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Published in:
CILIP

Publication date:
1979

Document Version
Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):

Fijnaut, C. J. C. F. (1979). Organization of the Belgian police: A historical survey (Part I) = Die allgemeine Organisation des belgischen Polizei-apparates: Ein historischer Überblick. *CILIP*, (3), 5-8.

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II. STRUCTURAL DATA ON POLICE DEVELOPMENT IN WESTERN EUROPE

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ORGANIZATION OF THE BELGIAN POLICE - A HISTORICAL SURVEY (PART I)

I. Introduction

In general research work on the police in different West European countries has never been particularly comprehensive. This is especially true for Belgium: not only has there been no tradition of research into the police there, but up until the present day no research of a historical, judicial, or sociological nature of any notable size has been undertaken.

It is understandable that this situation creates great difficulties for anyone who wishes to pursue the history and the current organization of the Belgian police.¹⁾ Nor is it easy to get around this lack of research, since the problem of access to police data is just as sharply felt as in comparable countries. Official documents, like the parliamentary protocols, contain only a minimal amount of information about the police. There are no official police magazines, and the remaining press only fleetingly mentions the police. Data published by the police force itself about its activities and development is either unavailable or else offers little for scientific analysis.

Thus in Belgium one is dependent when researching the police force - similar to the situation in the FRG - upon the published and the available unpublished sources to form a sound analytical picture. Access to unpublished data is also dependent in Belgium upon the evaluation of the researcher by the police. Naturally "police friendly" researchers have an earlier time.

II. Notes on the History of the Belgian Police Force until 1957²⁾

The most important sections of the contemporary Belgian police force are:

- the Gendarmerie which is organized on a national level and co-ordinated by the military
- in the Flemish areas it is called the Rijkswacht
- the heavily decentralized communal police forces: the Gemeente Politie and the Landelijke Politie (Field and Forest Rangers)

- the Gerechtelijke Politie: the Criminal Police Force
- and finally a political intelligence service, the so-called Veiligheid van de Staat, which is attached to the Ministry of Justice.

The composition clearly betrays the French origin of the Belgian Police system. The old French structure of the Rijkswacht, Gemeente Politie and the Landelijke Politie is however extended by the formation of the Gerechtelijke Politie and the Veiligheid van de Staat and was thus profoundly changed.

II.1 The "Belgian" Police in the French and Dutch era 1795 - 1830

After the annexation of the Austrian Netherlands by France in 1795 the French form of police organization was introduced into Belgium. The most important reason for this was that France desperately needed this police force to aid the oppression of a strong resistance against French occupation and the elimination of political opposition. Seen in this manner the police proved to be an important factor in French expansionist policies.

Being a normal substructure of the French police force, the Belgian developed parallel to it. The most important elements in this development were:

- an increase in the continuous presence of the police by a strengthening of their personnel and apparatus,
- the centralization of police organization
- the increasing militarization of the Gendarmerie and the communal police force and
- the growing surveillance of the population by the police.⁴⁾

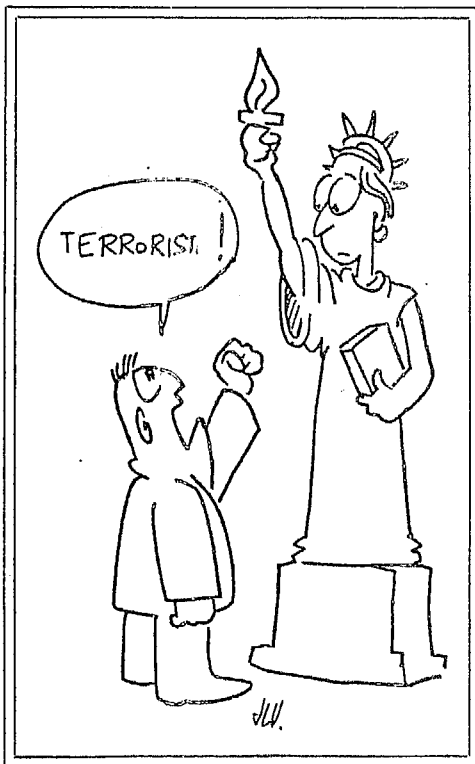
Even after the formation in 1815 of the United Kingdoms of the Netherlands in the Southern region, later Belgium, practically no alteration was made to the organization of the police force. In view of the strong resistance of Liberal, Nationalistic and Catholic circles to the incorporation into the Netherlands, it was once more the central role of the police to suppress political currents.

II.2 The Belgian Police Force up to the Second World War

Even the formation of an independent Belgian state after the Revolution of 1830 did not

lead to substantial change in the police organization. The communal police force was preserved and the Gendarmerie Nationale or the Rijkswacht retained its old form. The care of internal security was put under the command of a new higher civil servant, the Administrateur de la Sûreté Publique.

