

„BABEȘ-BOLYAI” UNIVERSITY CLUJ-NAPOCA
FACULTY OF HISTORY AND PHILOSOPHY
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***THE GENDARMERIE. From where, where,
towards what?***

SUMMARY OF THE PhD THESIS

Scientific coordinator:

Univ. prof. dr. Liviu-Petru ZĂPÎRȚAN

PhD candidate:

Drd. Cristian-Elly PALIȘTAN

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2. Keywords

The Rural Gendarmerie, Gendarmerie template, legislation, public order, missions of the Gendarmerie, Mountain unit of the Gendarmerie, provider of expertise, duality, competence, judiciary police.

3. Introduction

The Romanian Gendarmerie is a public order force which, alongside the Romanian National Police, executes a police service destined to maintain a proper public safety climate, inside the communities where its structures exercise their specific duties by law. Over the evolution of the Gendarmerie institution in Romania, it has known many stages, so from its establishment – 3rd of April, 1850 – until now, its structure, organization and missions have been adapted to the society's needs of safety, but they have been mostly influenced by the political desire of those who assured the governance of this country.

If the Romanian Gendarmerie has been created using the template of the French National Gendarmerie with whom most of the European Gendarmeries have been created, the society's transformations and the political interests shaped this Romanian institution into one that searches to regain its traditions and its role into the community, as a result of difficult times it has passed: the one following the Second World War, after which in Romania was installed the communist era, one that had bad consequences for the Gendarmerie – its dissolution as an institution and the organizing in security troops – and the period after the Revolution in 1989, when the Romanian Gendarmerie regained its rights and slowly began to develop and to adapt to the security environment, internally and internationally.

The present PhD thesis is the fruit of a professional experience of over 20 years inside the Gendarmerie, which determined me to try an integrated approach of the traditional model of this institution in Romania, overlapped over the actual needs of order and public safety, and also over the deficiencies of the public order system existing in Romania. In my opinion, it is not a performant one and at the end of this thesis I propose a law project which could create a powerful Romanian Gendarmerie, capable of responding to any demands.

4. Synthesis of the PhD thesis' chapters

The present PhD thesis is structured on three chapters, the first two presenting different models of European Gendarmeries – the Romanian Gendarmerie included – and their evolution over approximately two centuries, as well as an evolution of the legislation referring to the organization and duties of the Romanian Gendarmerie from its establishment until now; the last chapter closes this theoretical aspects with a predictive study named “The Rural Gendarmerie – 2022” and a law proposal – “The Rural Gendarmerie – organization, operation, duties” – having as a foundation the traditional model of the Romanian Gendarmerie during 1850-1950, as well as the expertise of this institution after regaining its rights in 1990.

Returning to the first chapter, it includes a presentation of the French National Gendarmerie, which served as a template for the organization of the Gendarmerie in the other European states, even if some of these would not acknowledge the fact. The establishment of this type of structure, at first in the neighboring states of France, is due to the excellent results obtained by the French Gendarmerie's service, fact that determined the organization of a similar military institution concerning the organization and its competence. After the presentation of the missions and duties of the French Gendarmerie, I presented different types of Gendarmeries existing in Europe at the beginning of the 20th century – that have been identified in a book from 1929, called “Introduction in the Police and Gendarmerie organization of the European states”.

Then, in subchapters 1.3 and 1.4, I detailed the evolution of the Romanian Gendarmerie and the Gendarmerie of Braşov, choosing this city due to the specificity of this area, in which this institution appears as an important public order force (after 1918), when it replaced the Austro-Hungarian Gendarmerie that was activating in Transylvania. The first chapter was closed by presenting the evolution of the legislation regarding the organization and the duties of the Romanian Gendarmerie from 1850 until present day, so the principal aspects presented could become the foundation of the law proposal in the last chapter of the present thesis.

