For Belgian Eyes Only: Intelligence Cooperation in Belgium

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apparatus. Ensuring effective cooperation and the structured exchange of information was the crux of the “Pentecost Plan,” an extensive public safety and criminal justice reform program expounded by the government in 1990.

Both services and the Standing Review Committee have since been trying to tackle legal and organizational issues surrounding the efforts to establish more intensive collaboration and root out the deeply ingrained tendency towards entrenchment. Much headway has been made, but stumbling blocks remain. In its 2014 coalition agreement, the Belgian government made much of improving intelligence cooperation. It expressed the intention to fight competition and “stove-piping” between the services and attain operational synergy. A National Security Council would be established to conduct reform and optimization, informed by a study on the intelligence and security services undertaken by the Defence Department. The government’s policy was, however, blighted by a degree of ambivalence: in choosing between security and economy, austerity prevailed. The terrorist attacks in Paris of 13 November 2015 finally compelled the Belgian government to seriously commit to national security. The great damage done to Belgium’s international reputation by the Belgian connection to both those attacks and their planning gave rise to a number of measures, provoking a rare national debate about the country’s security. Unfortunately, Belgium was to itself fall victim to terrorist attacks on 22 March 2016 (22/3). Once again, the effectiveness of the intelligence and security services was brought to the fore, as was their alignment in regard to countering the threats that currently plague Western European countries. Under international scrutiny, the viability of the nation itself was brought into question by a series of articles in the international press. Their sometimes tendentious tenor revealed how little Belgium and its security dispositive is understood. The two issues, security and intelligence, therefore need to be put in context, especially in light of recent events.

THE ACCOUNTABILITY OF INTELLIGENCE COOPERATION

The legal framework governing Belgium’s security apparatus is laced with the inheritance of traumatic events terrorizing the country in the 1980s, events seemingly exacerbated by the profound fragmentation of the intelligence, police, and judicial authorities. A long and discreditable history of mainly suspicious and disinterested political leadership left the intelligence and police services entirely to their own devices, pursuing their tangible goals without regard for the broader context. Ensuing parliamentary inquiries indicted as a main shortcoming this flow of parallel currents in a climate of mistrust, animosity, and intransigence.
Putting an end to parochialism and providing a legal framework containing the means of accountability were the main recommendations. It was incumbent upon the government to prevent such thorough fragmentation from again metastasizing into calamity. The 1991 law establishing the Standing Intelligence Agencies Review Committee created an oversight body to watch over the effectiveness and coordination of the intelligence services. While the lawmakers pressed home the principle of legitimacy, and therefore strict adherence to the legal framework, it would nonetheless prove long in coming.

During the period between the departure of the Standing Committee in 1993 and the enactment of the 1998 Intelligence Services Act both the oversight body and the intelligence services attempted to get their bearings. While the act was being drafted, a sort of legal limbo prevailed. The Standing Committee began unfolding its activities in accordance with its interpretation of its legal mission, whereas the services, plagued by uncertainty, instability, and low morale, awaited developments while restructuring internally. The fact remained that, as organizations, the services were still rooted in concealment. In 1994, two VSSE intelligence officers were appointed to act as liaison with the ministries of Foreign Affairs and the Interior. Their VSSE colleagues were instructed to have no contact with them whatsoever; that now had to happen via official channels only. The idea behind establishing liaison was thus undermined from the start. In fact, a liaison officer was dispatched to the Justice ministry no earlier than 2008.

From the beginning the Committee noted the existence of informal ad hoc contacts among various departments, but no exchanges occurred between the analysts of both services. Upon discussing this situation with the intelligence chiefs in 1995, the Committee’s magistrates were told the services were awaiting the finalization of the law determining their legal remit of the intelligence services, before organizing cooperation. Finding this unsatisfactory, the Committee suggested preparatory meetings to that effect, but was rebuked by the Prime Minister, who cited the separation of powers. As an oversight body of the legislature, the Committee had no business taking up the coordination of agencies that fell under the executive. That initiative lay with the responsible ministers. Criticism about the oversight body’s interpretation of its mission was also expressed in Parliament. The Committee had to interpret the first article of the 1991 law as ensuring cooperation by holding the services accountable, but not by itself taking up the coordinating role. But no effort was made to comply with the law’s desire to establish a systematic collaboration. Before long the Standing Committee began referring to a “structural problem of exchange of essential information between all government departments.”
British Major-General Kenneth Strong has noted that the “main governmental structures of most developed countries include a variety of independent agencies or departments concerned one way or another with intelligence. The main organizational problem is the extent to which these should be under or independent of central direction and control.” In its first activity report, the Standing Committee noted the desirability of having a central organ wherein the execution of the Belgian services’ missions could be coordinated. In response to the priorities as outlined by the government, it recommended the establishment of an organized interdepartmental structure to both conceive and coordinate the tasks of the country’s intelligence and security apparatus. The Committee envisaged this as happening on two levels: one where the governmental security agenda would be translated into concrete goals; the other a forum where the intelligence chiefs, the heads of police, and other involved departments could meet and ensure the execution of the various missions. A high-level civil servant could coordinate the whole undertaking. The goal would be to not merely ensure effective collaboration between the services, but to also facilitate information sharing across the board, to the benefit of any government department. Since then, this recommendation remains the most long-standing made by the Committee, one it reiterates often in its activity reports.

