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## GUIDE TO THE STUDY OF INTELLIGENCE

### French Intelligence

by Philippe Hayez and Hedwige Regnault de Maulmin

**T**oday's dialectic between transparency and secrecy regarding intelligence issues, questions the very existence of secret services. Indeed, the idea that government prerogatives should be hidden from the citizens to serve the *raison d'Etat* is paradoxical in an era where transparency is encouraged and seen as a characteristic of an ideal democracy.

However, as *realpolitik* has evolved to international relations with more embedded cultural, economic and financial interests, where the economic competition is a transposition for war, and where the international social culture approaches that of community, international leaders have faced diffused, non-static threats that have multiplied.<sup>1</sup> Therefore, in a labyrinthine environment, the activities of secret services have shifted to a more defensive posture, adjusting to the threats.<sup>2</sup> This evolution is illustrated by changes in the French intelligence and security services.

While considered by the US historian Douglas Porch<sup>3</sup> as only marginal to the development of French foreign and security policy and lacking a national intelligence culture, the French services underwent an "Intelligence Springtime"<sup>4</sup> between 1989 and 1992. In the decade between the fall of the Berlin Wall and the 9/11 attack on the twin towers of the World Trade Center, their budget and staff increased, contrary to the trend in other NATO countries. Having surmounted the main crises of the last decade (Afghanistan, Iraq, Africa) and prevented any terrorist attack on its territory, France has modernized its intelligence community since 2008.

1. Bajolet, B. "La DGSE, outil de réduction de l'incertitude?", *Revue Défense Nationale*, January 2014, No. 766, p. 27-31.

2. Ibid.

3. Porch, D., *The French Secret Services: From the Dreyfus Affair to the Gulf War*, New York: Farrar, Strauss & Giroux, 1995.

4. Penetier J-M., "The Springtime of French Intelligence," *Intelligence and National Security*, 11, No. 4, October 1996.

The original 2008 White Paper on Defense and National Security, confirmed by that of 2013,<sup>5</sup> aimed at filling the gap between the country's strategic interests and the capabilities of the French services to fulfill them. The 2008 White Paper gave them a strategic function named "Knowledge and Anticipation" and thereby propelled the services from obscurity to a central role. According to the present head of the French foreign agency DGSE, Bernard Bajolet, intelligence is now seen as necessary in supporting national security decisions and anticipating and assessing risks.

Some peculiarities make French intelligence quite difficult to handle. France remains an exception within the democracies since its intelligence services are not ruled by any parliamentary law, but by a simple *règlement* (regulation). Another characteristic of French intelligence is a paucity of intelligence-related research. French universities have not included intelligence as a field of study, with the notable exception of Sciences Paris.<sup>6</sup>

This paper provides a brief history, and outlines the structure and oversight of French intelligence services in the light of the counter-terrorism paradigm that dominates today's politics.

#### Brief History of French Intelligence Services

Heirs to post-WWII organizations, such as the *Service de documentation extérieure et de contre-espionnage* (External Documentation and Counter-Espionage Service – SDECE) and the *Direction de la surveillance du territoire* (Directorate for the Surveillance of the Territory – DST), the French intelligence services have gone through a tremendous, although belated, series of reforms. Over the last quarter of the 20th century they have emerged from murkiness to greater openness as a consequence of their institutionalization, structuring, and with a new relation to the public. French intelligence services have been brought into the public sphere, becoming "public secret services," and integrated to the "common welfare" strategy of the government.

As Frederic Coste notes,<sup>7</sup> contrary to the Anglo-

5. French White Paper on Defense and National Security – June 2013, [http://www.rpfrance-otan.org/IMG/pdf/White\\_paper\\_on\\_defense\\_2013.pdf](http://www.rpfrance-otan.org/IMG/pdf/White_paper_on_defense_2013.pdf).

6. Cf. Chopin, O. et al., "Étudier le renseignement en France," *Hérodote*, 2011/1 No. 140, pp. 91-102, and FORCADE, O., "Objets, approches et problématiques d'une histoire française du renseignement : un champ historiographique en construction," *Histoire, économie & société*, 2012/2 31ème année, pp. 99-110.

