

The Spanish Armed Forces

in Support Missions for the Civilian Authorities (Public Order)

The armed forces are not allowed to fulfill public order specific missions on the national territory. This said, the present rules state that they can support the security forces (FCSE)¹ in performing their missions.

In the framework of missions taking place abroad, contingents sometimes face situations which compel them to get involved in crowd control missions ; which supposes that the units need to be flexible and to be equipped and trained to be able to manage this kind of situation at best.

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The 1978 Spanish Constitution invests the armed forces (FA) with the mission of guaranteeing the sovereignty and independence of Spain, of defending its territorial integrity and the constitutional order.

This mandate is materialized in the 6/1980 Law establishing the National Defence fundamental criteria and its organization; it specifies that the FA will carry out this mission by “protecting the life of the population and the interests of the country”.

The closest missions to those qualified as “ public order missions “ are to be found in the ones which, regularly, are performed “as direct support to the civilian authorities”

Missions within the National Territory

At the request of the civilian authorities, the armed forces will be able to co-operate with them in the conditions covered by the law, in cases of serious risks, disasters, calamities or other similar public needs. These actions will be:

- co-operation (for example, support to local sports events);

- collaborations : actions for the benefit of civilian organizations (FCSE specialization courses, agreements with universities, for example);
- operations of support to the civilian authorities.

The latter are those military actions which bring ad hoc support to the national civilian authorities or communities, when they are covered by the law and they are normally performed in the framework of unusual circumstances or when an emergency is past the capabilities of the civilian authorities. They generally have an emergency nature and most of the time request the use of whole units.

The **operations of support to the civilian authorities** can take on the form of:

- **environment and civilian protection operations**; they are undertaken following disasters of natural origin or caused by man such as earthquakes, floods, forests fires, pollution, etc (for example the shipwreck of the MV Prestige in 2002);
- **military support for the performance of operations**; this includes the selective mobilization of reservists, the planning and realization of operations to deploy forces and

civilian organizations on foreign territories (the earthquake in Turkey in 2002, the floods in Haiti in 2003, for example);

- **security and public order operations**; they include the use of military forces in support of government actions in order to contribute to maintain public order and security. The armed forces intervene depending on the needs expressed by the civilian administration and according to the law in effect.

During the last twenty-five years, successive governments thoroughly avoided involving the armed forces in the fight against terrorism and more concretely in the struggle against the ETA terrorist organization. Nevertheless, on some occasions, and with the authority of the law in effect, they resorted to the use of military forces to carry out various tasks because of that threat (cordonning off of the French-Spanish border in the 80s, protection of railways and sensitive facilities). We may also include in this framework the armed forces involvement in the Sevilla world fair and the 1992 Barcelona Olympic games as well as in the European Council meetings in Barcelona and Sevilla in 2002.



the use of lethal force will be conditioned by the principles of proportionality and self-defence.

The different contingents organize and equip their different platoon level units to intervene in these missions if need be. The components of the unit are then fielded equipment specific to public order maintenance (helmet, elbow protection, gloves, bulletproof jacket, individual defence, handcuffs, shield, anti-riot gun). The movement to the incident area is performed with the most adapted means of conveyance, transport under armor not being mandatory.

As a conclusion, armed forces participation in public order missions whether inside or outside the national territory is subject to regulations reviews and draftings because of the important changes occurring presently.

The public order missions performed by the FA on the national territory will always be carried out at the request of the corresponding civilian authorities. Generally speaking they will concern the protection of facilities or sensitive or important locations, the protection of lines of communication, the support to public order maintenance (in that case, exceptionnally and in support of the FCSE), and the support to mobilization.

In this type of missions conducted abroad, Spain does not allow its units to take part to missions planned in advance. Anyway they must be equipped to be employed if the development of the situation necessitates their intervention in the framework of a crowd control mission.

1 FCSE: State security Corps and Forces; these are the Spanish security forces encompassing the national Police, the civilian Guard (equivalent to the Gendarmerie), the police of autonomous regions, and the municipal police.

2 Note: Reminder : Spanish "crowd control" does not convey the same meaning as in the French armed forces.

3 ROE: Rules Of Engagement.

However, **the responsibility for the struggle against "internal" terrorism in Spain falls upon the FCSE. The FA involvement in this struggle will occur only upon request by the civilian power, exceptionnally and in support of the FCSE.**

The Spanish Defense White paper provides for the Spanish military forces to be employed in the struggle against international terrorism though it is stated that it must be "by completing surveillance or technical support tasks in accordance with their intrinsic capabilities".

In December 2001, the Defense ministry signed a co-operation agreement with his Interior counterpart; it specifies that the FA can reinforce the Police and the Civilian Guard for searching, spotting, following and intercepting drug traffickers and smuggling networks, thanks to the use of military telecommunications and satellites. The agreement defines the "request principle", a concept allowing the Interior ministry to coordinate the operations linked to drug trafficking which the FA take part in.

When dealing with the FA general missions and military actions, the last Defense strategic review worked out in Spain clearly stresses, in the part devoted to the mission of "collaboration with the other State institutions to preserve the security and well being of the citizens", the possibility for the FA to co-operate with the FCSE in anti-terrorist actions. It also mentions the mission of "defending against an aggression against the security and the interests of the Spanish population or of allied countries".

The Missions Outside the National Territory

Among the missions falling on the Spanish FA outside their national territory in the performance of international agreements, the different deployed contingents can carry out zone controlling.

One of the actions performed by the units is "crowd control"². Despite the fact that it is more police than military in nature, it is more and more executed during these operations.

At the moment of intervening, the units specialized in maintaining public order will always be the ones to act (Civilian Guard, Military Police, etc); **military units will limit themselves to cordon off the area and to support the specialized forces.**

In this case, units **are not allowed to take part in public order maintenance missions when planned in advance.** Spanish contingents will respect the national restrictions in all circumstances and will apply the ROEs³ in effect in each theatre.

In these missions, the rules of engagement must be coherent with the political mandate and the use of the armed forces must take into account the whole set of conditions for the use of force. In that case, the military units intervene:

- with their staff and under the command of their acting commanders;
- equipped with means adapted to the mission and with the necessary individual and collective protection;
- by systematically using force in a progressive and proportionate way;