Earlier Efforts

In June 1996 Belgian security policy was endowed with two coordinating bodies. At the top-level, intelligence policy and priorities would be determined by a Ministerial Committee for Intelligence and Security, chaired by the Prime Minister and attended by the Justice, Defence, and Interior ministers. The council’s decisions were to be implemented by the College for Intelligence and Security. Chaired by a representative of the Prime Minister, the College membership consisted of the intelligence chiefs, the head of the police, and the director-general of the Interior Ministry. In principle, this body seemed to be an impressive gathering of key policymakers and executives. Yet, among its distinctive features was sluggishness and an indeterminacy of focus in setting clear policy objectives. The phrase “waiting for instructions from the Ministerial Committee” would often recur in explanation of why no action had been undertaken in a specific case. In 2002, the Standing Committee pointed out that the VSSE had still not received directives from the Ministerial Committee, four years after this agency’s portfolio had been extended with the mission to protect the country’s economic and scientific potential. Similarly, instructions on the procedures for establishing liaison with other government departments remained expectant. The resolution taken in
2004 to convene every last Friday of the month soon proved a notion difficult to implement.\textsuperscript{20}

Some clarity was achieved in 1998 when, after years of preparation, Parliament enacted the Intelligence Services Act. It determined the terms of reference of both agencies. The Act’s fourth sub-division states:

\textbf{§1.} The intelligence and security services, the police services, the administrative and judicial authorities will see to a mutual cooperation that is as effective as possible. The intelligence and security services will also ensure collaboration with foreign intelligence and security services.

\textbf{§2.} When so requested the intelligence and security services can, as determined by a protocol approved by the ministers involved, provide cooperation and especially technical assistance to the judicial and governing authorities.

\textbf{§3.} The Ministerial Committee determines the…conditions whereby intelligence is communicated and the conditions of the cooperation intended by §1 of the present article.\textsuperscript{21}

Anticipating these obligations, the services in 1997 concluded the first of a series of cooperation protocols. Still awaiting the enactment of the 1998 law, its contents focused on ensuring coordination and cooperation by stimulating the exchange of ideas, papers, and information on common issues (namely, espionage, terrorism, proliferation, subversive groups, information security), as well as the discussion of analyses. The protocol also sought to provide a framework for solving jurisdictional issues in case of overlapping remits. Notably, ADIV had to share more information with VSSE than vice versa, a situation explained by the ADIV’s more limited, military sphere. The need for balanced reciprocal obligations was nevertheless emphasized in the interest of sustaining the information position of the military service.\textsuperscript{22}

The 1997 protocol determined that every six months a meeting was to be held between specialists of the involved departments. In addition, an exchange of information and other regular contacts would take place, according to necessity and the issues under review. This happened via a “pilot service,” which handed the information to the interested parties. The services would also interact with other government departments when working on espionage, extremism, organized crime, proliferation, terrorism, harmful religious sects, or other issues prioritized by the government. The Standing Committee in 1998 rendered a very positive evaluation of the contacts, with indications of a growing tendency to consult one another about common issues.\textsuperscript{23} The protocol also sought to clarify the modalities for the exchange of information when “it is \textit{a priori}
difficult to say if aside from other concerns military interests are also on the line.”

When relevant, or in case of overlap, memoranda were to be shared, as, for instance, when VSSE assessed the threat that extremist anti-globalist organizations constituted to the North Atlantic Treaty Organization (NATO).

But neither service had yet entirely embraced the spirit of the agreement. Execution of the protocol was perfunctory. Also, those involved were confronted with determining what was relevant for exchange and when. Then, when they met, they often found there wasn’t that much to talk about and therefore experienced the exercise as a waste of time. Similarly, the exchange of information proved difficult because of the use of different software. Thus, the scorecard of cooperation in these domains has, overall, not exactly featured high marks. However, the only performance sources are the oversight reports and press stories. Both come with a caveat: the Standing Committee’s main function is to highlight deficiencies in the system, and the media—mostly relying on anonymous statements and hearsay—relishes stories about badly functioning government departments, especially when the intelligence services are involved.

While one field in particular hits the low-point—counterterrorism has been the most worrisome—collaboration elsewhere has also been slow on the uptake. In the domain of organized crime, cooperation was marked by a certain reticence from both sides to engage in a meaningful exchange of ideas. As a result, strategic analysis of the phenomenon was entirely lacking and contacts were mostly informal, even though the VSSE had declared the importance of a crosscutting approach to the problem and took a proactive stance to that effect.

As early as the first cooperation protocol, the problem concerning the jurisdiction of monitoring the proliferation of chemical, biological, and nuclear weapons became manifest and designated the various personnel that had to be involved. By 2008, these early agreements had foreseen in the establishment of a firmer cooperation platform between the intelligence services. The extensive involvement of other involved authorities (CANVEK, Interior, maritime security) was by then on track, while other protocols (involving the Federal Public Services Economy, and Finance) were being finalized. All sectors have since deemed the cooperation to be satisfactory and contributing to the goal of attaining a general assessment of a problem, thereby enabling middle and long-term strategic analysis. Opposed to that positive development, however, is the ineffective prevention of the export of sensitive products, aborted by the chronic shortage of means and staff, and the failed attempts to get a working group with the Customs Office up and running. The Standing Committee keeps stressing the importance of effective cooperation agreements as a remedy.
Keeping the Secrets

In addressing the topic of the security of information, BELINFOSEC (for Belgian Information Security) was established under the auspices of the ADIV’s technical security division. An informal group, composed of military and civil service, as well as industrial and academic individuals, BELINFOSEC dealt with the security of communications systems used for transmitting sensitive information. But the international dimension within Belgium’s security landscape posed difficulties regarding sensitive information transfers and their breach. Discovery in 2003 of Israeli-made listening devices in the headquarters of the Council of the European Union (EU) served to illustrate the jurisdictional issues involved with the presence of the international institutions on Belgian soil. Despite being an obvious target for foreign intelligence services, no protocol of mutual assistance exists between Belgian counterintelligence and the independent security service of the European institutions. This poses multiple difficulties, especially as espionage incidents within the EU buildings are the responsibility of the internal security service, whereas any related incident outside those buildings naturally falls under the remit of VSSE. Still, in 2003 the Council’s security office immediately requested the VSSE’s assistance. The Council also pressed charges with the Belgian criminal prosecution office, which once again impeded interagency communication, even after the VSSE had been asked to act as an expert in the criminal investigation. Seven service sections involved in the case worked alongside one another without coordination, and the analysis and counterintelligence divisions were informed only after the story broke in the press.

