

BACKGROUND TO THE GENERAL ASSEMBLY CONVENED AT THE REQUEST OF THE BOARD

Introduction

As all members will be well aware, the COVID-19 pandemic has caused serious disruption to normal global activity, and continues to be out of control in some parts of the world. Virtually all countries have imposed bans on international travel (with some exceptions for citizens returning to their own country), in addition to restricting large gatherings of people and closing many public venues. Present indications are that a vaccine against COVID-19 is unlikely to be available until mid-2021 at the earliest, and that international travel may not return to normal until 2023.

In these circumstances, Australia ICOMOS, which had been selected by the Board to host the 20th triennial General Assembly, reluctantly took the decision in April 2020 that it could not host the General Assembly in Sydney in October 2020 as planned.

Statutory requirements

The Statutes of ICOMOS require the General Assembly to meet once a year, with an election for the Board every third year (Article 9-b). Although meetings by teleconference are not specifically prohibited in the Statutes, the Rules of Procedure do not provide for a General Assembly or an election being held other than by members present in person. The Statutes also require that the Advisory Committee meeting be held in conjunction with the annual General Assembly.

If, however, circumstances prevent a General Assembly being held anywhere in the world at the time it is due, both the Statutes and Rules of Procedure are silent on how the required actions of the General Assembly listed in Article 9-d of the Statutes are to be accomplished. This is a particularly serious issue in the case of a triennial General Assembly at which an election is due to be held.

Recent changes to French law

Earlier this year, the Secretariat sought preliminary legal advice on whether the ICOMOS Statutes would permit a General Assembly to be held virtually or remotely. The preliminary advice was that unless the Statutes specifically prohibit holding the General Assembly in such a way, they could be interpreted as allowing virtual meetings.

In the context of the COVID-19 pandemic and consequent bans on large gatherings, the French government has recently passed a special law allowing all organisations, for a limited time, to hold any required meeting of the organisation as a virtual meeting, even if the rules of the organisation do not permit this. The law applies to associations such as ICOMOS, and is in force until 31 July 2020, with a possible extension (yet to be confirmed) until 30 November at the latest. Further details of the law can be found here:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041755899&categorieLien=id>

This temporary law therefore provides certainty that a General Assembly held virtually, within the period that the law is in force, would be legally valid in France, where ICOMOS is registered.

The reason for the request by Board members

It was clear to the Board that the 2020 General Assembly and Advisory Committee meeting would need to be held as virtual meetings to enable ICOMOS members to attend the meetings and participate in voting in sufficient numbers. This is important to validate the decisions of these meetings, not only to satisfy the requirements of the Statutes, but also to reflect adequately the broad agreement of ICOMOS members.

Members of the Board were concerned that the General Assembly was due to be held on a date after 31 July 2020, and there was no guarantee that the temporary law would still be in force at the time of the General Assembly, placing the validity of decisions made at a virtual meeting potentially at risk. These members accordingly considered that it would be sensible to take

advantage of the law **to hold a brief virtual General Assembly before 31 July**, for the purpose of obtaining the agreement of members to hold the full triennial General Assembly as a virtual meeting later in the year. This would ensure that the decisions of the triennial General Assembly, including the elections, would not be subject to challenge in future even if the temporary French law was no longer in force when the triennial General Assembly was held.

Article 9-b of the Statutes provides for a General Assembly to be convened at the request of a majority of Board members, and Article 29-4 of the Rules of Procedure requires that the General Assembly be held not less than three months (nor more than six months) after the request has been received by the President.

Accordingly, on 23 April, a majority of Board members requested the President to convene a General Assembly, in order to seek the agreement of the General Assembly to hold forthcoming 2020 statutory meetings as virtual meetings. The General Assembly will also be asked to agree that the statutory meetings not necessarily be held in conjunction with one another, to facilitate the organisation of the virtual meetings.

The July General Assembly will also have the benefit of allowing a trial of the voting programs and other procedures that will be needed for the full triennial General Assembly later in the year.

Practical considerations for the July General Assembly

The Secretariat has been investigating suitable online platforms that will allow a large number of members to participate and to vote secretly and securely.

National and Transnational Committees and International members will be asked to submit their lists of voting members as usual, with a deadline one month before the General Assembly, that is 23rd of June. There should be little or no need for amendments to the lists or proxies, as voting members will not need to travel in order to vote. The Credentials Committee elected at the 2019 Annual General Assembly will report on the eligibility of voting members as usual. It is envisaged that the lists of voting members will serve for both the July General Assembly and the full triennial General Assembly later in the year.

One consequence of holding the General Assembly virtually is that it will occur at different times of day depending on the time zones in which members are located. The meeting time will be either very early in the morning or late at night for members located at longitudes furthest from Paris. However, it is intended to hold information sessions at three different times to allow members in all parts of the world, if they wish, to participate at a reasonable hour and to discuss the proposed resolution. It is hoped that this will allow the General Assembly itself to accomplish its agenda expeditiously within the allocated time. Further information will be provided on the information sessions shortly.