

The testament of Emile Bernheim

Introduction

The motives that inspired me to make this arrangement relate to the following:

The goods that an individual manages to gather during his lifetime, whatever his merits, can only be acquired by that individual acting as a part of a collective unit that in one way or another he has contributed to.

In my view, the goods acquired are a loan made by society to the individual which has been granted to him in an intangible and definitive manner. It is therefore valid that after his death, all or part of these goods be given back to the community or used for its benefit.

Inheritance tax has no other justification and I consider the imposition of such a tax as just and fair. Any fortune must be acquired by work and not by inheritance. The only exception to this is the inheritance of a spouse who, having been linked to the deceased and having contributed during his lifetime to the fruits of his labour, should be able to continue to profit from the latter once the spouse has disappeared.

I therefore believe that it is my duty to leave the largest part of my fortune to a public interest foundation which would pursue the same aims as were mine throughout my life, according to the declaration set out below.

Declaration of the foundation's objectives

1. To improve living conditions and to obtain the best part of resources with the highest return - these are among the most common aspirations of mankind.

The modern world tries to satisfy these aspirations. However, very often and paradoxically, these efforts create new constraints preventing us from fully benefiting from any progress made.

Moreover, the community has a duty to perform - its ultimate aim is to ensure the well-being and potential of the greatest number of people.

The setting up of efficient social structures should be encouraged while at the same time ensure that material progress goes together with a real improvement in the quality of life giving individuals the means to accomplish this within the bounds of possibility.

Fulfilling these ambitions will be the task of the Foundation that I have created. It will attempt to provide a useful contribution in the fields mentioned below.

2. During the life of companies, whether public or private, tensions arise which are expressed as demands made by workers and executive staff to share more fully in the profits made and to exercise greater responsibility.

It is crucial for our future to strive for sustainable social harmony based on a fair distribution of profits and harmonious cooperation of opposing economic forces.

Among its main objectives, the Foundation must examine this problem and any issues that may arise relating to this such as:

- the reform of company structures;
- concerted action by companies;
- the welfare of workers;
- creating the greatest solidarity between the various sectors of the economy;
- any other action that companies may initiative now and in the future.

While remaining true to the principle of corporate freedom which is the basis of our economy, the institution, through its work, will encourage the spirit of initiative within the context of the modern world.

It will concentrate on certain aspects relating to the management of private companies and public bodies with a view to improving their operation and productivity and to enhance the value of the human elements of the world of work.

As my career led me to be the director of a distribution company, I would like the Foundation to devote part of its attention to the problems of distributing goods and services (whatever the sectors or types of trade concerned), as well as to consumption and the provision of information and protection of consumers. This will be done with the intention of providing a better service to the community and economic and social well being.

3. Another domain for the institution.

This is based on the idea that individually every human being has the right to happiness as he/she envisages it. This means there is a choice and this choice must be encouraged. It is therefore important to encourage the achievement of individual aspirations in a way that individuals may find in their own surroundings the best means to fulfil their vocation in life.

It is in this spirit that I have given my full support since its creation to the initiatives undertaken by the Fondation Belge de la Vocation - The Belgian Vocational Foundation.

I would like the new institution to show special interest in this foundation.

The support provided by the new institution would enable this body to pursue and strengthen its work, notably by granting additional aid to specific prize winners who may need such aid.

I would also like the Belgian Vocational Foundation to subscribe to or take part in efforts in countries where such action does not yet exist, to set up a similar institution and to encourage the creation of a European Vocational Centre (whose head office could be based in Brussels in the offices of the new Foundation).

These ideas can of course be extended. One of the dangers of our technical civilisation lies in specialisation and compartmentalisation which increasingly characterise these activities. In order to react to this, one of the remedies is to develop culture and intensify artistic and scientific exchanges at national and international level. This has been included in the articles of association of the Bernheim Foundation.

These efforts are mainly aimed at young people. At university level, to quote only one example, I believe that a cross fertilisation of disciplines should be supported as well as encouraging students to diversify their interests notably in the artistic and cultural fields. This will provide them with immense satisfaction and complete their education.

I also believe in the need to enhance a sense of community and welfare in those who will be assuming responsibility in the future.

4. In line with the spirit underpinning these views, I would like the Foundation to award prizes that either myself or the "Innovation-Bon Marché" company have supported:

- the Emile Bernheim prize for literature, awarded every two years, alternatively to a French-speaking writer and to a Dutch-speaking writer,
- Emile Bernheim European Prizes to reward the work of those who have made a major contribution to the study of problems relating to European integration,

as well as supporting various appropriate initiatives.

The Foundation may, if deemed desirable, change the rules governing the awarding of these prizes, after consulting members of their jury.

One of the members of the Foundation's Board will represent the Foundation on this jury.

Furthermore, I would like that every year, on a fixed date, in all the universities and higher educational institutions around the world, a day be set aside devoted to peace. This project should enable the general public and students in particular, called upon to assume responsibility for the future, to realise the importance of this day to avoid renewal of the conflicts that have led to bloodshed since time began.

These university days of peace should lead to reflection, the exchange of ideas and positive action supporting peace, as envisaged by the blueprint in the appended protocol.

