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[BELGIAN] FEDERAL SCIENTIFIC INSTITUTIONS

THE « HORIZON 50-200 » NPO AS A SHELL ORGANISATION A PLANNED DISMANTLING OF THE [FEDERAL] MUSEUMS' AREAS OF RESPONSIBILITY

On 17 May 2024, the Council of Ministers gave its approval to the masterplan led by the non-profit organisation (NPO) *Horizon 50-200* for the redevelopment of the Cinquantaire site, which will host the celebrations of Belgium's Bicentenary in 2030. In particular, it involves creating a reception and exhibition area within the Royal Museum of the Army and Military History (RMA), linking the said RMA to the Royal Museum of Art and History (RMAH) [MRAH (in French)-KMKG (in Dutch)] - both Federal Scientific Institutes (FSI) - and creating underground spaces. The renovation and relocation of the Royal Institute for Cultural Heritage (RICH), another FSI) was also envisaged, although this option no longer seems to be on the agenda.

The project was - and still is, pending the formation of the new federal government - supported by Secretary of State Thomas DERMINE [Parti Socialiste (PS)], responsible for Science Policy and federal museums (except, specifically, the RMA, the only FSI that comes under the Minister of Defence, Ludivine DEDONDER (PS) - the latter, however, having withdrawn from media coverage of the project) - and Minister Karine LALIEUX (PS), Minister responsible for Beliris, all acting under the aegis of the Prime Minister before the federal elections on 9 June, Alexander DE CROO (Open VLD party).

This programme is important because it could foreshadow what will happen later for the other federal institutions located on the *Museum mile*, intended, on the occasion of the Bicentenary and thereafter, to link the Cinquantaire site to the Royal Park, via the Parc Léopold and their respective museums : all the FSI museums are therefore involved.

This new project, while it may meet with fairly broad popular approval in principle, is nonetheless highly problematic and directly calls into question the governance and, more fundamentally, respect for democracy by those who are supposed to embody and safeguard it.

A project 'out of touch' and a bypassed Parliament

In this *masterplan*, apparently drawn up by the architecture firm SUMProject¹ in February 2024 on a commission from Beliris, with the assistance of the Horizon 50-200 NPO and the Régie des Bâtiments/Regie der Gebouwen [Federal Buildings Department] (supervised by the Secretary of State, Mathieu MICHEL (MR party)), one cannot help but be struck by the lack

¹ The « Executive Summary » can be consulted on the Tervueren-Montgomery Residents' Committee website: <https://tervueren-montgomery.eu/>. The same applies to all the other documents cited in this article.

of linkage and the total lack of explanation between the stated objectives (*'The preservation and research of the collections, with their exceptional cultural, artistic and scientific value; enhancing the Cinquantenaire Park... with the park and the museums'*) and the proposed solution (the disappearance of entire permanent collections in favour of recreational areas or temporary exhibitions).

By focusing essentially on the transformation of spaces, it projects a purely real-estate vision, which remains very vague and lacking in cultural or scientific content. Rather than announcing a 'transformation' or a 'redeployment' of museums, it is no more and no less than the pure and simple dismantling of federal collections.

Even though the MRAH would lose a substantial part of the exhibition space for its collections, it is the RMA itself that would be the big loser in the planned operation, since it would find itself deprived of 40% of its current surface - including the exhibition rooms (4,000 m²) and the storerooms (2,500 m²)² - , which amounts to denying its function as a museum, whose world-class collections are a vital part of its heritage.

This *masterplan*, with a budget of 88 million euros (107 million euros announced in total), was approved just before the elections and the current affairs period, without any debate in Parliament: it is clear that the control exercised by Parliament under the *Constitution* has been deliberately short-circuited.

