act of July 2, 1850, against the mistreatment of domestic animals, which appears in the *Mémorial de la gendarmerie*, its application remains uneven in time and space. The infractions were mainly committed in the North of France and in big cities⁶. In the countryside, animals are above all perceived by the gendarmes as potential disruptors

1 H.L. avec AFP. "Gendarmerie verte" : trois questions sur le projet porté par Darmanin [en ligne]. *L'Express*, 22 août 2022. URL: https://www.lexpress.fr/environnement/gendarmerie-verte-trois-questions-sur-le-projet-porte-par-darmanin_2178884.html

2 LOCHER Fabien, QUENET Grégory. L'histoire environnementale : origines, enjeux et perspectives d'un nouveau chantier. *Revue d'histoire moderne & contemporaine*, vol. 56-4, no. 4, 2009, pp. 7-38.

3 Mission "verte", *Gend'Info*, n° 195, September 1997.

4 Hunting Policing Act of 3 May 1844, *Mémorial de la Gendarmerie*, 1838-1846, pp. 322-326.

5 The Gendarmerie Museum in Melun preserves several of these notebooks, such as the one dated 1875 by Gendarme Marius Suchet of the Treffort mounted brigade (Ain).

6 PIERRE Éric. Réformer les relations entre les hommes et les animaux : fonction et usages de la loi Grammont en France (1850-1914). *Déviance et Société*, vol. 31, no. 1, 2007, pp. 65-76.

of public tranquility through their wandering or probable dangers in terms of epizootics. Stray dogs are also the object of particular attention because of the risk of rabies. In the city, police and gendarmes, were also confronted with a variety of animals⁷, and above all attentive to the respect of the regulations in terms of noise, odor or sanitary nuisances. Among these texts is the decree of October 15, 1810 relating to "factories and workshops that spread an unhealthy or inconvenient odor".

Another little known mission, well before Covid-19, was to enforce sanitary rules to avoid the spread of epidemics. In Haute-Saône, the gendarmes informed the authorities about the evolution of cholera with reports and health bulletins during the Second Empire⁸. "I see the commissioner and the gendarmerie every day before the morning rounds", declared the prefect of Ariège in 1854⁹. In the event of major outbreaks, the gendarmes did not hesitate to put themselves on the line when they transported the corpses and disinfected the houses, as did the gendarmes of the Aspet field unit (Haute-Garonne) in 1884.

At the beginning of the 20th century, the decree of May 20, 1903, confirmed the involvement of the Gendarmerie in forest policing, the surveillance of waterways and the repression of illegal dumping. In 1913, the first international conference on the protection of nature in Bern was a sign of a timid awakening of consciences. In the gendarmerie, positions on the subject remained the exception for a long time. It was not until 1958 that Captain Cherpantier considered it essential that "every soldier in the gendarmerie should understand the importance of protecting birds, the protectors of agriculture"¹⁰.

At the end of the 1960s, the environmental issue became more significant by entering the field of social protest, in what were not yet called Zones à défendre (ZAD). In Larzac, the mobile gendarmerie was confronted for nearly a decade with the maintenance of rural order in the face of local inhabitants and environmental activists opposed to the extension of a military camp. Gendarmerie resources were also mobilized during ecological crises, such as the oil spill in Brittany, to facilitate the arrival of emergency services and to conduct investigations¹¹.

II) From the 1970s to the early 1990s, the emergence of an environmental conscience within the French gendarmerie ?

"Man's hold on nature has become such that it carries the risk of destroying nature itself", warned the President of the French Republic, Georges Pompidou, in Chicago on February 28, 1970. This warning was accompanied by the first strong measures in favor of the environment with the creation of a dedicated ministry in January 1971, followed by the passing of the bill on waste (July 15, 1975) and that on classified facilities (July 19, 1976). Even the *Revue de la Défense nationale* took up the subject: "What do we mean by environment? The new acceptance given to this old term actually covers two categories of concerns: that of denouncing current nuisances and that of grouping together in a coherent way the proposals for action to make the biosphere favourable to life again"¹².

At that time, the gendarmerie was already taking concrete measures at its level¹³. The hierarchy thus encouraged the personnel of the field units to detect, during visits to municipalities, all spills likely to pollute waterways. In 1972, the year of the Stockholm conference, gendarmes were reminded that "this fight must be a permanent concern of the soldiers of the gendarmerie and particularly of the subordinates, whose initiatives on the ground will be decisive"¹⁴.

