

## Review of the 2002 Ethical Commitment Statement Proposal for the adoption of the ICOMOS Ethical Principles Report by the Merged Working Group

### Background

By its resolution GA17 2011/11, the General Assembly entrusted the Statutes Working Group<sup>1</sup> to review also the 2002 Ethical Commitment Statement "noting the importance of these issues being pursued in a coordinated manner". The Statutes Working Group together with members designated by the Executive Committee<sup>2</sup> formed the 'Merged Working Group', which undertook the review.

The Merged Working Group considered the 'Ethical Commitment Statement' (ECS) adopted by the ICOMOS General Assembly in 2002, the reports that led to the adoption of the ECS in 2002 and the review of the ECS conducted by the Academy in 2009-2010. It considered general articles on codes of ethics and examined how other comparable non-governmental organisations deal with ethics.

Progress reports were sent to the Executive Committee and the Bureau. The Bureau members received the same documentation as the members of the Merged Working Group and were invited to contribute to its work.

The Merged Working Group conducted its review by working over the Internet through sharing reference documents and proposals, exchanging emails, and by conference calls. The International Secretariat uploaded the information on the consultations and was the recipient of the answers; all other work was carried out by volunteers.

### The consultation process

The Merged Working Group organised a first consultation of the ICOMOS membership from 8 October 2013 until 26 February 2014, based on a revised draft of the ECS called 'Ethical Principles for ICOMOS members': 16 responses were received from 6 National Committees (ICOMOS Australia, Belgium, Canada, France, Germany, United Kingdom), 2 International Scientific Committees (Legal issues - ICLAFI, Vernacular architecture - CIAV) and 8 individual members.

After careful consideration of these contributions and discussions over the Internet, the Merged Working Group and the Bureau concluded that a second consultation based on a revised draft of the Principles was necessary in order to finalise the proposal. This second consultation took place from 8 September until 8 October 2014 and generated responses from 3 National Committees (ICOMOS Australia, Belgium, France), 3 individual members and a co-chair of the Merged Working Group<sup>3</sup>. Although the participation was rather limited this time, the suggestions received were extremely helpful to the Group and it finalised its proposals during two conference calls.

The reports and proposals submitted for the two consultations and the responses received are available on the ICOMOS website. The final proposal for the 'ICOMOS Ethical Principles' was distributed by the International Secretariat to the ICOMOS membership through e-News Nr 111 of 30 October 2014.

### Next steps in Florence regarding the proposal

The Advisory Committee will consider the Ethical Principles under agenda item 5-7 on 8 November 2014. This gives it the opportunity to make a recommendation to the 18th General Assembly on their adoption, if it so wishes.

An information session on the proposed ICOMOS Ethical Principles and the amendment of the Statutes will be held on Tuesday, 11 November 2014, from 13:00 to 14:00 at the main General Assembly venue (Palazzo dei Congressi, Villa Vittoria, Sala Verde - to be confirmed). The purpose of the information session is to prepare the plenary session of the General Assembly where the Ethical Principles and the Statutes will be considered for adoption. The draft resolutions related to the statutory matters (items 5-1 to 5-4 of the General Assembly) will be distributed and presented at the information session.

The vote by the General Assembly is scheduled under item 5 (Statutory matters) on 12 November 2014, from 14:30 to 16:00.

### Main changes to the text since the second consultation

A version of the ICOMOS Ethical Principles, where the changes since the second consultation have been highlighted, is available on the ICOMOS web page. A summary:

- Article 1-a: clarification that the ICOMOS Ethical Principles apply to the members, all National and International Scientific Committees and other statutory bodies.
- The titles of articles 2 to 6 now start with “Ethical Principles related to...”: the term “responsibility” has been replaced because of its legal implications; the new wording better reflect the intentions.
- The title of article 2 has become “Ethical Principles related to cultural heritage” (“of the world” has been deleted);
- Article 2-b: former article 5-c has been moved to article 2 (Ethical Principles related to cultural heritage) because it was about respect for cultural heritage and respectful use of and interventions on cultural heritage. The proposed wording is positive instead of negative.
- Article 3-d: introduction of standard wording used by international organisations to contextualize cultural diversity.
- Article 4-d: slight rewording because ICOMOS members are not always in a decision making position.
- Article 6-f-1: a provision has been added to request that ICOMOS members must respect the ICOMOS Statutes, the Statutes of their National Committees and the by-laws of their International Scientific Committees.
- Article 7-a: a more prominent role has been given to the National and International Scientific Committees with regard the dissemination and implementation of the Ethical Principles.
- Other changes are the result of linguistic verifications.

### General presentation of the key issues of the review and how they have been addressed

One of the major conclusions of the survey conducted by the Academy in 2009-2010 was that the ECS was not sufficiently assimilated by the ICOMOS members nor consistently applied, in particular outside the Anglo-Saxon world. In addition, there was a need for clarification of the following:

- To whom do the Ethical Principles apply?
- What is the relationship of the Ethical Principles with the ICOMOS Statutes? With the ICOMOS doctrinal texts? With other ICOMOS policies such as the ICOMOS World Heritage Policy?
- The aspirational or mandatory character of the provisions: what should be included in the Ethical Principles and why?
- What is the role of the National and International Scientific Committees with regard to the Ethical Principles?