A scientific espionage case in 1998 evidenced no intelligence service collaboration, either before or after the incident, even though the victim was known to the ADIV since the agency had occasionally worked for Defence, and the VSSE had to investigate the case as part of its new mission of protecting the country’s economic and scientific potential. Also, criminal investigations did not allow for a connection to be made to the phenomenon of economic espionage, thereby excluding any meaningful analysis. The Standing Committee reiterated the need for intensive exchange of information with all authorities involved, as often it found this did not occur. Grounds for cooperation were obvious since the ADIV was gathering expertise to assist in the protection of military technology. The VSSE did establish informal contacts about the issue with its military counterpart (though without an exchange of data), as well as with private and public sector enterprises and the civil service—and even with foreign sister services. Directives on how information exchange was to take place were issued in February 2000. Some improvement was noticeable in economic espionage cases in 2002, when both services were
involved. Included in the 2004 cooperation protocol, the ADIV necessarily confined itself to incidents with a military dimension, as prescribed by law. Given the link with NCRB proliferation, calls were made to bring the analysts working on these two issues together, but this has not yet materialized.

Recent years have seen better progress. The Belgian Network Information Security platform unites the intelligence services and federal departments on discourse about information security policy. The ADIV and VSSE conjoin in analyzing spying software. Naturally they keep each other informed about the activities of foreign intelligence services on Belgian soil. Yet, neither service took much initiative pursuant to revelations regarding mass data interception, and devoted but one meeting to the issue. The protocol does appear to be effective in ensuring cooperation for assessments on Central Africa, an area of interest because of Belgium’s colonial ties with the Congo. Both services have had a presence there since the Congo was still the private property of King Leopold II. The failure of intelligence during the Rwandan crisis of 1994 may have played an important part in coming up with working arrangements. The information position of the Belgian intelligence services in Central Africa is considered quite strong and provides a significant contribution to the information of the Foreign Ministry.

COUNTERTERRORISM AND THREAT ANALYSIS

Intelligence cooperation to counter terror was institutionalized in 1984 in the midst of the violence of the 1980s. The Mixed Anti-Terrorism Group (Anti-terroristische Gemengde Groep, AGG), a platform whereon all parties involved combined and synthetized their information on extremism and terrorism, was one of the first joint anti-terrorism assessment cells. Unfortunately, it conducted its business in a climate of mistrust and was soon marginalized. Cooperation by the Belgian services in the field of counterterrorism, insofar it can be called that, is a textbook demonstration of how “bureaucratic turf battles often act as a barrier to the necessary geographic and functional integration that is required to meet the threat of international terrorism.”

After the events of 11 September 2001 (9/11), even as Belgium was taking the lead in facilitating cooperation in NATO, its two national agencies clashed over the monitoring of radicalism in the country. Both services occupied themselves with extremist groups whose activities constituted a threat within their respective domains. Unavoidably, overlap occurred. But instead of seizing this as an opportunity to combine efforts, differences of opinion and perception about the nature of the threat caused paralysis, as well as questioning by the VSSE of the ADIV’s legal remit in this domain.
In 2001, the security service signaled its concern to the Standing Committee, in the case of the Islamist extremist group Arab-European League (AEL):

In its conclusion, the Committee I poses that both VSSE as well as ADIV, “each within their legal framework,” have followed the AEL matter to satisfaction. The State Security wonders what remit ADIV has in a matter that does not pertain to any military aspect at all. She has questioned the latter about this without result, i.a. on the occasion of various meetings upon the initiative of the State Security with the military sister service. The State Security has a heightened concern that at times double efforts are made along parallel lines, which nonetheless could have negative consequences. In that regard the Minister of Justice has sought to consult with his colleague at Defence. 51

In response, the ADIV carefully pointed out that Islamist extremism had increasingly been on its radar since 9/11, especially as Belgium hosts such high-profile military targets as NATO headquarters. Despite the overlap and the need to combine forces to deal with such an acutely challenging item on the security agenda, the intelligence services instead nurtured their age-old mutual suspicion and chose to quarrel about legal remit. 52 The cooperation protocol between the services was then seldom applied to monitoring radicalism, even if it was linked to terrorism. Terrorist activity comprised part of a special taskforce, headed by the police; it was the only platform upon which any collaboration took shape, 53 even if analyses and data were sent through to the AGG. 54 The divergence in analysis wasn’t necessarily a bad thing, if that could lead to an exchange of ideas and a degree of concordance. 55 But hardly any sign of an environment conducive to healthy discussion emerged where intransigence about remit was present.

Examples of the lack of communication in this domain abound. In 2002 seven suspects were convicted of various charges related to terrorism. One of them was never followed up on, but an extra dimension was given to his case because he claimed to have been whisked away by British Intelligence after his sentence had ended, an event about which the Belgian services knew nothing. Evidently, information could have been exchanged even if the authorities had been queried about this person of obvious interest. 56 Another example was the affair of the “al-Qaeda couple,” whose assets were seized in 2003 because their non-governmental organization (NGO) was suspected of channeling money to international terrorism. The attention of VSSE and ADIV had been drawn to the couple and their organization ever since their arrival in Belgium. When a kindred American service asked the ADIV to shadow the couple, the VSSE’s agreement was requested. But no exchange of information took place; the VSSE even failed to mention that it had conducted earlier surveillance on the pair, in 2002. The ADIV cited this lack of operational information when the
surveillance was blown. While the VSSE considered itself as having fulfilled the duties of collaboration within and outside of the anti-terrorism taskforce, the ADIV claimed that cooperation was lacking. The operation had been entirely bungled and provided not hard evidence, but instead public outrage when the story broke in the press.