The following year, the Gendarmerie took part in the Prométhée project, led by the Prefect of Provence-Alpes-Côte-d'Azur, which aimed to record forest fires on computer in order to better fight them¹⁵.

In the rapidly expanding national parks, the gendarmes must ensure that environmental regulations are enforced. In the Écrins National Park, Captain Benson explained the need for his men to become familiar with the numerous infractions in this protected area¹⁶. In Ariège, Captain Salavy conducted real missions called "operational defense of nature" to protect the isard. These operations were two-fold: one used preventive measures, the other repressive measures, especially during the hunting season. The commissioned officer did not hesitate to mobilize about thirty senior officers and gendarmes, mountain specialists, in the form of surveillance patrols, carried out throughout the year on foot or even with a helicopter¹⁷.

7 LÓPEZ Laurent. Quand les "vaches" des villes de la Belle Époque n'étaient pas encore des "poulets". Animaux et forces de l'ordre à la fin du XIX^e siècle. *Histoire urbaine*, vol. 44, no. 3, 2015, pp. 61-79.

8 Bulletins sanitaires de la gendarmerie impériale (1854) et rapports de gendarmerie (1855), archives départementales de Haute-Saône, 5 M.

9 Jean-Yves Bousigue, L'épidémie, objet de l'histoire : le choléra dans le canton des Cabannes (1854), *Annales du Midi : revue archéologique, historique et philologique de la France méridionale*, n°172, 1985, pp. 411-426.

10 CHERPANTIER (capitaine), Aspect juridique de la protection des oiseaux, *Revue d'études et d'informations (REI)*, n° 38, 4^e trim 1958, pp. 35-36.

11 The sinking of the oil tanker Torrey Canyon in March 1967 was the first in a series of oil spills along with the Amoco Cadiz in March 1978 and the Erika in December 1999.

12 DISSARD Françoise. La politique française de l'environnement. *Revue de la Défense nationale*, novembre 1971, pp.1600-1607.

13 Compte rendu n° 6738 DN/GEND.EMP/SERV du 11 février 1971 au ministre de la Défense nationale sur l'action de la gendarmerie dans la prévention des atteintes à l'environnement.

14 Bordereau d'envoi n° 13750 DN/GEND/EMP/SERV du 24 mars 1972 du bureau emploi.

15 Daniel ZIÉ-MÉ (capitaine). Gendarmerie et incendies de forêts. *Revue forestière française*, 1974, pp.112-116.

16 BENSON (capitaine), Le parc national des Écrins, *REI*, n° 104, 2^e trim 1975, p. 65-71.

17 SALAVY (capitaine), Le recensement des isards dans les Pyrénées-Orientales, *REI*, n° 110, 4^e trim 1976, pp. 53-60.

In 1976, the first environmental memento was published. Bringing together a multitude of sometimes complex texts, this document, a veritable "green memorial of the gendarmerie" constantly updated, became a reference for many administrations¹⁸.

The ratification by France, in 1978, of the Washington Convention, an international treaty governing the trade of protected animals, and the creation of the National Noise Council in 1982 had an impact on the missions of the gendarmes. At that time, 50 "anti-noise" teams already existed within motorized platoons of the gendarmerie¹⁹.

However, the involvement of the national gendarmerie in environmental protection suffers from two pitfalls. On the one hand, it is only one of the many missions that the gendarmerie must carry out. On the other hand, the diversity of actors and the complexity of regulations led to the fragmentation of actions, as deplored in 1990 by the report of the parliamentary commission "Public Security and Environment".²⁰

III) Towards a specialized "eco-gendarme"? The time of the FREE (1993-2004)

In 1992, the year of the Rio Summit, the Gendarmerie, while already recognized as "a pillar of nature policing" by recording nearly 40% of environmental offences, began its specialization phase²¹. The Minister of Defence came to explain this in person at the EOGN, the Gendarmerie's Commissioned Officer Academy. At the national Directorate, an environment section, attached to the judicial police office, is in charge of establishing the doctrine for the use of personnel and means, as well as designing training²². At the same time, the IRCGN, the Criminal Research Institute of the national gendarmerie, set up an environment-fire-explosives department (ECX) covering the fields of identification of pollutants, incendiary and chemical products. Even the Technical Service for Judicial Research and Documentation (STRJD), also based in Rosny-sous-Bois, created its narcotics/environment/public health group (SESP).