How the ICOMOS Ethical Principles addresses these five key issues is presented in turn.

#### 1 Understanding and adoption of the ICOMOS Ethical Principles by the membership

In order to facilitate the assimilation of the Ethical Principles, the provisions have been grouped into five themes or articles:

- Article 2: Ethical Principles related to cultural heritage,
- Article 3: Ethical Principles related to the public and communities,
- Article 4: Ethical Principles related to Best Practice,
- Article 5: Ethical Conduct,
- Article 6: Ethical Principles related to ICOMOS and its members.

Plain language has been used in English and in French in order to facilitate the understanding of the Principles and make translations into more languages easier: ultimately this should lead to a better assimilation of the Ethical Principles.

**Recommendation 1:** The Merged Working Group recommends that, should the General Assembly adopt the Ethical Principles, it also request the Executive Committee/Board to ensure that the Ethical Principles be properly communicated to the members and Committees, and that it be given a pro-eminent place on the ICOMOS web-site and in the Handbook for members.

## 2 Scope

The Ethical Principles shall apply to ICOMOS members, its National and International Scientific Committees and other ICOMOS statutory bodies (article 1-a).

Throughout the Principles, the wording has been adjusted to clarify that the Principles apply to all ICOMOS members regardless of region, culture, specialisation or competences.

The Ethical Principles may be a source for inspiration for non-members and this can be mentioned when ICOMOS communicates about the document, but this is no longer mentioned in the document itself. Likewise, the former reference to membership of other organisations has been deleted.

## 3 Relation with the ICOMOS Statutes, doctrinal texts and policy documents

The proposed ICOMOS Statutes make a specific reference to the ICOMOS Ethical Principles in the preamble and in the first paragraph of article 6 on the rights and duties of members. The Ethical Principles specify that members must respect the ICOMOS Statutes, the Statutes of their National Committee and the By-laws of their International Scientific Committee (article 6-f-1); and that members signify their agreement to adhere to the Ethical Principles by becoming an ICOMOS member and maintaining their membership (article 1-b). In order to avoid additional administrative work for the National Committees, no further formalities are required but the Merged Working Group recommends a standard practice for new members:

**Recommendation 2:** The Merged Working Group recommends that, should the General Assembly adopt the Ethical Principles, it invite National Committees and, where none exist, the International Secretariat, to use a membership application form whereby applicants confirm that they have read the ICOMOS Statutes and the Ethical Principles and signify their agreement.

The Ethical Principles still contain a reference to potential sanctions (article 7-ab), but as a result of the first consultation and following advice of the legal counsel the provisions on the sanctions themselves have been moved to the ICOMOS Statutes.

The wording of the Ethical Principles has been brought into line with the wording proposed for the ICOMOS Statutes. For example, the generic terms 'cultural heritage conservation' and 'préservation du patrimoine culturel' – which are defined in article 3 of the Statutes - have been used throughout the document.

The Ethical Principles are not a doctrinal text: when necessary the wording has been adjusted to clarify this. The Ethical Principles refer to the doctrinal texts: ICOMOS members have an obligation to take cognisance of these texts (article 4-b).

With regard to the relationship of the Ethical Principles with the World Heritage Policy, the Merged Working Group agreed that:

- ICOMOS members should adhere to ethical principles in all circumstances and not just when they carry out work on behalf of ICOMOS. The ethical principles on avoiding conflicts of interest and on confidentiality already contained in the World Heritage Policy have therefore been integrated as general principles (article 5-a);
- In the future, the Executive Committee/Board might develop specific guidelines or procedures for work carried out on behalf of ICOMOS, but these should be brought to the attention of the members (article 6-e);
- Any ICOMOS provision on ethics and expected conduct shall be included in the Ethical Principles. The periodic review of the Ethical Principles provides the opportunity to update the Ethical Principles as necessary (article 7-d).

## 4 Aspirational or mandatory character of the provisions

One of the most difficult issues the Merged Working Group had to resolve was defining what needed to be included in the document and what not. At the start of the reviewing process, there were differing views. For some, the document needed to be limited to provisions on ethics that are mandatory and verifiable. For others the document needed also to include more general provisions that would help to improve ethical conduct and practices over time. After careful consideration of the contributions received and of literature on the topic ("Principles versus Rules")<sup>4</sup>, the Merged Working Group concluded that:

- ICOMOS should not shy away from setting standards on ethics in its own area of expertise;
- A document containing principles and rules was likely to make more impact in the long term;
- The distinction between mandatory and aspirational provisions needed to be very clear and consistent throughout the document and between the two versions<sup>5</sup>.

In provisions that are aspirational, the present tense is used for the verbs in English and in French, whilst in provisions that are mandatory, the verbs "must" and "doivent" are used.