A 'ministerial' NPO with the appearance of a shell company

One of the characteristics of **shell companies**, typical of their mode of constitution, is that they are generally 'hidden'. In fact, the project is steered by a very special NPO, created in 2022 (*Annexes to the Moniteur Belge [Belgisch Staatsblad in Dutch] (MB hereafter)* of 5 August 2022) by a legal sleight of hand, transforming the association responsible for 'promoting the activities and "cultural events" of the (only) MRAH' (which now finds itself deprived of this tool to support its activities), into a new one, with a completely different purpose and objectives, relating to the creation of a 'recreational, cultural and scientific centre' covering the entire Cinquantenaire site and its museums. So it's a case of transforming one NPO into a completely different one, while retaining its company number (number 0408

² 1939-1945 exhibition (mezzanine floors of the Bordiau hall): 4,000 m² ; ground floor of the Bordiau hall: 3,000 m² ; Cedoc: 3,000 m² ; central storeroom : 2,500 m²; "blocks" (offices, workshops and storerooms in the corners of the Bordiau hall): 2,500 m² = 15,000 m² for the entire Bordiau complex. In fact, it is not possible to separate the premises in the basement from those on the ground floor, because they have a single, secure access (particularly for the storage of firearms). To these areas must be added that occupied by the "Empire" collections in the "Arcades": 1,250 m² (future restaurant in the *masterplan*), making a total of 15,000 m² to be moved for the festivities. This does not include the projected losses for the Aviation Hall. The Museum as a whole comprises 38,000 m².

916 465), which has made it difficult to spot.

The strangest thing about the Horizon 50-200 NPO is that it is in fact a ministerial association: the five federal ministers mentioned above (but not by name in the Articles of the association) are the founding members: this has all the appearance of a ‘shadow cabinet’ which could continue after the elections; the members can change status and remain in it (art.7, § 5).

The NPO also ticks virtually all the other boxes that characterise the opacity of shell companies: the articles of association published in the *Moniteur belge* were drawn up or continue to be drawn up in breach of certain obligations under the [Belgian] *Code of Companies and Associations* : the names of the founding members, mainly the three ministers mentioned above (plus Mathieu MICHEL for the Régie des Bâtiments and A. DE CROO as Prime Minister), do not appear (nor do they in the *MB* of 11 May 2023, which are in fact new Articles of Association and not a simple amendment); the legal and usual conditions for becoming a member or leaving the association remain vague.

The confusion and vague nature of the NPO have been skilfully maintained over the years with regard to the very unclear composition of the Board and the General Meeting: the Chairman of the Board in 2022, Arnaud VAJDA, Chairman of Belspo (the Science Policy PPS [Public Planning Service]) resigned from this position on 5 September 2022 (while remaining a director and Chairman of the General Meeting (?)); he was replaced by the CEO of a real estate company, who subsequently appears to have been replaced by Bruno VAN LIERDE, declared as such solely by the press and whose appointment appears neither in the *Moniteur belge*, nor in the register of administrators of the Crossroad Bank for Entreprises (CBE - consulted at the end of August 2024), nor in the UBO register [Ultimate Beneficial Owners register]: all types of registers which are nevertheless obligatory. However, this crypto-president is supposed to represent the NPO officially (which he does in front of the press) while, according to the articles of association, he has the power to manage the employees responsible for day-to-day management. The strategic positions of vice-President, Secretary and Treasurer were filled from 4 April 2022 by the three General Managers responsible for the FSI on site: Hilde DE CLERCQ (RICH), Michel JAUPART (RMA-War Heritage Institute) and Bruno VERBERGT (MRAH)³. They resigned from these positions at the General Assembly of 05.09.2022 (MB of 11.05.2023), perhaps because of the financial management problems that were emerging (see below), but remained ex officio members as observers on the Board (and always under the authority of the other minister-members). The CEO (Chief Executive Officer) Paul DUJARDIN and the COO (Chief Operating Office) Yasmina AMIRE, employees made available to the NPO, are also directors (Y. Amire also holds the position of new secretary to the Board). Lastly, these former CEO and COO are still employed by the CBE, even though they have been excluded from the NPO since the summer of 2023!