7. Coste, F., "L'adoption du concept de sécurité nationale: une révolution conceptuelle qui peine à s'exprimer," *Recherche & docu-*

Saxon notion of security, the concepts of defense and security (i.e. domestic security) have long been divided in France. Domestic security (involving the police, justice system and domestic intelligence) were distinct from the measures supporting diplomacy and foreign military operations. This separation reflected a lack of a clear national security policy. A very important paradigmatic shift occurred with the 2002 Law on

change. But, since 1991 and the end of the Cold War, a ministerial circulaire mentioned that the *Direction centrale des Renseignements généraux* (General Intelligence Directorate – DCRG) — one of the two existing security services — should focus only on predicting events via multiple sources of information and not any more on the covert surveillance of political opponents. French involvement in the 1991 Gulf War revealed the weak-

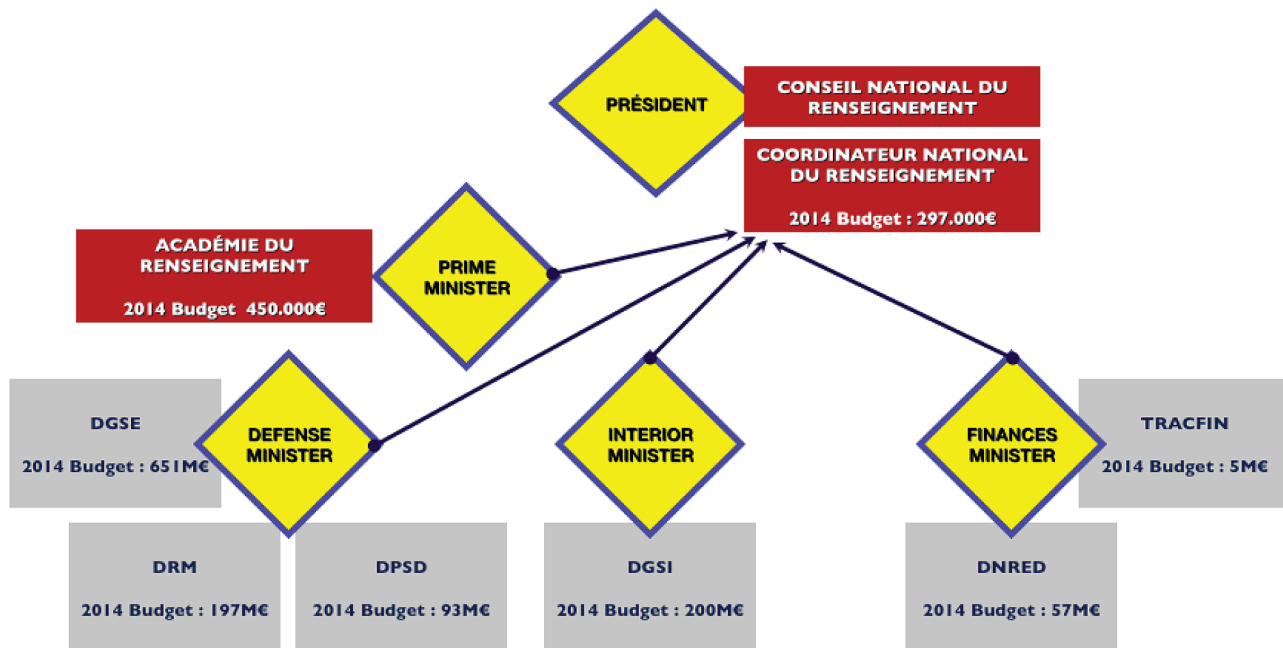


Figure 1. The structure of French Intelligence

Domestic Security, which defined security as a state of stability in which the fundamental interests of the nation (i.e. public order, functioning of the institutions and the administration’s freedom of action) are preserved. The two notions were addressed in the 2008 White Paper on Defense and National Security, the former name of which was simply White Paper on Defense.

One explanation for this comparatively late change in approach has to be found in the political attitude towards intelligence. The Dreyfus Affair (1894 to 1906) was an important and long-enduring trauma for French politicians, and their trust vis à vis intelligence was not increased by several incidents, such as the July 1985 sinking of Greenpeace’s *Rainbow Warrior* in Auckland harbor, New Zealand.