Moving toward Cooperation

While the lack of coordination often became apparent, the exchange of data, especially with foreign sister services, contributed greatly to success in several terrorism dossiers and the assessment of security risks posed by refugees with ties to terrorist organizations. Keeping the previous experience in mind, the services concluded a subsequent cooperation protocol in November 2004 which sought to address the snags in coordination regarding efforts to combat extremism and terrorism. In 2005, the Ministerial Committee issued the “Action Plan Radicalism” after the terrorist attacks in London. Both services were tasked with taking proactive, preventive, and repressive measures against ideological extremism. Upon investigating the efforts made in the fight against Islamist extremism, the Standing Committee praised the ADIV’s in-depth approach in comparison with that of the VSSE. The plan then imposed by the Ministerial Committee markedly improved the way the services interacted, mainly by the intensive exchange of information and the conduct of joint analyses. From that plan followed cooperation protocols with other authorities. The implementation of a Joint Information Box, which sought to add names of persons of interest on whom the services would then focus attention and deliberations, began slowly but improved after 2009. The antics of the extremist group Sharia4Belgium jump-started increased cooperation.

But that was still not good enough. The arrest in Morocco of several terrorist suspects, some with Belgian ties, sparked controversy in 2008 in which the police and State Security were drawn. When one suspect, Abdelkader Belliraj, was identified in the press as a VSSE informant, a virtual press war broke loose. Accusations and revelations of rancor among the services charged with counterterrorism were reported. Even if the press stories needed to be taken with nuance, crippling tensions clearly existed. Making relations susceptible to conflict were the extensive investigative powers at the disposal of law enforcement. The intelligence services legally did not have such capability before special enabling legislation was enacted in 2010. As a result, the police, when working on counterterrorism matters, had built up a stronger information position—in signals intelligence (SIGINT) as well as human intelligence (HUMINT)—in a field that was actually a main VSSE priority. The inevitable overlap, which had festered into hostile competition, could be managed only by
an agreement that had the potential of replacing polarization with collaboration. Its necessity was once again made clear when a Belgian national of Chechen origin was arrested for a failed terrorist attack in Copenhagen in 2010. In retrospect, as it turned out, the ADIV, VSSE, and the police had information on the suspect that, if linked together, could have led to the conclusion that he was potentially dangerous. But no exchange of information occurred because each agency deemed its information too fragmentary or circumstantial to share. In this case, the lack of clear guidelines left too much dependent upon individual judgement.

When in 2005 details of the Central Intelligence Agency’s (CIA) “extraordinary rendition” flights were disclosed, the Ministerial Committee ordered the services to cooperate in investigating whether such flights had made use of Belgian airfields. As with the action plan on radicalism, the Standing Committee was happy to have observed collaboration imposed from above. In so doing it also noted the precarious balance involved in cooperating with foreign, in this case the American, sister services. Since then a remarkable innovation has fundamentally transformed intelligence sharing across services. A perpetual stumbling block had been dealing with information that each service received from a foreign service, under the third party rule. This precluded the recipient from sharing the information even with its counterpart unless the correspondent consented.

A governmental commitment to the integration of threat intelligence led to the transformation of the waning AGG into the Coordination Unit for Threat Analysis (Coördinatieorgaan voor de Analyse van de Dreiging—OCAD) in 2006. Staffed by seconded members of the services, the OCAD was to generate all-source assessments and determine alert levels, as do similar joint assessment bodies in other countries. In view of the earlier dysfunctions and failure to exchange information, the legislation establishing the OCAD sought to reinforce earlier agreements through the obligation of providing all relevant intelligence about threats to Belgian interests—including intelligence shared by a foreign service under the third party rule. Not doing so was made punishable. Considered the trump card of the joint assessment process, this legal obligation to share is now the envy of kindred services abroad. At the same time, this third party rule concerned friendly intelligence services, who feared their information would be too widely dispersed. As a result Belgium came under a great deal of pressure and was even threatened with expulsion from the Berne Group. Many Belgians, symptomatic of their intelligence culture and its parochial prejudices, also resisted the implementation of the new body. The subsequent provision of an embargo procedure, meaning that some intelligence could be seen only by the OCAD director because of its sensitive provenance—for instance under the third party rule, or an on-going criminal investigation—alleviated the worry of allied services.
Today, shared foreign intelligence is handed over with the notice FOR BELGIAN EYES ONLY. It is a remarkable step towards acceptance of the idea that “need to know” must be replaced by a “need-to-share” culture of integration.76

The dynamics of the workings of this threat analysis system warrant a detailed investigation, especially in light of the events of 22 March 2016, and are therefore dealt with elsewhere.77 Suffice it to note here that, in light of the earlier dysfunctions, a great number of stumbling blocks had to be overcome. The intelligence services viewed OCAD as a competitor and were extremely sensitive to its actions. Thus, despite being called a coordination organ, OCAD did not in reality coordinate very much.78

While the connections with its partners reportedly ran satisfactorily,79 the anonymous testimony of two officials cited in an investigative book about the VSSE was less sanguine: “There was no lack of problems, nor of testosterone.”80 Even if in recent years some improvement has occurred, turf battles are always lurking around the corner. The organization suffers from a great deal of criticism and the sometimes resentful attitude of its partners.81 Add to that is the unappreciated task of having to issue warnings, and facing the uncomprehending attitudes of the press, public, and the supporting services in so doing. In theory, enforced information sharing might have positive effects; in practice, institutional egotism remains a crippling factor in the Belgian security landscape.