The Articles of Association also maintain the greatest uncertainty as to the responsibilities exercised respectively by the above-mentioned ministers, the Chairman and the other members of the Board of Directors over the two people initially responsible for day-to-day management, i.e. the CEO and the COO; these two positions being explicitly provided for in the 2022 Articles of Association. And although they were forced to step down from their

³ B. VERBERGT was replaced on 01.01.2024 by the new Managing Director of the MRAH, Géraldine DAVID.

positions at the end of June or the very beginning of July 2023, they still appear by name as such in the new Articles of Association published on 11 May 2023, which have not been amended since then! Moreover, at present there is apparently only one ‘director’ (Isabel CASTELEYN), who was taken on, according to the press, in May 2024, but still without publication in the *Moniteur Belge* or mention of the new position thus created in the new Articles of Association, or subsequently. What a sham!

One of the other characteristics of shell companies is the use of *nominal ownership*. This means that the people listed have no real control or involvement in their operations. They are nothing more than fronts to hide the identity of the real ‘owner’.

This appears to be the case with at least six of the seven ‘delegates for day-to-day management’ listed in the UBO register (excluding A. Vajda), including a former journalist with the RTBF television news programme (who is one of the NPO’s sponsors) and a well-known property company manager (who has since resigned from her position as Chairman of the Board). Even more fundamentally, are not ministers the real principals when it comes to the general managers of the museums or departments they manage? So who is still legally a member of this NPO’s Board of Directors and General Meeting, and what mandates are actually exercised?

Lastly, it should be noted that front companies generally lack any real activities: once again, this is the case with Horizon 50-200 which, in a programme announced in a somewhat misleading way, is in reality only ‘labelling’ activities organised on the Cinquantaire site by other associations or informal groups, often for several years.

With the inclusion in its programme of the handover ceremony between the old and new Chiefs of Defence (CHOD) on 4 July 2024 on the esplanade - a purely military ceremony - the mystification (or ridiculousness) has reached its peak... What is the NPO’s real track record since *its* creation in 2022? Where are its balance sheets and annual reports? Its website, reduced to its simplest expression, says nothing about it. Where has the taxpayers’ money gone?

Serious problems of financial management and conflicts of interest

In addition to these obvious failings to set an example, *Horizon 50-200* is creating serious problems in terms of financial management and governance. It has never filed its annual accounts since its creation in 2022 (or even before, since it was supposed to take over and put in order the accounts of the NPO it replaced, since it took over the company number). As a result, at the end of August 2024, no annual account appeared either in the Crossroads Bank of Enterprises (part of the Economy FPS) or in the register of the National Bank of Belgium⁴. Its financial management is therefore deliberately concealed. It is hardly surprising, then, that

⁴ Let us recall that all documents relating to this issue can be found on the website: <https://tervuere-montgomery.eu/>

this management has proved disastrous, as the ministers themselves have admitted, publicly accusing the CEO and COO of having squandered the appropriations allocated (580 million in 2023 after all - one can only wonder and open one's eyes wide at the difference with the 88 million announced for the *masterplan*). But where are the annual accounts, the forecast budget for the current year, and what were the real responsibilities of the ones (the ministers, the Chairman, the Secretary and the Treasurer) and the others?

As for the **conflicts of interest** that the Articles of Association claim to seek to curb, we can see that the NPO is immersed in them: the declared president of the Horizon 50-200 NPO, Bruno Van Lierde, is also the president of SA Tempora, a Belgian firm specialising in temporary exhibitions and the management of museums. In addition to the incompatibility of functions observed with regard to a museum project in the same field of activity as that of SA Tempora, the incorporation of a private manager in the key position of this NPO obviously makes it possible to circumvent the law on public contracts for future scenography and space management work to be awarded and to skew the competition in relation to other Belgian or European firms specialising in an event such as a Bicentenary.

As far as personnel is concerned, according to the press, the CEO and other project managers of the NPO were hired via the MRAH, which made them available to Horizon 50-200 (instead of hiring them itself): what are the real reasons for such an arrangement ? What is more, according to A. Vajda, three of the employees were 'recuperated' by Belspo. Having seen how the very restrictive law on public contracts was circumvented by the creation of an NPO, here we have SELOR [today Travaillerpour.be / Werkenvoor.be, the body responsible for recruiting federal government employees] circumventing the hiring of staff.