French intelligence services nevertheless have evolved quietly. After François Mitterrand’s election in 1981, the replacement of the reviled SDECE by the *Direction générale de la sécurité extérieure* (General Directorate for External Security – DGSE), was merely a face

nesses of military intelligence and led to the creation in 1992 of a dedicated and unified service, the *Direction du renseignement militaire* (Military Intelligence Directorate — DRM), whose director assists and advises the Defense Minister on military intelligence.

After the 9/11 attacks, the French intelligence services focused much more on Islamic terrorism. President Jacques Chirac created a *Conseil de Sécurité intérieure* (Homeland Security Council — CSI) responsible for defining internal security policy. In 2006, a White Paper on Internal Security sponsored by then Minister of Interior, Nicolas Sarkozy, started an “intelligence-led policy” process which he pursued and enforced under his presidential term. To promote efficiency in domestic intelligence, the *Renseignements généraux* (General Intelligence Directorate — RG) and the DST were merged in 2008 in a new security service, the *Direction centrale du renseignement intérieur* (Domestic Intelligence Directorate — DCRI), which became the most powerful French domestic intelligence service ever. However, the weaknesses of the DCRI after the 2012 Mohammed Merah Affair (a lone wolf jihadist killing several people near Toulouse) led

ments, *Fondation pour la recherche stratégique*, No. 3/2011.

to a rethinking of the domestic security, and in 2014 the DCRI became the *Direction générale du renseignement intérieur* (General Directorate for Domestic Intelligence – DGSI), symbolically bringing this service on a par with the foreign intelligence service DGSE.

### From “Tribes” to a “Community” A Look at the Structure of the French Intelligence Services

Historically, as the different French intelligence services operated under different authorities and were under different ministries, cooperation between them was always an issue. French intelligence services have undergone recent reforms to better coordinate their efforts to resemble a “community.” This notion is relatively new since its appearance in the 2000s and is outlined in the 2008 and 2013 white papers on defense and national security, which brought to light for French citizens the importance of intelligence and the perception of the intelligence services as a strategic tool for the nation.

As described in the 2008 White Paper, the French intelligence community is structured as several complementary services within the Ministries of Defense (DGSE, DRM and *Direction de la protection et de la sécurité de défense* (Directorate for the Protection and Security of the defense — DPSD), Interior (DGSI), and Finances (*Direction nationale des enquêtes douanières* (National Directorate for Customs Intelligence – DNRED), and TRACFIN – *Traitement du renseignement et action contre les circuits financiers clandestins*, the Service for “intelligence processing and action against clandestine financial circuits”).

There are two general services (DGSE and DGSI) and four specialized ones (DRM, DPSD, DRED and TRACFIN). The heads of these six services sit in the *Conseil National du Renseignement* (CNR), a national intelligence council chaired by the President. There is no separate technical agency, such as the US’s NSA or the British GCHQ; the DGSE is the service in charge of most signal and digital intelligence capabilities for the benefit of the entire community.

DGSE is responsible for the collection and analysis of intelligence outside of national territory. Since 1966, DGSE has been under the direct supervision of the Minister of Defense. Within the Ministry of Defense, the DGSE is responsible for foreign intelligence. Its organization, processes and intelligence analysis are continuously adapted to cope with the evolving threats. As a global service, DGSE retains all

means of collection (HUMINT, SIGINT) and has had since its creation its own clandestine action capacity (*Service Action*). Its analysts work closely with French diplomats concerning international crises. For the past decade this service has benefited from regular increases in its budget and staff. To remain relevant and meet the challenges of performance, the DGSE must remain adaptable, which also means that it must reconcile intellectual plasticity and moral rigor.<sup>8</sup>

The DGSI is responsible for the collection, centralization and analysis of all intelligence involving domestic security or the “fundamental interests of the nation.” It, as its predecessors DST and DCRI were, is under the authority of the Interior Minister. The DGSI replaced the DCRI in May 2014. It maintains the same attributions of its predecessor but has formally improved in autonomy. The DGSI is intended to match symmetrically to the structure of the DGSE with its new *direction du renseignement* and *direction technique*. In May 2013, a parliamentary report on the intelligence services criticized the DCRI and its treatment of the Merah killings in March 2012. The DGSI is no longer under the supervision of the General Directorate of the National Police, but remains under the Interior Minister. Its staff is mostly from *commissaires* (police superintendants) and *officiers* from the National Police, but is seeking diversification. Unlike their British counterparts, DGSI officers have a judiciary capability (*officiers de police judiciaire*), which enhances their abilities, especially in counterterrorism and counter-intelligence affairs.