The retention of a strong police force was justified amongst other reasons, by the need to combat internal unrest. The new Belgian state wanted to prove that it could maintain its own internal security without the "aid" of others, i.e. without military intervention by Austria, Prussia or Russia. In the continued course of the nineteenth century only little was changed in the Belgian police force. Even during the economical and political



crisis of the years 1845-1850 no further reorganization took place.

Only at the turn of the century did the debate concerning the police force flare up again. The suggestions for change which were made aimed at the following:

- the foundation of a special Criminal Police, as well as
- an incisive transformation of the communal police force.

This very sudden awakening of interest in the police is connected on the one hand to the deterioration of the international situation, and on the other to the growing strength of the workers' movement. The latter included the trade union movement within the police force itself. Most of these suggestions were however never put into practice. The only important change before the First World War was the numerical strengthening of the Gendarmerie and the division of this unit into

- the Gendarmerie territoriale, divided according to brigades and districts,
- the Gendarmerie mobile (GM), composed of large barrack-based formations, which was dedicated to the specific task of suppressing internal unrest.

Suggestions originated in France for the formation of a GM were consequently realized very early in Belgium. The creation of such a force was accomplished in France only in 1920-21.

Because of the impression made by the revolutionary movement after the First World War, the police forces in almost all European countries were penetratingly changed.

In Belgium, the Gendarmerie, including the GM, was strengthened drastically. Co-operation between units of the Gemeente Politie was advanced and the provincial authorities were given greater influence over the Landelijke Politie. The most conspicuous change was the creation of an independent Criminal Police force, the Gerechtelijke Politie, which was divided into brigades and attached to the office of the Public Prosecutor.

It is beyond question that some of these measures are connected to the demand for an improved combatance of criminality.

It is equally clear that the strengthening of the GM and at least partly the foundation of the Gerechtelijke Politie represent an answer to the political unrest in this time. Certain preconditions in the police force were thus created: to more effectively combat, "civil war" type situations and political opposition. It can be assumed that the construction of the political intelligence service, the Veiligheid van de Staat, had already been started at this time.

II.3 The Belgian Police Force during the Second World War and in the Period of the Cold War

In contrast to other countries occupied by German Fascists, the general organization of the Belgian police force at this time was largely maintained. The only exception to this was the Veiligheid van de Staat which was transferred to the exiled Government in London. The Gemeente Politie was amalgamated to form larger units, and the administration of the Rijkswacht was withdrawn from the War Ministry and assigned to the Ministry of the Interior.

This very modest re-organization is attributable to the fact that Belgium, in contrast to France, was not under the command of a collaborating government, but that of a military command. This did not see as its task the alteration of the police and administrative apparatus according to German interests and models, since it had merely to control the administration. Measures set in motion by this military command were reversed after the Second World War.

Beyond the point further organizational reforms were carried out. Under the influence of the Cold War so-called Bizondere Opsporingsbrigaden (BOB) were set up in all districts of the Rijkswacht, with the task of gathering information about political currents. Not until later did the BOB revert to the duties of normal Criminal Police.

At this time the Veiligheid van de Staat became publicly known. The organization and activities of this unit are, however, still not legally defined. In the same fashion as the intelligence services of other countries, the Veiligheid van de Staat cloaks its activities in a veil of secrecy. Its work is rarely debated in Parliament, and its yearly reports remain unpublished.

The most important change in the 50's was achieved by a Commission set up in 1951: the Law on the Rijkswacht, which went through the Parliamentary stage in 1957. The Rijkswacht was recognized as an independent unit of the Armed Forces. The far-reaching draft of its powers created the precondition for the further expansion of the police apparatus. The fact that in the early 1950's the Gendarmerie/Rijkswacht was prioritized for transformation into a unit orientated more towards combatting

civil war situations can be concluded from the fate of a further commission, which was set up at the same time and was supposed to examine the problem of the Gemeente Politie. Its recommendations for better recruitment and more appropriate training were not followed. During this period not only the Gemeente Politie, but also the Landelijke Politie and the Gerechtelijke Politie were severely neglected. The forced development of military units with a concomitant neglect of the civil units is connected to the unstable political situation, and the inner unrest in Belgium at the beginning of the 1950's (Kingship-question).

III. Summary

At the end of this first part of the history of the Belgian Police force up to 1957 the major developments need to be briefly outlined once more. These can be summarized as an administrative (1) and an operational (2) aspect of reorganization:

1. In the first instance it can be illustrated that the Belgian Police force was to a considerable degree centralized. This resulted from a continual extension and strengthening of the centrally organized Gendarmerie/Rijkswacht and from the creation of new, centrally controlled units: Gerechtelijke Politie and Veiligheid van de Staat.