## 5 Role of National and International Scientific Committees

As a result of the consultations, the role of the National and International Scientific Committees with regard to the dissemination and implementation of the Principles has been reinforced (article 7-a). Moreover, the Merged Working Group considers it crucial for the embracing of the Ethical Principles by the membership that the Committees increase awareness about the Ethical Principles and that the Principles be translated in as many languages as possible<sup>6</sup>.

**Recommendation 3:** The Merged Working Group recommends that, should the General Assembly adopt the Ethical Principles, it invite the National Committees and International Scientific Committees to communicate about and to increase awareness of the ICOMOS Ethical Principles.

**Recommendation 4:** The Merged Working Group recommends that, should the General Assembly adopt the Ethical Principles, it invite the National Committees to translate the Principles in their national language(s) and to set up co-operations with Committees from the same language group(s).

### Conclusion

Only Dinu Bumbaru (co-chair) expressed some reservations about the final text, namely on article 6-f-5, on the wording of articles 4-c-4 and 5-d, and on the French translation of 'communities' in French. All other parts of the ICOMOS Ethical Principles were unanimously approved by the Merged Working Group.

It is inherent for a document such as the Ethical Principles to evolve over time. The Merged Working Group considers that the proposed ICOMOS Ethical Principles are an important step forward and transmits the document with the four above-mentioned recommendations to the General Assembly for adoption.

### Word of thanks

The Merged Working Group is very grateful to ICOMOS UK and ICOMOS France who provided translations of the contributions received following the first consultation, and to ICOMOS France for its comprehensive review of the French versions, which lead to improvement of the wording of the final proposal in both languages.

The Merged Working Group is particularly grateful to all ICOMOS members and Committees who have participated in the consultations and thus contributed to the long awaited review of the 2002 Ethical Commitment Statement.

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<sup>1</sup> The Statutes Working Group was established by resolution 17GA 2011/10 and consists of: Andrew Hall (ICOMOS South Africa – former member of the Executive Committee and of the former Statutes Task Force), Gideon Koren (ICOMOS Israel – ICLAFI – member of the former Statutes Task Force and currently ICOMOS Vice-President), Anne Magnant (ICOMOS France – member of the former Statutes Task Force), Peter Phillips (ICOMOS Australia), Bénédicte Selfslagh (ICOMOS Belgium – former Secretary General 2008-2011 – chair of the former Statutes Task Force), a representative of the ICOMOS Executive Committee and a legal counsel to ICOMOS. For personal reasons, Andrew Hall has not been in a position to participate in the work.

<sup>2</sup> The Members of the Merged Working Group designated by the Executive Committee are: Ernest Beceril (ICOMOS Mexico – ICLAFI), Dinu Bumbaru (ICOMOS Canada – member of the ICOMOS Executive Committee - former ICOMOS Secretary General 2002-2008), Amel Chabi (United Arab Emirates – coopted member of the ICOMOS Executive Committee), Grelan Rourke (ICOMOS Ireland - member of the ICOMOS Executive Committee), Toshiyuko Kono (ICOMOS Japan, member of the ICOMOS Executive Committee).

<sup>3</sup> The Merged Working Group was co-chaired by Bénédicte Selfslagh (Statutes Working Group) and Gideon Koren (Executive Committee); in October 2013, the Executive Committee transferred co-chairmanship from Gideon Koren to Dinu Bumbaru.

<sup>4</sup> See articles by Dr Simon Longstaff (St James Ethics Centre), among others.

<sup>5</sup> The French version of the ECS is (unintentionally) more mandatory than the English version.

<sup>6</sup> The International Council on Archives (ICA) Code of Ethics is available in 23 languages; the International Council on Museums (ICOM) Code of Ethics is available in 37 languages.

Annex  
Resolution 17GA 2011/11  
on the amendments to the Ethical Commitment Statement

**The 17th General Assembly of ICOMOS,**

**Recalling** that the Ethical Commitment Statement was adopted in 2002 along with an intention to review it after 6 years of implementation, and that in March 2010, the Executive Committee asked the newly founded ICOMOS Academy to verify with the National and International Scientific Committees the awareness, applicability and enforcement of the Ethical Commitment Statement;

**Considering** that the findings of the survey conducted by the ICOMOS Academy had been distributed to the Executive Committee, the Advisory Committee and the ICOMOS Academy members, and that as a result, the Advisory Committee at its meeting in October 2009 (Malta) appointed a working group to generate proposals to review the Statement;

**Noting** with gratitude the contribution of the Academy and the progress made but considering that this work must continue in order to submit proposals for revision to the Statement;

**Resolves to:**

- a. Integrate this matter in the mechanisms and processes established for the amendment of the ICOMOS Statutes, noting the importance of these issues being pursued in a coordinated manner;
- b. Request the National and International Scientific Committees to promote awareness of the Ethical Commitment Statement and integrate it in their activities;
- c. Invite its membership to implement sound professional practise in continuously and explicitly clarifying whether they speak in their own name or whether they have been mandated to represent the view of ICOMOS.