Of the four specialized agencies under the supervision of the Ministry of Defense are the DRM and the DPSD, making this ministry one of the most involved in intelligence with NATO countries.

For its part, the DRM, which reports to the Chief of Defense Staff, has the mission to meet the intelligence requirements of “military interest” (*renseignement d’intérêt militaire*, a notion coined in 1992) and those of the military’s operational and organic commands. It is responsible for centralizing, analyzing, exploiting, and disseminating military intelligence among the authorities and bodies concerned. DRM is committed on all overseas theaters of operations in support of French forces.

The DPSD is the service available to the Defense Minister for the protection of its personnel, information, equipment, sensitive installations and industrial infrastructures. Structured around permanent

8. Bajolet, B., “La DGSE, outil de réduction de l’incertitude?,” *Revue Défense Nationale*, janvier 2014, No. 766, p. 27-31.

entities in the defense areas, overseas and abroad, the territorial coverage of the DPSD ensures permanent operational cooperation with the armed forces. It is supplemented by a presence among the forces deployed in theaters of operations. Essentially acting in a preventive manner, DPSD collects, analyzes and disseminates information relating to potential threats against the interests of the defense establishment in the broadest sense.

The Ministry of Finances hosts the DNRED and TRACFIN. The **DNRED** is attached to the General Directorate of Customs and is responsible for implementing the policy of intelligence, oversight and fight against fraud. It's the less publicized service but has a strong reputation of efficiency. **TRACFIN** is an intelligence service associated with the financial departments, analogous to the US Treasury Department's Financial Crimes Enforcement Network (FinCEN). It fights illegal financial networks, money laundering and terrorist financing. The service is responsible for collating and analyzing suspicious transaction reports that some institutions are required by law to report (the banks being amongst them). It does not have its own collection capability, rather it relies mostly on the compulsory collaboration of economic organizations.

### Toward an Intelligence Community

In accordance with the White Paper, governance of these services has been strengthened with the establishment of the *Conseil national du renseignement* (National Intelligence Council – CNR) and the establishment of a *Coordonnateur national du renseignement* — National Intelligence Coordinator. This community approach, clearly inspired by foreign examples, reflected the top-level political decisions to respond to the international terrorist threat. In addition, a National Academy for Intelligence (*Académie du renseignement*) has been established.

The **National Intelligence Council** (CNR), established on 23 July 2008, acts as the steering committee of the French intelligence services. It took over the responsibilities of the *Comité interministériel du renseignement* (Interdepartmental Intelligence Committee – CIR), a body established in 1959 under the responsibility of Prime Minister's *Secrétariat général de la défense et de la sécurité nationale* (General Secretariat of National Defense — SGDSN), that, according to some commentators, never properly exercised its coordination function. Incidentally, the new organization has transferred the political responsibility across the Seine river, from the Prime Minister to the President. The

previous CIR met infrequently at the principals' level. Placing the CNR under the President gave the chief of state the means to control intelligence more directly.<sup>9</sup> The CNR is now a specialized function of the *Conseil de défense*, originally established with the Fifth Republic by its founder Charles de Gaulle. The CNR acts as a US National Security Council's committee where the principals are the Prime Minister, the relevant ministers, the directors of the intelligence and security services, and the National Intelligence Coordinator. Its role is to provide strategic direction and priorities for intelligence through a *Plan national d'orientation du renseignement* (PNOR) every three years, which is more or less a roadmap shared by all.

The synergy between those services is also pursued through the supervising of the equipment programs (especially informatics and electronics) so that they can be mutualized.

The creation of the council has been accompanied by the creation of a **National Intelligence Coordinator** whose task is to ensure the good functioning of the CNR. He participates in setting the policies and priorities of the political administrations, especially through the PNOR and supervises the mutualisation of the main capacities. Through regular meetings with the directors of the different services, he facilitates, with his staff, exchanges between those services that have different cultures. The National Intelligence Coordinator advises the President of the Republic in the field of intelligence and conveys his instructions to the various services. The Coordinator also prepares a daily intelligence summary for the President. The Coordinator reports to the CNR and oversees the implementation of decisions taken by the council.