I would like the Foundation that I created to lend active support to promote this initiative through appropriate means.

5. In order to strengthen the links that have united me to the company that I managed, the Grands Magasins A L'INNOVATION, which after a merger with Bon-Marché became "S.A. Innovation-Bon Marché N.V", and to pay what I consider as a debt of recognition to those who worked alongside me, I would like the Foundation to set aside part of its resources to support my former colleagues. This could be in the form of:

- an additional pension for these colleagues when they retire or for the benefit of the surviving spouse after their death;
- financial support to pay for hospitalisation, serious incapacity for work or major medical treatment;
- grants or study loans for the benefit of their children. These grants or loans (responding to the same concern to help youth as set out above) would be used so that they could complete university-level or similar education or, for those who are underprivileged, secondary education or vocational training.

With a view to laying down conditions for these grants, benefits will be reserved for those persons who, in October 1969, when the merger of Innovation and Bon Marché took place, were working for these companies or for the subsidiary Priba, which was integrated in the follow-up, and who would have been working in the company or in the company resulting from the merger with G.B. Entreprises, up to the moment of granting the benefit or, if necessary, until their retirement or death. Priority will be given to employees of the former Innovation company.

To ensure that the monies granted are not used for any other pursuits, benefits will only be granted in deserving cases based on the social and material situation of the beneficiaries. These will be granted in addition to statutory benefits and other benefits normally given by the company.

The Foundation's Board will determine the regulations relating to this after consultation with the departments concerned.

6. In conclusion, I would like to sum up the blueprint that I have followed in creating the Bernheim Foundation.

It is to promote peace in various ways in accordance with the ideas that I have always held and to contribute to the development of human and civic values, the improvement of social relations, the increase in living standards, to seek out a balance between the necessities of progress, management, organisation and individual aspirations to contribute to the happiness, dignity, possibilities, creativity and initiative of human beings.

The aim is to help build a humane society in which the individual retains part of the benefits gained from society while at the same time helping him to bear the responsibilities imposed on him.

This merging of human and social aspects is of major importance in an age in which irreversible factors, linked to the pursuit of progress, are seriously threatening the humanistic values of our civilisation.

The main objectives are firmly anchored in this context:

- encouraging the setting up of harmonious and balanced social structures;
- enhancing the value of the individual in his professional environment and in society in general, giving him the chance to fulfil his ambition and to ensure his social advancement;
- promoting the meaning of general welfare.

The general public interest company which I intend to set up based on the above will be responsible for centralising the management of the assets granted to it (including the increase in the value of gifts or external legacies) and to pursue fixed objectives, either acting directly or via bodies that it supports.

The Foundation will therefore establish the following. This list is not, however, meant to be exhaustive:

- a university foundation;
- the Emile Bernheim Business Studies Centre at the Université Libre [Free University] of Brussels, to achieve the objectives laid out in point 2 above;
- a non-profit Belgian Vocational Training Foundation to take on fully the assignment set out in point 3.

The Bernheim Foundation will grant to these institutions the aid that it judges appropriate in the context of the objectives pursued.

I have drawn up the articles of association based on the ideals set out above.

The composition of the Board of Management has been conceived in such a way to reflect the Foundation's various objectives with those picked out to sit on the Board chosen for their activities or interests shown in various fields which are in line with the aims of the Foundation.

The members of the Board must consider themselves as depositories of the ideals held. The role played by the Chairman will be pre-eminent in this regard.

Moreover, I do not want to impose overly rigid regulations for the Foundation.

It will therefore be up to the Board of Management to apply the articles of association in such a way to adapt the character of the Foundation to the prevailing circumstances based on the considerations set out and without prejudice to the role played by the Foundation as a general interest company and scientific and social institution.

Temporary and additional legal provisions

In accordance with the law, the rights of the Foundation will come into force on the day my succession takes effect.

From that date, the Foundation will have full ownership (or bare ownership if my wife survives me) of all the assets making up my succession (subject to specific legacies granted by the present testament or, if appropriate, by additional codicils).

However, if my wife survives me and due to the usufruct that she will benefit from throughout her life, the Foundation will not have the use of any income during my wife's life. It will only have the sum mentioned in the Chapter on "Arrangement" as a transitional arrangement as set out in the follow-up to the articles of association.

Based on this hypothesis, the Foundation, whatever right comes into force on the day of my death and whoever the beneficiary of the bare ownership shall be on that date, will only engage in any activity when the usufruct is no longer valid. In the meantime, it will only be able to pursue limited objectives laid down by its Board of Management.

Consequently, as soon as the establishment gains full ownership of the assets granted to it, it will be able to truly undertake such action.

One of my wishes expressed by the present document is that the building occupied by my wife and myself, i.e. 65, avenue Franklin Roosevelt, Brussels (or eventually any other location deemed preferable), may be used as the cultural centre mentioned in Article 4(4) of the articles of association thus constituting an asset to be used in the service of the Foundation's objectives.

If upon the death of my wife, it is thought desirable to sell the non-constructed part of the property or if deemed justified, the entire property, so that the assets of the Foundation may be put to better use, such a decision may be taken without any objection on my part.
