

**Results of the 2nd consultation on the amendment of the ICOMOS Statutes
Additional contributions received by the Merged Working Group – batch 3
Situation on April, 22 2013**

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English version of the contribution sent by Mr Dinu Bumbaru, President ICOMOS Canada and member of the Executive Committee, and received on April, 22 2013 (first communicated in a summary format in English on 2013.03.03)

Note on the National Consultation Process:

Following the call for comments and documents made to the National and International Committees of ICOMOS after decisions taken at the meetings of the Advisory and Executive Committees in Beijing in October 2012, all ICOMOS Canada members were informed of the current consultation, communicated the documents sent by ICOMOS on the matter and invited to send comments to develop a consolidated opinion of ICOMOS Canada.

That call was made on 2012.12.27 and the deadline set for 2013.01.21 in order to respect the international deadline of 2013.01.30 but the flow of comments on such issues is rather slow in a volunteer organisation grouping and animating heritage professionals around heritage professional issues. A reminder was sent to members in January and the subject was the object of discussion of a Board of Directors' teleconference afterward. Material from members only came in February 2013 to prepare these comments which were communicated to the Joint Working Group on Statutes on 2013.03.03 in time for the point's discussion at the Executive Committee of ICOMOS.

As a general observation, one shouldn't presume that a mild response in previous phases will automatically translate into a passive attitude in the future but it is not uncommon that this situation happens with such topics. One point though which is worth mentioning is the reactions and discussions on the ICOMOS National Committees and Academy listserv following the message of non-objection opinion communicated expressed in late January 2013 by ICOMOS China. In that context, some of the leading figures of our organisation expressed strong objections to some of the proposals, in particular the non-solicited for abolishing the office of Secretary General in ICOMOS.

ICOMOS Canada takes note of the relevance and need to proceed to improve the governance of ICOMOS. As a National Committee, we are just completing such a process at the formal request of our General Assembly. This proved very useful as an opportunity to reassess our purpose as a National non-governmental, interdisciplinary and bilingual organisation, and derive a more functional structure to achieve it. This exercise and the very costly and difficult effort made by ICOMOS Canada to host the 16th General Assembly in 2008 revealed to us not only important structural weaknesses with our National statutory infrastructure but also the role of statutory and procedural considerations to justify the rather disappointing lack of gratitude and heartlessly administrative treatment given by the leaders and Executive Committee of ICOMOS to ICOMOS Canada, host committee and financial underwriter for the General Assembly.

As a National Committee, we took strong steps to define, debate and implement reform. Our Board consulted and appointed a special mixed working group supported by two expert legal counsel familiar with NGO legislation in Common Law and Civil Code, both traditions active in Canada. The reform also benefited from a detailed examination of a number of the governance model and constitution of other National Committees in America, Europe and Asia/Pacific.

This collegial exercise brought us to update our governance to make it more unified, transparent, accountable and explicit in terms of our essence as a bilingual, interdisciplinary and multi-regional organisation. We also clarified our role as a participant in the broader ICOMOS endeavour and network which, in our days and age of international security concerns, is a major consideration. For example, our new bylaws now include the following elements in their introductory declaration and article 1:

Preamble:

BYLAW NO. 1

being a Bylaw relating generally to the conduct of the affairs of ICOMOS Canada

WHEREAS ICOMOS CANADA is a national, bilingual, non-profit organization which is a registered charity under the Income Tax Act (Canada);

AND WHEREAS ICOMOS CANADA is part of the international network of the International Council of Monuments and Sites (ICOMOS) that advises the United Nations Educational, Scientific and Cultural Organization (UNESCO) and is committed to education, exchanges and the enhancement of knowledge and skills with respect to the conservation of heritage sites, structures and areas;

AND WHEREAS, AS A CONSEQUENCE, ICOMOS CANADA brings together professionals from many disciplines, practitioners, students, academics and others interested in heritage sites, structures, areas, and historic places in all regions of Canada and around the world;

AND WHEREAS ICOMOS CANADA is committed to the articulation and promotion of high ethical and professional standards in relation to the conservation of heritage sites, structures and areas;

(...)