The 2008 White Paper states that the National Intelligence Coordinator is the “intelligence's entry point for the President of the Republic” but it does not prevent the President from direct contact with the chiefs of the main intelligence and security services. The coordinator is supported by a “light support structure” of experts drawn from relevant ministries (Foreign Affairs, Defense, Interior, Finances) or from the services themselves.

To foster a community, with shared interests, goals, affinities, beliefs and culture, and develop a common French intelligence “culture,” a **National Academy for Intelligence** (*Académie du renseignement*) was established in 2008. It is responsible for training personnel of the intelligence services under the authorities of the Ministers of Internal Security,

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9. Bajolet, B., op.cit.

Defense, Economy and Budget, to strengthen links within the French intelligence community as well as “disseminating a French intelligence culture”. It designs, organizes and implements initial and ongoing training activities for the services, and helps raise the general awareness of intelligence. It does not aim to substitute for the internal training of the different services, but it promotes “mutual understanding and executive mobility between different services.”<sup>10</sup> This institutional evolution matches recent doctrinal and conceptual changes. With the adoption of the notion of “national security” and the affirmation of a continuum between defense and domestic security, the Academy reflects a common effort even if the various services stay distinct from each other.<sup>11</sup>

### Improved Oversight of the Intelligence Services

France has devised a rather unique system of oversight, which is in the process of being overhauled. The intelligence services are subject to the scrutiny of both administrative and judiciary judges. They are also overseen by the *Cour des comptes* — Court of Audit, the equivalent of the US’s Government Accountability Office (GAO), which acts as a financial watchdog. And they are obviously subjected to internal oversights. For instance, within the Ministry of Defense, intelligence services (strictly military) are subject to the ministries’ internal audit bodies and inspections such as the *Contrôle général des armées* – General Inspection of the Armed Forces. An exception is the DGSE, which, while being administratively attached to the Ministry of Defense since 1966, is under the *de facto* authority of the President of the Republic and the Prime Minister. Very recently, an Intelligence Inspection has also been established (July 2014) to exercise oversight duties over the services. It is placed under the authority of the Prime Minister and its tasks consist in monitoring, auditing, consulting and evaluating French intelligence services.

But, what is more unique and specific to both French history and culture are the oversight by some *autorités administratives indépendantes* (autonomous administrative entities — AAI)<sup>12</sup> not placed under a

minister’s direct authority and the intrinsic weakness of parliamentary oversight.

Among several AAI, two main ones oversee the activities of the intelligence services: the *Commission nationale de contrôle des interceptions de sécurité* (National Commission for the Oversight of Security Interceptions – CNCIS) and the *Commission nationale de l’informatique et des libertés* (National Commission on Informatics and Liberties – CNIL).

Established in 1991, the CNCIS supervises the legality of security interceptions. Chaired by a retired judge or senior civil servant, the Commission expresses its opinion on proposals for all non-judiciary telecommunications interceptions before the Prime Minister gives his approval. Approved by the Prime Minister, these interceptions are permitted to obtain “information relating to national security, safeguard of the essential elements of scientific and economic potential of France, or prevention of terrorism, crime and delinquency” according to the 1991 law. When CNCIS finds a violation of the law, it has the power to send to the Prime Minister a recommendation to stop an interception. It also has the power and duty to report to the judicial authority any breach of the law. It exerts two kinds of oversight: an *a priori* one and a *a posteriori* one. Exercising a *a priori* oversight, the CNCIS must verify the legality of requests for interception security, but this oversight is not very strict since the CNCIS must just check whether the tapping has been authorized by competent ministers, and if it complies with the quotas (maximum simultaneous interceptions ordered) and its intended purpose. The *a posteriori* oversight concerns the execution of intercepts. It reviews the recording, transcription and duration of interceptions; reviews the services’ capacities; and examines individual complaints and denunciations to any judicial authority.