It was also the time of "green motorcycles" (with a questionable carbon footprint) and of the seasonal mounties of the territorial gendarmerie, along the coast or in national parks. This mode of action, "in addition to offering increased mobility while respecting the environment, fosters improved contacts with the population".²³

But the emblematic measure of the decade remains the creation of the FREE²⁴. From June 14 to 25, 1993, a first training course was organized in Fontainebleau at the National Training Center for Judicial Police (CNFPJ). These 25 senior officers, coming from the nine territorial gendarmerie districts and four maritime gendarmerie groups, attended a training course which received a lot of media attention and was marked by visits from high authorities, such as the director Jean-Pierre Dintilhac.

This pioneering group aimed at raising awareness among all gendarmerie units of the need to preserve the environment, while at the same time teaching them some legal concepts in this specific area. The FREEs establish contacts with the decentralised services of the Ministries of the Environment and Industry as well as with specialized services. The number of FREE trainees rose to 49 in 1994 and 75 in 1995, before falling to 62 in 1996.

The DGGN, the national Directorate, initiated a program to equip territorial and maritime gendarmerie district units, as well as NCO schools, with sampling equipment²⁵. In 1997, a poster campaign entitled "Gendarmes are tree people" associated the symbol of the tree with the protective and vigilant image of the gendarme. At that time, the national gendarmerie was recording more than two thirds of the offences and infractions concerning the environment. In January 2000, the gendarmerie organized the Athéna 2000 seminar, dedicated to the fight against the trafficking of hazardous materials.

In 2003, the FREEs became the "Environmental Investigation Relay Trainers" in order to better highlight their action for judicial police work. After 10 years of existence, an assessment of these "ecogendarmes"'s work showed how far these better-trained personnel had come, but also that there was room for improvement. Some FREEs were already busy with other missions unrelated to the environment, while others turned away from this area of expertise altogether. That came at a time when some high-profile health scandals required highly qualified personnel over a long period of time. The Research Section (SR) of Paris was thus in charge of investigating the contaminated blood, mad cow disease and asbestos cases.

18 The *Nature et Environnement* memento succeeded it in 1989. It was revised in 1995 and 2004, then digitized.

19 FOURNAISE (commandant), *Le gendarme et la lutte contre le bruit ?*, *Aménagement et Nature*, n° 67.

20 About fifty agents are empowered to report violations of environmental law. Fabien Martin, *Les agents habilités à constater les infractions au droit de l'environnement*, *ATEN*, December 1995.

21 Report by Mr. Pierre Blondel to the Minister of the Environment on nature policing, July 1992.

22 PAQUIER Alexandre. *L'action de la Gendarmerie Nationale face aux atteintes à l'environnement : quelles orientations pour l'avenir ?* Master II droit et stratégie de la sécurité, sous la direction de Florian Ecale, Université Panthéon-Assas-Paris II, 2007, 123 p.

23 Circulaire n° 18000 DEF/GEND/OE/EMP/PACR du 17 juin 1996 relative aux patrouilles équestres de la gendarmerie départementale.

24 Note-express n° 19610 DEF/GEND/OE/PJ du 27 juillet 1993 relative au rôle et à l'emploi des FREE.

25 Note-express n° 4000 DEF/GEND/OE/EMP/PJ du 9 février 1996 relative à l'emploi des mallettes de prélèvement d'échantillons en eaux douces.

IV) Towards a "green command" of the gendarmerie? The federating role of the OCLAESP since 2004

At the beginning of the 2000s, the adoption of the Environmental Code and Charter obliged the Gendarmerie to set up a specialized organization with a high level of expertise in order to master a complex and constantly evolving regulation. With the Kouchner law of March 4, 2002, the Justice system took the next step by setting up specialized jurisdictions, i.e. health poles, at the High Courts of Paris and Marseilles. The gendarmes in turn created an office that offered the double advantage of being able to carry out investigations and to include personnel from other ministries (Environment, Interior, Sport, Health). The Central Office for the Fight against Environmental and Public Health Violations (OCLAESP), set up in 2004²⁶, grew over the years from 24 personnel in 2007, 42 in 2010, to 75 in 2020.