Nevertheless, the imperatives of national security have brought the services closer together. In early 2014 a circular from the Interior ministry ordered the creation of a National Task Force and Local Task Forces to unite the intelligence and police services toward a structural exchange of information and coordination of further collection to counter terrorism.82 A specific Task Force Syria, in place since 2013, copes with the problem of radicalized young people returning from having engaged in—or attempted to get into—the fighting in Syria. These persons of interest were the subject of coordination meetings where threat assessments were made and follow-up discussed. Led by the OCAD, the result was a consistently updated list of every name. In theory, this ambitious goal was conceived to combine all relevant information,83 but the difficulties of monitoring a rapidly increasing number of persons, and the sometimes lackluster participation of local personnel, in practice greatly challenged the efforts.84 More measures were to follow, but they might have come too late.

THE FULCRUM OF BELGIAN INTELLIGENCE

The Intelligence Services Act of 1998 is a façade rather than a finished building, its execution a mismatch between challenging missions and budgetary realities. The vision for an effective and interconnected security
apparatus diverges from institutional and financial provisions: no fewer than three ministers (Justice, Defence, and Interior) are involved—often competing—and the primacy of economic rigor leaves the services chronically bereft of resources. A general disinterest for their work lends them deaf ears for their plight and without the guidance loosely described in the Act’s Article 20 §3. The vaguely worded passage on cooperation did not take into account the previous historical evolution and the deeply ingrained parochialism of the fragmented system. This omission might have been intentional, seeking to represent a clean break with that past, but by simply ignoring the issue and including a vague expectation, none of that compartmented mentality had disappeared.

The question soon had to be asked: How was external information sharing to be achieved, when it did not even occur internally? A 2002 audit of the VSSE revealed compartmentalization to the extent that even the internal information circuits barely interacted. The Standing Committee sought to “break down the internal walls at the State Security.” Even worse, the audit and certain incidents indicated the existence of rivaling factions within those walls: clans of employees, stuck in the past, considered the superimposed cooperation and different way of doing business to be merely a dissonant overlaying of new attitudes on a secretive, us-against-the-rest Cold War mentality. Absurdly, the analysts at headquarters are paid less and have lesser benefits than the agents in the field; OCAD analysts are also paid better, presenting obvious causes of friction. These and other shortcomings pose difficulties for the internal flow of information, with implications for the external exchange of information. Another audit, in 2009, mentioned that other efforts to improve the situation were insufficient. The latest administrator-general has adopted policy changes towards internal transparency.

Information exchange within the ADIV is also impeded by compartmentalization. Implementation of the Request for Information System and other changes are supposed to remedy that. Another aspect is the failure to record the expertise developed about a problem, posing difficulties for the continuity of knowledge. But an important initiative taken by the services has great potential in both this and the cohesive context: training. The recently established Belgian Intelligence Academy has an important role to play in having intelligence officers become attuned to each other’s services.

Branching out

In 2011 the Standing Committee signaled that representation in a range of international forums on terrorism has occurred in a largely informal and unstructured manner. Preliminary deliberations were taking place, but with
neither a common process nor any way to determine what position to take when representing Belgium, apart from some sporadic fine tuning in the College for Intelligence and Security. Likewise, no structures were in place to give feedback on the results of the meetings. In that regard, questions arise concerning political coverage of multilateral intelligence cooperation agreements. The greatest culprits are once again the policymakers, who fail to provide direction or the means to maintain an information flow. Service representation within the various cooperation platforms on security issues is hampered by the lack of clear directives on how this liaison is to function. Without guidelines on what to share, the exchange of information is too often left to the discretion of the representative in question—an easy recipe for failure.

As the ADIV’s security agenda pertains to military matters, the domestic VSSE has a greater need to cooperate with other civil service authorities. To that effect, the service has concluded several protocols in the last ten years, including the installation of a liaison officer at the Immigration Office and the exchange of information with the Prison Service regarding Islamic proselytism. Effectively operational ties are in place with the authorities involved as is collaboration with foreign sister services against passport fraud and human trafficking. Various elements are involved with the monitoring of harmful sectarian organizations. Both services work with the ministry of Foreign Affairs to a high degree of mutual satisfaction. The possibility of asking for the assistance of the security service has revealed the other side of the coin: requesting cooperation with tasks that are not included in another agency’s sphere of activities. The Standing Committee noticed such instances in 2006, when the VSSE was asked to guard and another to track a suspect, both obvious policing duties. Such unnecessary distractions, which usually ended in failure, became highly contentious issues.

The sum total of issues points to what Michael Herman has called “a dearth of means of ironing out potential interdepartmental difficulties.” The legal framework is not always clear-cut, as several cases have demonstrated. The strict divide between foreign and domestic, military and civil, if there ever was one in this field, has now arguably become entirely redundant in dealing with today’s intertwining security challenges. The overlap in certain cases presents difficulties to questions that are already hard enough to tackle without adding administrative problems. The jurisdictional issues between the ADIV and VSSE concerning Islamic extremism and weapons of mass destruction (WMDs) offer examples of this Gordian knot. Differences in interpretation should not hijack effective cooperation. Arguably, the VSSE should not pronounce upon the legal remit of its military counterpart, but should instead confine itself to its own competences. Time and again such disputes made clear the need for
not only coordination but also arbitration when the services are at loggerheads. That arbitration capability is lacking, as are vision and knowledgeable leadership at the political level.