In the first two subchapters of the second chapter, I approached the evolution of the European Gendarmeries at the beginning of the 20th century until present day, as well as the principal aspects referring to the management of an important mission of this

institution, respectively the assurance of public order by the main forces of Gendarmerie in Europe. I presented these details as to better understand the evolution of this institution over the years, as well as the adaptation of its missions to the evolution of the civil society and its issues. I continued my study by presenting a parallel between the missions of the Rural Gendarmerie, as they were explained in the most recent law of this institution – the one in 1929 – and the missions provided in the modern law of organization and operation of the Romanian Gendarmerie, in force since 2004, to understand the idea of returning to the rural model, but adapted and developed according to the current problematic in the order and public safety field.

The last three subchapters of the second chapter present a few considerations on the Mountain unit of the Gendarmerie, which exercises its activity preponderantly in the rural areas and can be used as a starting point in the reassessment of the territorial structures of this unit in this said area. To reinforce this reassessment, I presented a few missions and actions executed by the Romanian Gendarmerie at the beginning of the 20th century (extracts from archive documents), as well as a few case studies in which the Gendarmerie's structures have been solicited to intervene in the rural and mountain areas. These case studies show a certain inefficiency of the current system of maintaining the public order in communes and villages in Romania, where most of the time the existing Police effectives cannot really handle all the interventions and need to request the help of Gendarmerie's effectives, in order to strengthen their authority and help restoring the situation to normality. All these case studies also show the impossibility of the Gendarmerie's structures to totally involve themselves in the resolving of situations, due to a deficiency in the material competences in the judiciary police and contraventions fields.

The third and the most important chapter in the current thesis presents in the first three subchapters the evolution of the Romanian Gendarmerie within international organizations – FGE and FIEP – where since the entry within them it has proven itself as a provider of expertise and good practices for similar institutions. Also, in the subchapter 3.2, titled suggestively “From «The Gendarmerie protects thieves!» to «Hats off to the Gendarmerie!»”, I presented the adaptation of the specific methods of action for the management of complex situations, their evolution to preventive ones, as to open a direct and close communication path between the gendarmes and the people who come into contact with them, such that the preventive role of the adopted measures to be enough in order to avoid direct confrontations with the gendarmes in the public order devices. Here I accentuated the idea of a novelty element in the action device: the dialog team.

The three following subchapters present the institution's permanent necessity to adapt to the society's evolution and to its problematic, a predictive study titled "The Rural Gendarmerie – 2022" which is meant to be a plea for the Gendarmerie's evolution towards this traditional, rural model, adapted to the civil society's current needs of public order. The last subchapter presents a law project regarding the organization, operations and duties of the Rural Gendarmerie, in which I emphasize the following aspects:

- ✓ The creation of **duality** in the public order forces in Romania, duality that should replace the dual system adopted after the Revolution in 1989;
- ✓ The conferring of the quality of **judicial police** to the workers in the Romanian Gendarmerie;
- ✓ A clear **delimitation** of action areas for the Gendarmerie and for the Police, such that there will no longer be the case for overlapping competences and actions;
- ✓ The assurance of a coherent system regarding the management of the Romanian Gendarmerie's structures, the protection of the personnel and the assurance of **equity** regarding the gendarmes and their career's evolution.

5. Conclusions

The Romanian Gendarmerie is an elite police force of the Internal Affairs Minister, with rich historic traditions and experience well-known in Europe, and in the world, regarding the specific missions of public order, in the future having the possibility to evolve towards other competences and to handle efficiently the continuous changes of the society and the operative situations, due to its adaptability to everything that is new, as well as to the level of preparedness of the Romanian gendarmes, acquired in the country and during preparing programs within similar institutions in Europe.

Regarding the Romanian Gendarmerie's tradition, over the years, this police force proved the fact that it has been present during all the important moments in the Romanian society's life, during times of peace, as well as times of war. In times of peace, it has proven itself useful by imposing the law and assuring the compliance with the law by the local public administrations and by the citizens, throughout the national territory, preponderantly in the rural areas.

The experience acquired and the way in which it fulfilled its noble mission of protecting the citizens in the communities it served, pictured it in the eyes of the people as a correct and honest institution, feeling that is still present nowadays, although diminished.

