



**International Council on
Monuments and Sites**

**Conseil International
des Monuments et des Sites**

International Scientific Committee on Legal, Administrative and Financial Issues

Informal Meeting, 2 December 2002

Minutes

An informal meeting of the ICOMOS International Legal Committee was held on December 6th during the XIII General Assembly of ICOMOS in Madrid, Spain, President Werner von Trützscher presiding.

Members present:

Belgium, Anne Marie Draye; Benin, Aimé Goncalves; Bulgaria, Hristina Staneva; Georgia, Merab Bochoidze; Germany, Werner von Trützscher; Greece, Athina Christofidou; Peru, Alberto Martorell Carreño; South Africa, Andrew Hall; Togo, Gaël Kpotogbé Amoussou; United Kingdom, Christopher Young; and the United States of America, James Reap. There were no associate members in attendance.

President von Trützscher noted that Article 5, Paragraph 3 of the Committee's statutes requires an election be held prior to the next meeting of the Committee.¹ The Committee

¹ [English] 3. Out of the voting members the Committee elects a President, three Vice-Presidents and a Secretary who form the Bureau for a term of office of three years. The Bureau shall represent in an equitable manner the different regions of the world. If there are candidatures proposed by the voting members the election is held by postal vote at least three months prior to the meeting of the Committee in the election year under the supervision of a member appointed by the Bureau. Normally, postal vote is carried out by letter but if a voting member so decides a vote may also be sent by fax. If no candidatures are submitted in time the election is held by secret ballot during the meeting of the Committee in that election year. The members of the Bureau may normally not serve more than three consecutive periods of office. Those terms shall be considered independently from any terms as a member of the Committee. The Bureau shall meet at least once a year. The Bureau is responsible for the preparation of the Committee's meetings, the implementation of the Committee's decisions, the preparations of the election process and the annual report (article 5 (7)).

[French] 3. Parmi ses membres votants le Comité choisit un Président, trois Vice-Présidents et un Secrétaire qui forment le Bureau pour une période de trois ans. Le Bureau représente de manière équitable les différentes parties du monde. Si des candidatures sont proposées par des membres votants, l'élection se déroule par vote postal au moins trois mois avant la réunion du Comité dans l'année de l'élection, sous la surveillance d'un membre choisi par le Bureau. Normalement, l'élection par vote postal se fait par courrier, mais si un membre le veut, il peut également envoyer un fax. En cas d'absence de candidatures en temps utile, l'élection se déroule par scrutin secret lors de la réunion du Comité dans l'année de l'élection. Les membres du Bureau ne resteront normalement en fonction pas plus de trois périodes successives. Ces périodes sont indépendantes de toute autre fonction d'un membre au service du Comité. Le Bureau se réunit au moins une fois par an. Le Bureau est responsable de la préparation des séances du Comité, de la réalisation de ses décisions, de la préparation des élections et du rapport annuel (article 5(7)).

recognized the work of Anne Marie Draye and Satu-Kaarina Virtala in assisting with the previous election. It was agreed to seek a volunteer or volunteers from among the Committee's associate members to coordinate the upcoming election, since associate members themselves are not eligible to be nominated as candidates for office. The Secretary General was asked to contact the associate members and request their assistance.

Locations for the next meetings of the Committee were discussed. The President reported that Pierre-Laurent Frier of France had informed him that plans were well on the way for a meeting in Paris during 2003. Members asked the Secretary General to inform Prof. Frier of the following dates in order to avoid conflicts, if possible: World Archaeological Congress, June 21-26; World Heritage Committee, June 28-July 7.

Andrew Hall offered to host a formal or informal meeting of the Committee in Pretoria or Johannesburg after the General Assembly in Zimbabwe in October 2003 if there is sufficient interest. Hristina Staneva reported that her efforts to obtain funding for a future meeting in Bulgaria had suffered a temporary setback with the death of a potential major donor. Anne Marie Draye reported that sponsorship of a meeting in Belgium looked feasible for either 2004 or 2005. The Secretary General was asked to provide this information to the other members expressing an interest in hosting a future meeting, Toshi Kono of Japan and Thomas Adlercreutz of Sweden. The Committee thanked all those members interested in hosting a meeting and encouraged them to continue to pursue sponsorship.

The President and Andrew Hall reported on discussions in the Executive Committee and Advisory Committee about symposia held in conjunction General Assemblies. Under this possible new scenario, scientific committees would have the major role in establishing the symposium program. In this way they could showcase the activities of the committee during the General Assembly as a way of interesting ICOMOS members who might attend and then join the committee. The members present voiced their support for this approach and asked the President and Mr. Hall to communicate this to the Executive and Advisory Committees.

The President also reported that the Executive Committee had discussed encouraging scientific committees to work together on joint projects. There was discussion of the

[Spanish] 3. El Comité elige un Presidente, tres Vicepresidentes y un Secretario General, de entre los miembros con derecho a voto, que componen el Bureau, con un mandato de tres años de duración. El Bureau representará de forma equitativa las diferentes regiones del mundo. Si existen candidaturas propuestas por los miembros con derecho a voto la elección tendrá lugar mediante voto por correo con al menos tres meses de antelación a la reunión del Comité correspondiente al año de la elección, bajo la supervisión de un miembro elegido por el Bureau. Como regla general, el voto por correo se llevará a cabo mediante carta pero si así lo decide un miembro con derecho a voto podrá también hacerlo llegar por fax. Si no se presenta en plazo ninguna candidatura, la elección tendrá lugar mediante votación secreta durante la reunión del Comité correspondiente al año de la elección. Los miembros del Bureau no podrán, como regla general, sobrepasar los tres periodos consecutivos de mandato. Estos plazos se tomarán en consideración con independencia de cualquier plazo como miembro del Comité. El Bureau se reunirá al menos una vez al año. El Bureau es responsable de la preparación de las reuniones del Comité, de la ejecución de las decisiones del Comité, de la preparación del proceso electoral y del informe anual (artículo 5, 7).

possibility of the Legal Committee holding a joint meeting with either the Training, Cultural Tourism, or Archaeological Heritage Committees. Members were asked to explore this idea with colleagues on the other committees.

The members asked Alberto Martorell to convey their thanks and compliments on the excellent publication by ICOMOS España of the committee's proceedings in Toledo, Spain. New members of the committee who want copies of proceedings from Weimar or Toledo were asked to contact President von Trützscher or Alberto Martorell, respectively. No member present had received copies of the proceedings from Ein Bokek, Israel nor had the President received news on the potential publication of the proceedings from Brioni, Croatia. James Reap reported that he would begin editing the proceedings of the Athens meeting in January along with efforts to raise funds for publication.

Anne Marie Draye raised the issue of utilizing the legal committee to provide expertise to the Bureau, Executive Committee, Advisory Committee and other ICOMOS committees. Members agreed that these other committees did not sufficiently call on the expertise of the legal committee before drafting legislation or other documents and could avoid problems or issues if they would do so. It was agreed that the Committee pursues getting involved actively in ICOMOS issues and offering to provide legal input before decisions are made.

In closing, the members asked Alberto Martorell to expressed the Committee's thanks to ICOMOS España for hosting the General Assembly under such difficult circumstances and for their hospitality here in Madrid.

There being no further business, the informal meeting of the committee was adjourned.

Respectfully submitted,

James K. Reap
Secretary General