Based in Arcueil, this organization quickly acquired a national stature by leading and coordinating, at the operational level, judicial police investigations in the environmental field. It relies on the FREEs to better reach the field units. This operational chain was then structured with the creation of regional branches in 2020, in Marseilles, Bordeaux, Metz and French Guiana, followed by three more in the summer of 2021, in Reunion, Rennes and Lyon, and finally three more this year, in Papeete, Valenciennes and Sathonay-Camp. In addition, the Office can count on the support of the IRCGN (the Criminal Research Institute) and specialized gendarmeries.

Working in partnership with other administrations or decentralised services, OCLAESP signed agreements with the think tank "G5 Santé" in January 2020 to improve the fight against pharmaceutical crime and with CCI France in January 2021 to contribute to the training of environmental investigators. Training plays a fundamental role within the office to improve the expertise of investigators²⁷. A new agreement, signed on March 17, 2022, with the French Office of Biodiversity (OFB), aims to strengthen the fight against illegal trafficking of protected species.

In terms of missions, their areas of expertise cover a wide spectrum: trafficking in waste and protected species, pollution, doping in elite sports, food fraud, trafficking in phytosanitary products and nuclear safety. Their name is regularly mentioned in the media for their investigations in high-profile cases: asbestos in 2006, defective breast implants from the company Poly Implant Prothèse (PIP) in 2010, the case of horsemeat in Castelnaudary in 2013, Lactalis infant milk contaminated with salmonella in 2017, Mediator and the fire at the Lubrizol plant in 2019 or even contaminated Buitoni pizzas in 2022.

OCLAESP has been active internationally since 2005 in the ports of Le Havre and Dunkerque, where it has been working with maritime police and police officers to control containers carrying waste awaiting export to African and Asian countries. Recognized abroad at the level of Interpol and Europol, it is also interested in lucrative trafficking such as African bushmeat transiting through Parisian airports²⁸, elvers fished in France and then sent to Asia, or beehives stolen in the south of France to be resold in certain Eastern countries. Since 2017, with the support of Finland and Europol, the office has led the fight against prescription drugs trafficking. In 2019, with the Polish and Ukrainian authorities, Eurojust and Europol, they launched a vast judicial operation to dismantle a major traffic of Subutex from France to Ukraine, via Poland. The French gendarmes lead, within Europol, the Ambitus program, intended to fight against polluters and traffickers²⁹.

In the years to come, OCLAESP must be able to anticipate environmental and public health problems in order to meet the related security challenges. They must particularly monitor the activities of criminal groups that quickly invested in these lucrative illegal activities, which are less penalised than drug or arms trafficking.

Thus, the "green gendarmes" already have an ancient-rooted history of their own, even if the goals of the past differ somewhat from those of the present. However, since the 1970s, the national gendarmerie has accompanied the growing environmental awareness by carrying out concrete actions. The specialization of the FREEs in 1993, and the creation of OCLAESP in 2004, are essential steps for the institution, which covers 95% of the national territory. Beyond this institutional history, certain research themes can already be identified, such as water protection or the fight against illegal dumping. In the same way, it is advisable to put the French experience into perspective with other gendarmeries, such as the Italian Carabinieri or the Spanish Guardia Civil, which has had the *Servicio de Protección de la Naturaleza* (SEPRONA) since 1988.

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26 Décret n° 2004-612 du 24 juin 2004 relatif à l'OCLAESP.

27 Note express n° 9724/GEND/DPMGN/SDC/BFORM relative à la formation des EAESP.

28 KRAGL Ingrid. *Manger du faux pour du vrai. Les scandales de la fraude alimentaire*. Paris Robert Laffont, 2021, 400 p.

29 JOAHNY Stéphane. Trafics de déchets, de bois et d'animaux... Les gendarmes s'attaquent à la criminalité environnementale [en ligne]. *Le Journal du dimanche*, 5 avril 2021. URL : <https://www.lejdd.fr/Societe/trafic-de-dechets-de-bois-et-danimaux-les-gendarmes-sattaquent-a-la-criminalite-environnementale-4036220>