In times of war, the Gendarmerie's structures proved their utility and humanity by actively participating in both World Wars, on the front (the subunits specially destined for this purpose), and behind the front (the gendarmes who were part of the subunits, sections and legions of rural gendarmes). The great sacrifices made by this institution on the front during both World Wars were the reason this police force has been decorated several times, and the gendarmes in those times have been put on the list of national heroes, who shed blood for their country. The gendarmes who have carried out activities behind the front have permanently assured a good and safe life climate for those who did not participate on the front, and their actions have made possible the assurance of the communities' security in the settlements where they carried out those activities.

Referring to the Gendarmerie's competences, both material and territorial, we can say for sure that over the years these have suffered modifications, sometimes substantial ones, depending on the political environment and the society's needs, but mostly

depending on the state's possibilities to sustain such an institution and to develop it properly in order to guarantee an optimal level of security for its citizens. No matter how these competences evolved over time, the Romanian gendarmes have paid with honor and dignity all their duties trusted on them, have permanently prepared themselves to handle the new challenges in the public order field, inside the communities, and lastly, they represented at all times models of people with a civic spirit and initiative regarding the involvement in resolving problems within the communities.

The fact that the gendarmes have never committed any abuse that would lead to the degradation of the normality climate inside the society, is truly underappreciated, and those who perceived the gendarmes as tough people, predisposed to abuse, have always been from the category of people who fought with the law, and against whom the gendarmes were obliged to take legal action.

Although in the difficult times for this country (I am talking about the communist era), the Gendarmerie has lost many of its traditions, competences and the image of this institution perceived by the people has been altered (the security troops have often been confused with the state's security), and after the fall of the communism (the Revolution in 1989), the Romanian Gendarmerie has shown that it had the necessary strength to be reborn from its own ashes, like the Phoenix bird, that is had the capacity to recover the lost time by changing the object of activity of this institution, and lastly, it showed that in a short amount of time it adapted itself to the current society's need and became an institution with European status (noting here that it was the first Romanian institution who adhered to an European organism – FIEP – on 30th October 2002, four years before Romania became a full rights member of the European Union and thus, all the institutions received an European statute).

This adherence obliged enormously the Romanian Gendarmerie to better prepare itself, so the national and international training received a very important role, because all of this institutions' means of actions had to be correlated with those of similar institutions in Europe, in order to be able to carry out joint missions and activities. This was realized pretty soon, such that, as I have shown in a previous chapter, starting with 2010, the Romanian Gendarmerie became a provider of expertise (within TAIEX) for similar institutions within or outside the European borders, by carrying out even mentoring activities regarding the methods of actions and ways of mediating crisis situations in the order and security field, while strictly respecting the provisions of the European legislation.

Recognizing the professionalism and the abilities of the Romanian Gendarmerie to manage certain crisis situations in the order and security field, has come simultaneously with the holding of the presidency of FIEP, and also FGE (The European Gendarmerie Force), moments during which this institution has been able to make itself better perceived internationally, and to impose certain points of view regarding the public order.

At the moment, the Romanian Gendarmerie has its structures created as to manage all the aspects in the mission's problematic to maintain the public order, meaning that in each county in Romania, within the County Gendarme Inspectorates and regionally, within the Gendarmerie Mobile Groups, there are structures destined to prevent and fight crime, structures that carry out and coordinate activities in the judicial field, and they are able to find criminal offences and contraventions and to write the sanctioning citations for them. Also, they carry out missions to document the criminal offences found during the execution of their specific missions, to gather the necessary evidence for the documentation of these offences that they could use nowadays in the field of criminology.

Having in mind the existence of these structures and the activities carried out by the Gendarmerie in the judicial and criminology fields, I consider that they could easily develop with a minimal financial impact and after a relatively short period of training, such that in the near future, the Romanian Gendarmerie could obtain the quality of "judicial police".

This way, all the irregularities – concerning the gendarmes' ability to write citations if criminal offences are found – found over the years would be eliminated, the necessary time to present them to the competent forces in order to send them to court would be diminished, and the Gendarmerie's effectives would be better trained in the activity of finding and prosecuting criminal offences.