**Taking Protective Measures**

In 2014, a few weeks after the new government had enunciated its ambitious security agenda that would place a premium on security and effective intelligence services, it applied an astonishing 10 percent budget cut. Regarding questions about the new measures to be implemented, the government’s empty answers in Parliament evidenced the lack of progress. Three wake-up calls drew attention to how this was fraught with risk. In January 2015, spurred by the attack on the Paris offices of *Charlie Hebdo* and the indications of a similar danger brewing in Belgian territory—prompting a large-scale anti-terror raid in the town of Verviers—the government began a search for new funds. But not until the failed attack on a Thalys train in the summer did the government announce concrete measures. The most significant was a confidential circular called the FTF (“Foreign Terrorist Fighters”) directive, sent out on 21 August 2015 to all local authorities. It contained guidelines on monitoring radicalized persons by maintaining flash cards on each of them, with relevant data from not only the intelligence and police services but also from local authorities and social services. As such, the data would allow a case-by-case assessment of the actual threat each individual represented and the required follow-up. Though largely a duplication of earlier measures, its range was extended by the involvement of non-policing authorities and their integration in a “local integral security cell” (*Lokale integrale veiligheidscel*, LIVC) to facilitate the exchange of information. However, the circular was non-binding and left the initiative to the local mayors. Where an LIVC was in operation, the data sharing was often hampered by a lack of baseline information requirements, compounded by the unease of the involved parties about what information they could reasonably share within the bounds of professional secrecy. This and the non-reciprocal nature of the data exchange with the OCAD hampered the efforts from the start.

At the national level, bureaucratic wrangling assured that by 13 November 2015 nothing had yet materialized in terms of additional funding for the hiring of additional personnel for the security services. The third wake-up call was therefore far more serious and frightening, to the detriment of Belgium’s closest neighbor and at the cost of many innocent lives. Within hours of the Paris attacks it became clear that the terrorists’ base of operations had been a municipality on the outskirts of Brussels, Sint-Jans-Molenbeek. That connection turned international attention to

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Belgium and its intelligence services. How could the indications of an obviously carefully planned and coordinated attack have been missed? Fingers were quickly pointed at the intelligence and security services, as the government sought cover and the world was wondering whether Belgium had become a breeding-ground of European terror. A *New York Times* article noted how a list containing the names of the terrorists had been sent to the mayor of Molenbeek a month before the attacks. They were indeed on the OCAD list, which at that point counted 273 names. But information and awareness, as far as it could be attained, are no good when not acted upon.

*The Pressure Builds*

The country was gravely embarrassed. In Parliament on 19 November, the Prime Minister announced a broad packet of measures. The city of Brussels was put on the highest alert and was in a state of lockdown for five days. Legislation provided for the setting up of a central database of the FTF data so the intelligence could be accessed and updated on a real-time basis. In February 2016, the Interior Minister announced the database’s readiness and use but noted a delay in legal provisions. Meanwhile, a Joint Investigation Team was set up with the French services. Based on information gained from several raids in the environs of Brussels, the police were able to arrest the ringleader of the Paris attackers and some of his accomplices on 18 March 2016. Though the effective efforts of the combined French and Belgian services led to a quick and much-needed victory, it would prove to be a very short one.

Four days later, terrorists conducted two coordinated attacks, the first in the departure hall of Brussels airport and shortly afterwards on a carriage of the metroline (subway) to the European Union quarter of the city. Upon identification, the suicide bombers, and a fourth suspect, who was apprehended in April, had violent criminal pasts and were known to the authorities. Their names had already been flagged in connection to the Paris attacks by the JIT—warrants were out for their arrest. At the time of writing, a parliamentary enquiry is investigating the information disconnects that allowed these men to commit their barbaric acts and take the lives of 32 innocent people. Among those disconnects were the faulty follow-up on these convicted criminals by the correctional services; the failure to communicate the extradition from Turkey in July 2015 of one of the bombers; information about the Molenbeek hideout address which turned out to have been in possession of the Malines police as early as three weeks after the bloodbath in Paris but was not shared; and the apparent failure of the FTF initiatives to provide actionable intelligence. A principal question to be answered is whether these failures were due to

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the inability or the unwillingness of the various services to share relevant information. Both cases do make clear the “tendency for intelligence indicators of imminent terrorist attack to be often highly fragmented and scattered among government agencies and internal compartments.” Only post factum can the pieces be put together to lead to a quick resolution of a criminal investigation. Achieving the opposite is one of the most difficult challenges even for the ideal of a perfectly interconnected intelligence community.

A SHAKY FOUNDATION

Many, if not most, intelligence failures originated in cognitive dysfunction or the failure to join scraps of information from across different departments. Belgian history also is full of mysteries, unsolved cases on which every department had something somewhere. In the aftermath of the terrorist attacks the realization is slowly dawning that territorialism is no longer justified and entirely unacceptable. Threats need to be met with “a degree of imagination and innovation which is at odds with the inertia of a large-scale organization.” Successive governments may have emphasized their desire for change, but few have shown sufficient interest, let alone commitment, towards actually welding together the intelligence machinery. And when they do, they are usually off the mark. The current coalition agreement’s passage of legislation dealing with stove-piping and competition belied the twenty previous years of efforts the services had undertaken to cooperate and induce their staffs to accept the inevitable—that 21st century security challenges are incompatible with old-style contained bureaucracy and cronyism, and that the networked fusion of the intelligence product is the way forward. Thus, the new government came across as uninformed. Its initial lackluster and prevaricating approach to implementing the security policy set out in its announced plans was ultimately overtaken by events. The national priorities of public safety and the financial fallout resulting from the disruption by terrorism have torn its economizing policies to shreds.

