

In **Belgium**, several national texts exist, including a Federal Act on conservation of monuments and sites (7 August 1931), an Act on the national cultural heritage (16 May 1960), and an Act on civil protection (31 December 1963). Some of these texts have been completely or partly abrogated following the transfer of competencies in cultural properties from the federal level to the community and regional levels, and the adoption by these authorities of new provisions. In Belgium, there are several layers of legislation: federal legislation, community legislation (the Flemish Community, the French community and the German-speaking community) and regional legislation (Brussels-Capital region, Flemish Region and Wallon Region). In addition, a program of restoration has been established, particularly concerning roofs, therm, and the update of all fire safety standards. The concerned authorities have their own plans to evacuate cultural properties to identified shelters in case of emergency and / or according to a national evacuation plan. **Belgium** has several shelters to store and protect its works of art.

The Flemish and Wallon areas have each enacted several texts on the protection of monuments and heritage. In the Flemish Community, there are the Decree of 24 January 2003 on protection of movable cultural heritage of outstanding interest and the Order of the Flemish Government implementing the Decree of 24 January 2003 on protection of movable cultural heritage of outstanding interest.

Pursuant to that Decree, the Flemish Government is drawing up a list of the movable cultural heritage of the Flemish Community (the “list of masterworks”). This list describes all the movable property and collections which must be conserved in the Flemish Community by virtue of their particular archaeological, historic, historico-cultural, artistic or scientific interest for the Flemish Community.

The list currently contains 204 individual items and 11 collections. It can be found on the website www.topstukken.be. An English version of this website is being prepared.

Cultural property featuring on the list of masterworks may not be exported without prior authorization. The Flemish authorities subsidize any physical acts done to these items of cultural property, on condition that authorization is obtained in advance.

The 11 July 2002 Decree regarding the French Community's cultural heritage and cultural property provides a legal basis for the classification, protection, restoration, inventory and exportation of movable cultural properties within and outside of the European Union. It also specifies forms of pre-emption, and financial and penal sanctions, in the event that these measures are not applied. This Decree is not yet accompanied by an application text on movable cultural properties, but an advisory Commission for movable cultural heritage has been established. Important inventory programs also have been created, some of which are already finished and available on-line.

The law of 7 August 1931 on conservation of monuments and sites (only regarding movable cultural properties), and the law of the 16 May 1960 on movable cultural heritage of the Nation, are still applicable. The Community is working on reforming legislation in the field of protection of movable cultural properties.

The government regularly updates and publishes the Register of Protected Monuments and Sites in the Region of Bruxelles-Capitale. In addition, a transitional measure in the COBAT (Code bruxellois de l'aménagement du territoire / The Code of Brussels for the Management of the District) permits automatic registration of all monuments built before 1932. Therefore, all of the licensing demands for these properties are submitted for a preliminary approval by the Commission of Local Cooperation for Urbanism, which can require the advice of the experts of the Royal Commission of Monuments and Sites. Other inventories are currently in progress, and museums and archives services have made their inventories available on-line and are working to regroup several collections virtually.

The Parliament of the German speaking Community enacted the following laws: a Decree providing financial support to owners of classified immovable properties (18 March 2002), and the Decree concerning the protection of monuments, small heritage, sites, natural landscapes and archaeological excavations (23 June 2008).

The Flemish Region enacted the following laws:

- Decree of 3 March 1976, amended on several occasions (most recently on 10 March 2006), on protection of urban and rural monuments and sites,
- Decree of 30 June 1993, amended on several occasions (most recently on 10 March 2006), on protection of the archaeological heritage,
- Decree of 16 April 1996, amended on several occasions (most recently on 10 March 2006), on protection of rural sites,
- Decree of 29 March 2002, amended by the Decree of 10 March 2006, on protection of the nautical heritage.

The Walloon Region enacted the following laws:

- Decree of 1 April 1999 on the conservation and protection of the heritage, amending and supplementing the Walloon Code on regional development, planning and heritage;
- Order of the Walloon Government of 11 May 2006 establishing the list of outstanding immovable heritage of the Walloon Region.