Also, after receiving the judicial police quality, the material competence of the Romanian Gendarmerie would have to be increased and brought to the level of that of the National Police, and in this way there will be two powerful public order institutions with identical material competences and well established territorial ones – there will be a better coverage of the national territory regarding the public order, without overlapping effectives.

In another train of thoughts, even inside the Romanian Gendarmerie a change would be necessary in the conception referring to the use of subordinate structures for a better specialization of the effectives available and a more effective use of these in the public space, for the management of the whole spectrum of the public order's problematic.

So, a large part of the Gendarmeries' effectives which are involved at the moment in the assurance of the security and institutional protection of certain objectives (static devices, without efficiency in terms of public safety contribution), could be replaced by using a technical security and surveillance system and by massively implementing the concept of intervention at the notification of burglaries and panic attack buttons. The effectives that are now available could be better trained in the public order field and could be constituted in structures that could maintain the public order in rural areas, without major costs knowing the fact that for their training will be used only the centers already existing in the Romanian Gendarmerie. The specialists' expertise could be used in fields such as preventing and fighting crime, and there are plenty specialists in the Romanian Gendarmerie and in the judicial police structures of the National Police.

A perfect environment for the delimitation of structures' competences would be created within the Romanian Gendarmerie, so that the County Gendarme Inspectorates would become structures that assure the administrative and judicial police in the counties in which they carry out their activity, they would manage the public gatherings on a small scale and without risk (e.g. promotional activities, fairs, commemorative activities, religious ones, etc.), while the Gendarmerie Mobile Groups would manage exclusively the problematic of assuring and reestablishing the public order in the case of manifestations on a large scale and with a medium and high risk (e.g. protests, sportive activities, concerts of well-known artists, international competitions, etc.). This change in the Romanian Gendarmerie would also reduce the policemen deficit in rural areas and complete the Police's structures, as to better adapt to the new needs.

Through all the changes that have been proposed in the subchapter referring to the law proposal, I try to return to the Gendarmerie's traditional model and to the one imposed by the French Gendarmerie, one that has functioned for hundreds of years without needing significant modifications, only certain adjustments, completions and adaptations regarding the missions and activities generated by the changes that took place in the society, as well as the technological evolution and the public communication ways. The fact that in France, the National Gendarmerie resisted a very long period of time with the same organizing and operating law makes me affirm that this model is a very efficient one, and knowing that many states in Europe maintained it in the same way as it was imposed at the beginning of this type of institution in Europe, can represent the guarantee of its viability even in Romania, with only one condition: to come back to it again.

Only a few essential things are needed to make this return to the traditional Gendarmerie model possible in Romania:

- ✓ the initiatives of the mayors and local councils in rural areas regarding the request to set up Gendarmerie structures in the communities that they administer, should be better justified and sustained in front of the local members of the Parliament, so that they could become a national priority;
- ✓ a sustained lobby for this transformation next to the political decision-makers should be realized in legal limits, by the representatives of the Gendarmerie, as well as by the institutions and skilled people who could show the utility of this action;
- ✓ the popularization of this idea in the areas where it is intended the modification of the public order system, the awareness of the population on the necessity and the benefits of this system, followed by a public consultation regarding the perception of the communities targeted on this change;
- ✓ identifying ways to communicate and sustain within the Internal Affairs Minister the advantages of this project, such that this minister has in turn the necessary arguments to sustain in the Government such a law project, in order to transform it in an organic law;
- ✓ the adaptation of training programmes within the Gendarmerie and the awareness of the gendarmes on the new responsibilities and the necessity of their involvement in the communities they serve, in order to make this project a positive and successful one.

As a final conclusion, these modifications, although they may seem significant, in reality they are just a normal situation that would strengthen the dual system of public order existing in our country and the Romanian Gendarmeries' military structures would only be better and more efficiently used, with better results.

The international experience already acquired remains a proof that the Romanian Gendarmerie has the capacity to rapidly adapt to the new mission that would be trusted upon it, and the history and traditions of this police force represent an important background that sustains this law project.

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