In all fairness though, the current government initially had little to go on. The painful observation drawn from this study is that the most dysfunctional organ has been the Ministerial Committee, in a classic intelligence-policy conundrum. Its lack of clear direction, the grindingly slow pace at which decisions are reached, and its sporadic meetings have placed a mortgage upon the effectiveness of the state’s intelligence and security apparatus. Yet, in the few instances when the Ministerial Committee did project its objectives it delivered the unequivocal lesson that the intelligence services could work together perfectly, even though the cooperation was superimposed. This structural problem at the highest level of government
stems from an age-old disinterest in security-related issues. For twenty years politicians and lawmakers allowed the oversight committee’s most pertinent observations and recommendations to lie fallow in uncurious resignation. A complacent executive branch and an equally lackluster legislature, cared little for the persistent dysfunctions. No political points were to be gained by working on a remedy. The public’s elected representatives and government bureaucrats apparently failed to realize that Belgium could ill afford the damage to its international position should a defective security machinery result in a seriously harmful event. This had to be discovered the hard way, unfortunately. Nevertheless, the fact that the country went so long without major incidents is testimony to the hard work of the intelligence and security services, despite their trouble working in unity.

Culture also is at the root of the problem. In Belgium, a paradoxical criticism of interdepartmental rivalry exists simultaneously with a tendency towards organizational seclusion. This conflict is deeply ingrained in the mind-set of practically every government employee. Stemming from the extended pillarization of Belgian society, and the product of its crosscutting cleavages, it infuses petty parochialism in every field of governance, not just security. The problem might be not so much hostile competition, but rather that organizational collaboration rarely occurs in anyone’s mind. Staff members who make suggestions in that direction are condescendingly discouraged or ostracized in office politics. That this typical bureaucratic tendency has for so long been the greatest obstacle to effective cooperation anywhere is obvious. Even if some of that attitude inevitably lingers, the days of fragile cooperation arrangements are at least for the intelligence services long gone; and the obstructionists have largely retired. Lasting ties have now been established that provide solid ground for building greater collaboration and interaction. That momentum needs to be further increased.

The question is how it will be done. And it will be asked again in the wake of 22/3 and the post-mortem conducted by the Standing Committee and two parliamentary inquiries. Earlier, the hope was that the new National Security Council would more actively take up its executive role, becoming an actual management forum. Some initiatives indicate steps in the right direction: in 2015 the NSC has taken a number of initiatives towards effective steering, such as study groups and long-awaited directives for guidance. The College has been renamed “Strategic Committee for Intelligence and Security” and a “Coordination Committee” was added to it. If inspired on the British NSC, a National Security Adviser was not installed. The tragic events have sparked a rare debate about Belgium’s national security. With the security services still reeling from years of neglect, society has been reminded of their place at the forefront of the nation’s defense. Yet, their role remains understated: for example, a framework
policy document on integrated security, serving as the basis for all other security initiatives of the next four years, was approved by the government in June 2016, the first time in a decade that such a paper had been produced. The 163-page document mentions the intelligence services barely six times: one of those specifically mentioned the VSSE, its military counterpart is not featured by name. The National Security Council has lately found itself in the spotlight in the wake of the Islamist attacks and the continuously elevated threat level. The future will tell if this new body will provide the change and innovation necessary to further mature Belgian security policy.

REFERENCES

1. Within the Belgian Defence flow chart, the service is known as ACOS-IS, Assistant Chief of Staff Intelligence and Security.


10. Standing Committee I, *Activity Report 1995* (Brussels, 1995), pp. 155–156; Lars Bové, *De geheime van de Staatsveiligheid. Onderzoek naar een schimmige overheidsdienst* (Tielt: Lannoo, 2015), pp. 106, 256. The “Khaled affair” of 1991 sheds light upon the relations with the Foreign Affairs Ministry at the time: diplomats had chosen to deal directly with a Palestinian go-between for the release of hostages, whereas this was supposed to happen via the VSSE. Lack of confidence in the service led the diplomats not to engage the VSSE, but the non-communication eventually caused great embarrassment to the


21 Kingdom of Belgium, Law of 30 November 1998 Regulating the Intelligence and Security Services, art. 20 (translated by the author).


26 Herman Matthijs, “Het jaar van de Veiligheid van de Staat,” in Herman Matthijs, Geheime diensten in België. de Verenigde Staten en over de wereld, p. 27.
31 Standing Committee I, Activity Report 2014, p. 120.
36 Standing Committee I, Activity Report 2003, p. 139.
37 Standing Committee I, Activity Report 2000, p. 158; Activity Report 2003, pp. 123–124. In 2011 the VSSE drafted its own set of instructions for cooperating with foreign correspondents, as its sister services are called. While praising the initiative, the Standing Committee noted that this was supposed to be done by the Ministerial Committee, and regretted that the service had to fill the void this way. Unfortunately, the VSSE seems to neglect sending the instruction on for the higher authority’s approval: Standing Committee I, Activity Report 2014 (Antwerp: Intersentia, 2015), p. 23, n. 54. ADIV has embarked on a similar document: loc. cit. pp. 112–113. Lars Bové, De geheimen van de Staatsveiligheid, p. 168.
40 Standing Committee I, Activity Report 2011 (Antwerp: Intersentia, 2012), p. 39, with VSSE citing, as so often, lack of resources, 112.
41 Ibid., p. 15–16.
42 Ibid., p. 20.
44 Standing Committee I, Activity Report 2014, pp. 34, 116; Lars Bové, De geheimen van de Staatsveiligheid, p. 186.
45 Xavier Rousseaux and David Somer, “Pour une histoire de la Surêté de l’Etat en Belgique. Essai autour de 175 années de pénombre,” in M. Cools, K. Dassen, R. Libert, and P. Ponsaers, De Staatsveiligheid: Essays over 175 jaar Veiligheid van de Staat, p. 66. Of their activities little is yet known, since most material remains classified.
When a Belgian Army contingent participated with the UN peacekeeping force in Rwanda (UNAMIR) during the 1994 genocide, 10 Belgian soldiers were executed while protecting the residence of Prime Minister Agathe. Handicapped by the lack of an intelligence capacity at the UN command level, the entire situation was handled in an uncoordinated manner. Consequently, the intelligence effort was conducted most inefficiently: Senate, Parlementaire commissie van onderzoek betreffende de gebeurtenissen in Rwanda, 49th Session, 1997, S. Doc. 1–611/7; Standing Committee I, Activity Report 1996 (Brussels, 1996), pp. 128–140, 236.