All these texts are available on the website <http://wallex.wallonie.be> or on the website of the *Moniteur belge* (www.moniteurbelge.be).

Belgium has not yet set up any special unit to ensure respect for cultural property within its armed forces, but it appears that the legal counselors of the Armed Forces or civil affairs officers could handle this mission.

In **Belgium**, the Communities and the Regions issued regulations regarding the affixing of the distinctive emblem on classified cultural properties within their jurisdiction: the Ministerial Order (Ministry of Dutch Culture and Flemish Affairs, during the era before the Flemish Government was established) of 1 April 1977 deciding on the design of the distinctive emblem to be affixed to monuments protected by Royal

order, the Order of the Flemish Government of 3 June 1997 deciding on a distinctive emblem for protected sites, the Order of the Flemish Government of 4 June 2004 implementing the Decree of 29 March 2002 for the protection of the nautical heritage (introducing a distinctive emblem for the nautical heritage), the Order of the Walloon Regional Executive of 7 June 1990, the Order of the Government of the Brussels-Capital Region of 16 March 1995 and the Order of the Government of the German-speaking Community of 13 March 1995 (this latter exercising the powers of the Walloon Region over immovable heritage situated in the communes within its jurisdiction). In addition, the Commission for the Protection of the Natural Environment and Monuments in the Military Domain affixed distinctive red and green emblems on monuments and natural sites in the military domain. However, the use and value of this marking is limited to the armed forces.

The majority of the sites and cultural properties located near Bruxelles and in Wallonie have been designated with a distinctive emblem. The protected properties are systematically indicated on the URBIS (Brussels Urban Information System) plan, which can be consulted the administration, and soon by all citizens, on internet.

An educational leaflet on the protection of cultural property in **Belgium**, written in French and Dutch, has been edited and will be distributed to the authorities of the central government, concerned administrations, and to international institutions such as UNESCO, the International Committee of the Red Cross, and the International

Committee of the Blue Shield. It contains particular recommendations to improve the implementation of the Convention and its two Protocols.

These texts (Protocol II as soon as Belgium will have ratified it) will also be diffused through an internal armed forces database. The protection of cultural property is a part of the military forces' education on the law of armed conflict.

In addition, following a decree adopted by the French Community Parliament on 12 January 2007, a manual entitled "Being and becoming a citizen" will be distributed to pupils in their final years of secondary school. This manual, written by a committee of experts designated by the Government of the French Community, will include information regarding the protection of cultural property.

Finally, the Belgian Committee of the Blue Shield, a non-profit association set-up in 2000, develops concrete actions to disseminate information to and raise awareness of the general public, to educate and train, and to intervene and prevent disasters. A website is already available, and a survey among professional administrators of cultural property has been done to evaluate disasters suffered and risks identified, in order to elaborate a plan of action for safeguarding cultural property.

The **Belgian** Act of 5 August 2003, criminalizing serious violations of international humanitarian law, as amended by Act of 1 April 2004 and Act of 7 July 2006 and which replaces the former Act of 16 June 1993, introduces an infraction of destruction and appropriation of property (including cultural property) not justified by military necessity as admitted by international law, and carried out on a large scale in an illicit and arbitrary

fashion. It also covers violations detailed in Articles 53 and 85 (4) (d) of Additional Protocol I to the four 1949 Geneva Conventions, which applies to international armed conflicts, and define as crimes a series of acts against cultural property, as well as those in Additional Protocol I, Article 16 of Additional Protocol II to the Geneva Conventions.

In **Belgium**, apart from the Federal State, the Flemish and French Communities adopted two decrees (11 July 2002 and 24 January 2003) that established penal sanctions for the crime of the authorised export of protected cultural properties.

In **Belgium**, Chapter III, Title IX, Book II of the Penal Code (Article 510 *et. seq.*) makes it an offence to destroy, defile or damage properties. These provisions do not, however, directly cover the prohibition in Article 53 of Additional Protocol I to the four 1949 Geneva Conventions.