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Heritage: a future for our past. Which heritage? A Belgian experience

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Aims of heritage preservation

General aim of heritage preservation: maintaining valuable goods from the past for present and future generations

Immovable, movable and intangible heritage

- serves as a support for our memory
- shapes cultural identity
- contributes to a sustainable development of society



A constitutional right

Art.23 of the Belgian Constitution deals with the general right to cultural fulfilment and the right to a healthy environment

It includes the right to cultural heritage, its access and enjoyment

Public authorities act as guardians of this human right even if its enforceability is still weak



Who decides

In Belgium, heritage preservation is a regional competence exercised by regional governments and agencies

Local communities are involved in heritage policy but have only very limited decision making powers

In some regions citizens and organisations have the right to initiate a protection procedure, but never decide whether an object should be protected or not



What heritage will be protected

Legal rules adopted at regional level play an important role in the concept of cultural heritage

Final decisions about the protection of every single monument, built ensemble, cultural landscape or archaeological site are taken by ministerial decree

This implies the power to decide which goods will be protected, by imposing unilateral measures to owners

Regulations are identical for private or public owned goods



A formal procedure

Individual protection decisions are the result of a formal procedure during which:

- the owner gets the possibility to make comments or object
- a public enquiry is organised
- several advices are formulated by public services

These measures are inclusive up to a certain level; differences can be noticed between the regions, such as the right of initiative



Risks

Regional authorities finally decide which goods are worthy of legal protection

This “state monopoly” entails risks:

- protection procedures can become invalid if not finished within a certain period
- omission to protect some goods since their value is not yet recognised
- protection of (too) many goods and too little financial support and enforcement, causing neglect and decay

The responsibility for heritage preservation however implies the need to avoid loss of heritage



Adequate protection of all valuable goods

Heritage preservation requires “state protection” of heritage related to all periods of history and all cultural identities

Preserving traces of a dark period in history can become difficult

Erasing consciously or unconsciously pages of history remains a risk

The actual debate in Belgium how to deal with contested/colonial heritage forms a striking example



Colonial heritage: points of particular interest

Two specific aspects get the most attention:

- the restitution of colonial collections; some non-binding resolutions were adopted (Federal level/Brussels Region)
- colonial symbols (statues, fountains...) in public spaces, some of them are protected as monument or part of a larger ensemble

Like in many other countries, the number of opinions, actions and debates increased



Colonial symbols in public spaces

There is no specific legal framework for the preservation of colonial symbols

Legally spoken they can remain protected or be delisted

Since the debate became so critical, several political initiatives stress the will to reflect seriously on these symbols

Through the creation of working groups many stakeholders are involved in this reflection



The example of the Region of Brussels Capital

Resolution 17 July 2020 (Brussels Parliament) on structural and inclusive decolonisation of the public space through dialogue and remembrance

As a result:

- a complete inventory of colonial symbols will be drawn
- a working group representing all stakeholders was created

The working group will formulate concrete recommendations about the place and treatment of colonial symbols after an inclusive dialogue



The example of the Flemish Region

Regional authorities decided to decentralise the debate on colonial symbols in public space, respecting the local autonomy

Nevertheless, the Flemish minister of internal affairs set up a working group of experts, assisting the local authorities by drawing guidelines

The Flemish minister competent for heritage preservation confirmed in an answer to a parliamentary question his vision:

- broaden and contextualise the debate about colonial heritage
- leave this heritage in public space because it is part of the streetscape and history



Some conclusions

Monuments, built ensembles, cultural landscapes or archaeological sites tell their own stories and reflect different periods of history

Cultural heritage is not neutral; neither is the legislation behind its protection

Especially for contested heritage, social dialogue involving all stakeholders is important

A balance must be found between remembering and forgetting traces of dark periods in history



Interesting information

This contribution is partly based on:

Marie-Sophie de Clippele, “Does the Law Determine What Heritage to Remember?”, *International Journal for the Semiotics of Law*, 2021

in open access:

<https://link.springer.com/article/10.1007/s11196-020-09811-9>