Standing Committee I, Activity Report 2010, pp. 69–72. For example, before and after the assassination of President Kabila in 2001 extensive deliberations were conducted on events in Congo: Standing Committee I, Activity Report 2001, p. 36–37.


This was the case in 1999, with British intelligence information from the Mitrokhin Archive. But under the 1997 protocol ADIV and VSSE did eventually compare and collate their data, with SIS permission: Standing Committee I, Activity Report 2000, p. 92; See also Christopher Andrew and Vasili Mitrokhin, The KGB in Europe and the West: The Mitrokhin Archive (London: Penguin, 2000).


Standing Committee I, Activity Report 2011, p. 29. On trump card, see Wauter Van Laethem, “Coördinatieorgaan,” p. 127; on envy, see Lars Bové, De geheimen van de Staatsveiligheid, p. 274.

Standing Committee I, Activiteitenverslag 2007, pp. 6–9; Lars Bové, De geheimen van de Staatsveiligheid, p. 224.


76 Peter Gill and Mark Phythian, *Intelligence in an Unsecure World*, p. 115.
80 Lars Bové, *De geheimen van de Staatsveiligheid*, p. 239.
87 Lars Bové, *De geheimen van de Staatsveiligheid*, pp. 205, 277.
88 Standing Committee I, *Activity Report 2006*, p. 17. An example of contradictory information hailing from the same office: *Activity Report 2008*, p. 39. Two advisory notices to Immigration concerning the naturalization of one individual who, according to the first notice, was known to the service for extremist activities (formulated in the present tense), and, according to the second, had been known but had no longer been monitored since the 1980s.

Lars Bové, *De geheimen van de Staatsveiligheid*, p. 227.

A protocol was eventually concluded on 27 June 2011: *Activity Report 2012*, p. 2.

**Standing Committee I, Activity Report 2001, p. 104.**

**Ibid., pp. 164–166; Activity Report 2003, pp. 187–189, 193.**


**Standing Committee I, Activity Report 2006, pp. 134–135.**

**Herman Matthijs, “Het jaar van de Veiligheid van de Staat,” pp. 6–13.**

**Lars Bové, *De geheimen van de Staatsveiligheid*, pp. 147–149.**

**Michael Herman, *Intelligence Power in Peace and War*, p. 128.**

**Herman Matthijs, “Het jaar van de Veiligheid van de Staat,” pp. 6–13.**

**Standing Committee I, Activity Report 2003, p. 19.**


**De Tijd, 25 August 2015.**

**Belgian Chamber of Representatives, *Joint Commissions for Justice and the Interior*, 54th Session, 2015, H. Doc. CRIV54/COM285, pp. 6–33.**

**De Standaard, 20 November 2015, p. 7.**


**Chamber, *Joint Commissions for Justice and the Interior*, 2015, p. 23. “Onduidelijk waar geld vandaan moet komen,” *De Standaard*, 20 November 2015, p. 6. And yet three months elapsed before additional budgets were divided: see Dries Bervoet, “Duizend nieuwe agenten voor strijd tegen terreur,” *De Tijd*, 5 February 2016. As described by Mark Lowenthal, intelligence budgets are on a political roller coaster, and the point that “a sudden increase in funds cannot immediately make up for prolonged shortfalls” is all the more true in Belgium because of the long time-period between the allocation and the actual disponibility of the promised funds: Mark Lowenthal, “The Intelligence-Policymaker Relationship,” in Loch K. Johnson, ed., *Handbook of National Security Intelligence*, p. 448.**


122 Michel I., Coalition Agreement, 9 October 2014, pp. 131, 143–144, 208.

123 Peter Gill and Mark Phythian, Intelligence in an Unsecure World, pp. 74–76.


127 Els Witte, Jan Craeybeckx, and Alain Meynen, Politieke geschiedenis van België van 1830 tot heden (Antwerp: Standaard Uitgeverij, 2005).
131 Kingdom of Belgium, Royal Decree of 8 September 2015 Modifying various Royal Decrees Concerning the Denomination “National Security Council”; Royal Decree of 2 June 2015 creating the Strategic Committee and the Coordination Committee for Intelligence and Security, Belgian Official Journal, Vol. 185, No. 143, pp. 32611–32612.


133 Koen Geens and Jan Jambon, Kadernota Integrale Veiligheid 2016–2019 (Brussels, 2016); Willy Bruggeman and Wim Hardyns, “De aanpak van radicalisme,” p. 21. In a similar vein, the four-year National Security Plan traditionally focuses solely on police activity. In December commitments were made about a national intelligence plan to improve cooperation, promised for July 2016, but were not heard of since: Belgian Chamber of Representatives, Commission for National Defence, 54th Session, 2015, H. Doc. CRIV54/COM288, p. 2.