



## THE FIGHT AGAINST DRUG TRAFFICKING IN THE CARIBBEAN

On October 8, 2015, more than 500 kg of cocaine were intercepted aboard a sailboat in the Caribbean by the *Ventôse*, bringing the number of catches in the area to four in less than two weeks, for a total volume of nearly 2.1 tons.

### FRANCE IN THE FIGHT AGAINST DRUG TRAFFICKING

These operations are under the authority of the Prefect of Martinique, government delegate for state action at sea. They rely mainly on the Customs and Navy forces. For the interception, Customs target slow sailing ships near the coast, while the Navy targets fast boats and the more distant ships. The Navy has at least one of its two locally-based surveillance frigates dedicated to this type of mission: the *Ventôse* or the *Germinal*. Navy commandos and crews of the 36F helicopter flotilla of Hyères have also developed particularly effective techniques for intercepting speedboats. With its permanent presence in the Caribbean - Martinique, Guadeloupe, St. Martin, St. Barthelemy - France effectively positions itself in the heart of the fight against cocaine trafficking. Starting from the main cocaine-producing countries, Bolivia, Colombia and Peru, drugs get channelled mainly through the Caribbean islands before being exported to the major consumer markets: Europe and the United States. Like ordinary goods, most of the drugs are transported by sea from production to resale, sometimes via unexpected ways - cargo ships, fishing vessels, grain transporters, yachts, submarines...

### WELL EXPLOITED LEGAL LOOPHOLES

There are several legal instruments against illegal trafficking at sea there, but one difficulty remains: none of these agreements allow states to board a ship - even when it would be suspected of carrying drugs - without the prior consent of the flag state. Traffickers take advantage of this indirect protection using ships registered in states whose monitoring is deemed to be largely theoretical. And that's not all: the Caribbean area has a series of maritime areas between which traffickers move very quickly. This largely limits the possibility of intervention from a legal point of view: warships cannot chase traffickers in the territorial waters of another State without its consent.

### REGIONAL ANSWERS...

Despite the legal context, states are not left without resources; they can develop bilateral or regional agreements to enhance their capacity for action. The San José Accord was implemented in 2008 and allows the signatories to control ships flying the flag of one of them as well as those suspected of drug trafficking and caught sailing in the territorial waters of the states of the region.

A task force under US command, the Joint Inter Agency Task Force-South (JIATF-S) is also specifically responsible

for monitoring and controlling operations against drug trafficking in the Caribbean. It relies on the participation of thirteen states: Argentina, Brazil, Canada, Colombia, Ecuador, El Salvador, France, Mexico, The Netherlands, Peru, Spain, the United Kingdom and Venezuela.

### ... VS. NATIONAL ANSWERS

In the French national legal environment, the law of 15 July 1994 governs the fight against high seas drug trafficking. However, many improvements have been made since then to make the fight more effective.

For law enforcement, a specialized interregional court based in Fort de France - the only one based Overseas - allows immediate appearance and the concomitant judgment of arrested traffickers whose case does not require further investigation. As for operational matters, the principle of dissociation, a project long supported by the French Navy, should soon emerge. Approved at the Interministerial Committee of the Sea (CIMer) of 22 October 2015, this concept allows the "splitting" of the operation: the crew, the ship and cargo can now be treated separately. This should allow the Navy to maximize its action by offering for example the possibility of destroying directly at sea narcotics found on board an intercepted ship - after the prefect had obtained the agreement of the Prosecutor of the Republic - to put them immediately out of the circuit.

The French presence and its willingness to develop and improve international cooperation in the fight against the illegal trafficking were rewarded. In terms of catches - over 8.3 tons in the Caribbean since the beginning of the year - but also in terms of efficiency, by hindering the smooth conduct of traffickers' activities.



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