Article 1. h)

“Ethical Commitment Statement” means the ethical and professional standards established by the Board of ICOMOS Canada on the basis of those adopted by ICOMOS in relation to the conduct, behaviour and practices of ICOMOS Canada and its Members or in the absence of a Statement adopted by the Board of ICOMOS Canada the Ethical Commitment Statement currently in place for ICOMOS;

Article 9

Eligibility for membership. A Person or Organization in compliance with the conditions of membership in ICOMOS Canada and willing to abide by the standards set out in the Ethical Commitment Statement is eligible for membership in ICOMOS Canada.

Our own experience as a National Committee brings us to testify of the benefits of carrying such structural review as long as it rests on a clear and shared vision of the very purpose and progress of the organisation, not just its technical administrative structures and procedures. In essence, common values and purpose must generate the structure and not the other way around. Under that condition, ICOMOS Canada supports and wishes to contribute to a similar exercise at the international level of ICOMOS.

Particular comments on the documents and proposals they present

- 1 ICOMOS Canada appreciates the effort invested by the Joint Working Group in preparing these very detailed documents in both working languages of ICOMOS.
- 2 We welcome the effort to simplify the structure of ICOMOS and make it more transparent, effective, accountable and understandable both internally for the ICOMOS members and Committees and externally for our partners and other stakeholders involved in the safeguard, protection, conservation and valorisation of monuments, sites, structures, ensembles, landscapes and other areas of heritage significance.
- 3 We are ambivalent on the proposal to establish formally in the Statutes the “Friends of ICOMOS” which may serve as a pretext to make full membership in ICOMOS very restrictive. ICOMOS Canada maintains an open access membership policy based on the current definitions in the Statutes and the qualifications expected to be an ICOMOS member. We also favour the greater accessibility to the ICOMOS member status to ensure the credibility of ICOMOS as a genuine international organisation through its regional, national and local presence. To ensure the credibility of ICOMOS as a professional organisation, we favour that the professional experience of individual members is properly acknowledged and ranked through effective and transparent internal mechanisms ratified by the General Assembly and implemented under the accountability of the Executive Committee (Board).
- 4 We agree on the need to redefine the Officers’ responsibilities if the function of Director General is created in the Statutes but object to the abolition of the office of Secretary General. The role of the elected Secretary General might evolve towards an elected Secretary of the Board type of office defined in relation to the authenticity and clarity of decisions, the keeping of records and registers, membership and the interpretation of the statutes.

- 5 We share the goal of having a more comprehensive ICOMOS leadership in terms of reflecting the diversity of our organisation in terms of geographical and cultural regions, disciplines and generations but wonder if this can be achieved in a genuine way only with the number of Vice-presidents.
- 6 We are not convinced by the proposal to create a formal designation of «President Elect». Although we can see a certain technical logic to this suggestion, it would create potential competition and confusion about leadership and accountability in ICOMOS. It would also prevent democratically healthy debate on policy options at the General Assembly by introducing a system of electoral pre-arrangements. Perhaps establishing in a transparent way the function of “Chair of the Board” would be more useful.
- 7 We object on specifying that the 3 co-opted Board members have to be «non-ICOMOS members» to fit particular skills like financial expertise. We do not see why a financial expert shouldn't be entitled to be an ICOMOS member considering that funding and finances are relevant to conservation as well. Again, a reminder that ICOMOS Canada maintains an open-membership policy founded on the definition of members in the ICOMOS Statutes in relation to the diversity of practice and research fields supporting conservation, including law, finances, fund raising, etc.
- 8 We note apparent contradiction between proposed Article 10 and Article 14 in the circulated draft regarding the creation of International Committees as «proposed» by the Advisory Committee or «following consultation» of the Advisory Committee. We favour the latter as it is less restrictive on the Board which is, ultimately, accountable to the General Assembly and, as such, charged with upholding the statutory purpose, aims and objectives of ICOMOS.
- 9 We are unclear about the «public face» model of our organisation that would derive from the Statutes as amended through this reform. The reality is that ICOMOS is not a large bureaucracy but a multi / trans-disciplinary and inter-regional organisation whose action and influence rest mostly on its extended network and volunteer dynamism generated much more by human values like collegiality, trust and a spirit of endeavour than by static management procedures. Without a clear vision on expected results regarding the accomplishment of its distinctive purpose in service to heritage and those people and institutions conserving it, we fear that proposals like the statutory creation of the Scientific Council will remain isolated, and fragment rather than unify and strengthen ICOMOS. Considering its long standing commitment to ICOMOS, ICOMOS Canada will take particular interest in these elements in the next steps of the current reform process.