The NPO is therefore operating in complete illegality, with complete impunity. This is frankly astounding, and attacks the very foundations of the trust that citizens can place in politicians.

Other entities involved

Other representatives of state entities and organisations are, however, the joint members who 'collegially' decide on the running of the NPO. In the face of all these irregularities and shortcomings, what is the Inspectorate of Finance doing (or rather not doing), despite the fact that it is at the heart of the 'system', being a member of the Board of Directors where it has a right of veto? Even more than its incomprehensible inaction in the face of all the above-mentioned abuses, this raises the question of an apparent **illegal taking of interest** (i.e. taking an interest in an operation for which one is responsible for ensuring supervision and payments). And what are the Régie des Bâtiments/Regie der Gebouwen and Beliris doing, as well as IBGE, Urban and the 'three European institutions' (which are not cited), which are now only observers in the Articles of the Association adopted on 5 September 2022, whereas they were previously ex officio members? What is the President of Belspo, Arnaud VAJDA, doing as President of the General Assembly of the NPO (what does it mean ?), which runs counter to the very mission entrusted to him, which, according to the organisation's operational plan, consists of 'promoting and preserving the collections' and the interests of its own FSI, the MRAH ? What have the directors-general of the FSIs done, and what are they still doing, and in particular those of the two federal museums that held the key positions of

Secretary and Treasurer of the NPO and continue to participate in this set-up? Their silence remains as deafening as it is incomprehensible, given the planned dismantling of their own institutions. Have their respective management boards agreed that they should represent their museums within the Horizon 50-200 NPO and participate in it - and with what mandate ?

What is the role of the National Lottery, which Horizon 50-200 boasts in its advertising is 'powered' by it : isn't this also public money that should be regulated and monitored, like the budgets committed by other 'state' sponsors? These include the RTBF, the City of Brussels through another NPO, Brussels Major Events, and the King Baudouin Foundation, which lends credibility to and supports the NPO by creating a Friends of Horizon 50-200 Fund: who could still be a 'friend' of such a pseudo-association?

We seem to be dealing with a veritable network where 'solidarity' eclipses all legality and control...

Criminal law?

Museums are an integral part of the State's educational and research apparatus, operating in accordance with laws and royal decrees that determine their missions and operations. The three ministers and the representatives of the FSI want, or did want, to dismantle the museums, even though they are supposed to be executing the laws and royal decrees that founded these institutions.

It is therefore reasonable to suspect that we are dealing with a '**coalition of civil servants**' (i.e. a concerted action between at least two people in positions of some public authority, planning measures that are contrary to the laws or royal decrees) and '**abuse of authority**' (i.e. using one's prerogatives against the interests of the administration itself), both punishable under the *Criminal Code*.

In the final analysis, this is a real breakdown in social solidarity and a failure to respect democratic laws.

How can such a situation be cleaned up?

In the face of such mismanagement and misconduct, particularly on the part of people in positions of public authority, it would seem logical for Parliament to take back the reins and set up a committee of enquiry to identify the exact ins and outs of this affair and to bring its various ramifications and responsibilities out into the open.

If the *Horizon 50-200 NPO* were to be dissolved, it should be noted that its articles of association provide for its net assets (assuming it generates a positive balance) to be transferred to the FSI, which would constitute a first positive step in favour of necessary priority refinancing for the RMA and the MRAH, enabling them to bring themselves up (at last) to standards in terms of mediation tools and the additional staff required to meet the needs of future Bicentenary festivities.

From the point of view of the method, we propose the rapid establishment of a general commissioner in a new, more appropriate and compliant structure, which would initially draw

up a new vision statement under the supervision of a scientific and technical committee (and not general managers who have clearly been overwhelmed by the course of events and whose credibility is seriously called into question), in a participatory process (which should be relaunched), in conjunction with foresight workshops. These players could be supported by an honest assessment of the state of museums and their audiences. On this matter, what has A.Vajda been waiting for since 2022 to have objective studies carried out by the Visitors Observatory of the FSI for which he is responsible ? These measures should enable us to make a fresh start...