Although the organization of the Landelijke Politie was formally shifted into a somewhat provincial administrative level, the town Mayors and local councils in practice still retained the greatest power of command over the Field Rangers. The same holds true for the Gemeente Politie. Even in the latter case the town Mayors and local councils remained the commanding powers. Powers of the Minister of the Interior were not substantially extended, and in the appointment of Police inspectors he still remained bound to suggestions from the communities. His power over the control of the communal budgets was not expanded to include control over the regulation of communal Police force organization.

2. It is further obvious that the organization of the Belgian Police force was changed in the long run due to the aim of combatting political opposition. This

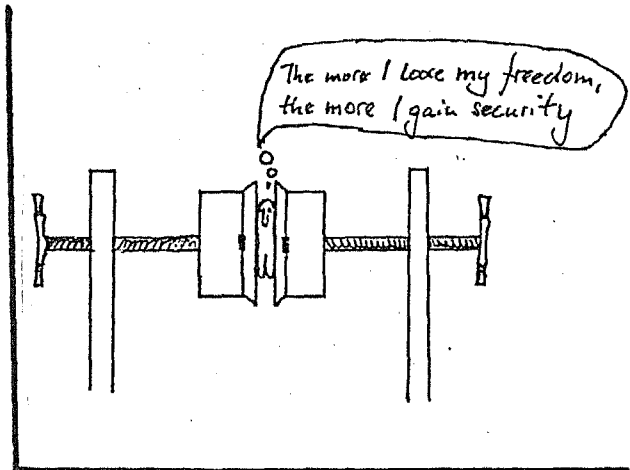
took place on the one hand with the creation of an embarracked police troop, the GM, solely aligned towards the suppression of political unrest; and the other the institutionalization of political intelligence services like the Veiligheid van de Staat, the BOB of the Rijkswacht and parts of the Gerechtelijke Politie.

Finally, the great discrepancy between on the one hand the development of the Gendarmerie/Rijkswacht and on the other the civil police apparatus, especially the Gemeente Politie needs to be emphasized. Whilst the Rijkswacht was built out into a strong, multifunctional and national Police Unit and could moreover support itself on a law, which bestowed a great amount of independence upon it, the communal Police Force was totally neglected. In this way the backwardness in development compared to that of the Rijkswacht increased.

The explanation for this development is obvious: the described reorganization of the Belgian Police force - not only administratively but also operationally - can be understood as a reaction to topical threatening national and international conflicts and opposition movements, or else as an anticipation thereof. The central political powers continuously strengthened the units which were formally and also in the actual exercise of their powers always at their direct disposal. With these the political powers could also fulfil their endeavours to be responsible for security and order in the whole country. Due to this development the local authorities did indeed retain their police forces. However, in the course of time these authorities lost more and more of their influence.

Notes

- 1) It is therefore also not accidental that the Belgian Police force is almost never mentioned in international publications. The few mentions are however very incomplete: e.g. R.Fosdick, *European Police Systems*, New York 1916; H.K.Becker, *Police Systems in Europe*, Springfield, Ill., 1973
- 2) The data in this chapter comes from historical researches I undertook in the years 1974-77. Ontstaan en wezen van de gemeentelijke politie in België, in: L.de Meyer, R.Depré, C.Fijnaut and L.van Oustrive, *De gemeentelijke politie in België*, Leuven, 1975, 32-41. See further: Opdat de macht een toevlucht zij? Een historische



studie van het politieapparaat als een politieke instelling, Leuven, 1978, 3 Vols. In this study a comparative analysis is made of the history of the modern police apparatus in Germany, England, France, Holland, Austria (for certain periods) and in the United States. It serves as a preliminary study for the historical analysis of the Belgian police organization.

- 3) The uniqueness of the French police system historically is above all demonstrated by the fact that alongside the communal police force is a police apparatus - the Gendarmerie - placed directly under the control of the central Government and which represents the dominant interests of it, barely susceptible to local or regional resistance.
- 4) C.Fijnaut, op. cit., II, 629 - 790

GSG 9, SOLDIERS OR POLICEMEN?

"The recruitment campaign in the Federal Border Police and in the Police Force has not brought the desired success. We are in the process of overcoming the judicial difficulties involved in the service, so that we can from time to time employ soldiers for periods of time." (Minister of the Interior, Baum, on the 8.9.1978, quoted after: *Innere Sicherheit* Nr. 45).

The fact that this process - the acceptance of soldiers for periods of time into the GSG 9 in order to overcome personnel shortages - is in no way just a matter of a casual overcoming of judicial difficulties within the service, as became clearly very early on from the resistance that the confederation of the Trade Unions (*Deutscher Gewerkschaftsbund - DGB*) and especially the policemen's Union (*Gewerkschaft der Polizei - GdP*) put up to this intended solution.

The Unions do not in principle reject the acceptance of draft soldiers in the GSG 9, but they have in the first place turned