The CNIL is another AAI created in 1978. It is responsible for ensuring that information technology is serving the interests of the citizens and is not impairing human identity, human rights, private life, or individual or public liberties. Its reach is far broader than only oversight of intelligence services, but this AAI participates in the citizen’s protection when it comes to intelligence issues, although it faces some

10. Lucile Dromer-North, in Dumont, J-F, *L’Académie du renseignement*, [http://european-security.com/n\\_index.php?id=5873](http://european-security.com/n_index.php?id=5873).

11. Coste, F., *op.cit.*

12. AAI are state institutions in charge of ensuring the regulation of some sectors considered as essential, for which the government doesn’t want to intervene directly. Although they are budgetarily linked to a Ministry, the AAI are not subordinated

to its authority. Two kinds of those exist, serving two different purposes: protecting citizens or regulating an economic activity. They take no orders, instructions or advices from the government and their members are not revocable. Their existence is an exception to Article 20 of the French Constitution according to which “the government exercises its authority of administration.”

limitations regarding questions involving defense and national security.

Relations between Parliament and intelligence services in France for a long time have been either complex or non-existent. Mutual trust is the primary factor. The services resisted inquiries by the Parliament being unsure that the *secret défense* would be protected. When the first attempts under the Fifth Republic in 1945 came up to exert oversight over the intelligence services, General de Gaulle stressed that parliamentary oversight over the intelligence services “should better be avoided”. After several aborted attempts (in 1971, in 1985, in 1988 and in 1999 especially) — many following public intelligence abuses or failures<sup>13</sup> — legislation proposed by the government established a *Délégation Parlementaire au Renseignement* (Parliamentary Delegation on Intelligence — DPR) in 2007. Previously France was the only occidental democratic country, apart from Portugal, not to have a parliamentary oversight mechanism over its services.

The DPR is a joint body of the National Assembly and the Senate, the two chambers of the French Parliament. It represents progress by giving “a clear and solid legal framework concerning the protection of secrecy, regarding the dialogue between Parliament and the intelligence services” and allows “an overview of the organization and activity of the intelligence services.”

The creation of the DPR paved the way for parliamentary oversight of intelligence, but its prerogatives were so limited compared to its mission that it received serious criticisms. Owing to this, and a more general concern for having a legal framework for the intelligence services, a special ad hoc committee of the National Assembly proposed in 2013 to reform the DPR, promoting an expansion of its powers and capabilities. In 2013, following the publication of the French White Paper on defense and national security, which promised an expansion of the powers of the DPR, the *Loi de Programmation Militaire* (Defense Programming Law) for 2014-2019 charged the DPR with “exercising parliamentary oversight over the government action on intelligence and evaluates public

policy in this area.”<sup>14</sup> Although the reform of the DPR extended the powers of this parliamentary body, it came with a limited scope regarding what could have been expected and does not have equivalent authority as other countries’ parliaments, such as the German Bundestag.

Thus, the French intelligence and security services have gone through various reforms aiming at building a trustworthy and cooperative intelligence community. Those reforms are embedded in the redefinition of the concept of national security, where domestic security is considered more and more relevant, and are a response to the protean nature of today’s threats. With a budget of €2.1 billion (about US \$2.8 billion) and a consolidated staff of about 13,000 people, the French services seem able to cope with the many challenges facing *la Grande Nation*. ✎

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13. In 1971 after the “Delouette Affair,” when a French agent of the SDECE was caught convoying 44kg of heroin by the US customs in New Jersey and alleged he was acting on the orders of his service. In 1985 and 1988, after the “Rainbow Warrior” episode and in 1999 after a possible involvement of the French services in Rwanda’s genocide. Urvoas J-J. and Verchere P., “Rapport d’information sur l’évaluation du cadre juridique applicable aux services de renseignement,” *Assemblée nationale*, May 2013, p.77, [www.assemblee-nationale.fr/14/pdf/rap-info/i1022.pdf](http://www.assemblee-nationale.fr/14/pdf/rap-info/i1022.pdf).

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14. This reform diluted the *Commission de vérification des fonds spéciaux* (Committee for Auditing Special Funds – CVFS). This AAI, established in 2001, is responsible for ensuring that the special funds, unvouched expenses voted for the services’ operational needs and spent through a special procedure, are used according to the *Loi de Finances*. It checks the regularity of special funds expenditures by ensuring the accuracy of their accounting. It has the responsibility to verify that these funds were used to finance activities, which, because of their special nature, could not be funded through other means.

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