



ICLAFI By-Laws 2020

1. Establishment

- 1.1. The International Scientific Committee on Administrative, Legal and Financial Issues (hereinafter referred to as “the Committee” or “ICLAFI”) is established in accordance with The ICOMOS Statutes adopted in December 2017 at the 19th General Assembly in Delhi; the Ethical Principles adopted in Florence, November 2014; the Rules of Procedure of the International Council on Monuments and Sites adopted pursuant to the ICOMOS Statutes; the Eger Xi’an Principles 2008; the Malta Guidelines for ISCs 2009; and the Dubrovnik Valetta Principles 2010, as amended.
- 1.2. These By-Laws are consistent in their definitions, aims, activities and actions with those of ICOMOS as expressed in Articles 3 and 4 of the ICOMOS Statutes.

2. Aims

The ICOMOS International Scientific Committee on Administrative, Legal and Financial Issues (ICLAFI) researches and promotes the understanding, identification, international cooperation, and comparative study of legal, administrative and financial issues in connection with the protection, maintenance, conservation and management of the Cultural Heritage, as defined in the ICOMOS Statutes.

3. Functions

- 3.1 The Committee shall:
 - a) Provide a platform for exchange of ideas and dissemination of information on legal, administrative and financial issues.;
 - b) Provide advice on such issues;
 - c) Prepare or study doctrinal texts where appropriate and inform the International Secretariat when a text is being prepared;
 - d) Approve a Triennial Work Plan to implement ICLAFI's aims;
 - e) Form sub-committees, task forces and/or working groups whenever necessary to perform certain tasks which will enable ICLAFI to fulfil its aims.
- 3.2 The Committee may:
 - a) Prepare and submit nominations for Honorary Membership prior to a triennial ICOMOS General Assembly in the appropriate format and in the requisite timeframe;
 - b) Prepare and submit Resolutions in advance of a triennial ICOMOS General Assembly.

4. Activities.

- 4.1. In implementing its Aims, the Committee shall engage in the following activities relating to the legal, administrative and financial issues of heritage conservation through:
 - a) Research, identification, and study;
 - b) Promotion of international cooperation and proposal of solutions;
 - c) Encouragement of knowledge and understanding through study visits, scientific

- conferences and publications;
- d) Collection and dissemination of diverse professional experience and knowledge and developing guidance for ICOMOS, taking into account cultural diversity and sensitivities and in cooperation with other ICOMOS National and International Scientific Committees;
 - e) Awareness-raising, interpretation, and promotion of appreciation and of the importance of legal, administrative and financial tools for ensuring the protection, maintenance, conservation and management of the Cultural Heritage;
 - f) Support for capacity building around understanding, identification, international cooperation, study and development of solutions;
 - g) Addressing the needs of new Associate Members and Emerging Professionals in developing specialisation and competence.

5. Membership

- 5.1 The Committee shall be composed generally of ICOMOS members who are accepted as Expert Members and Associate Members by ICLAFI. The Committee shall seek to reflect in its membership regional and cultural diversity and available expertise in the fields of law, administration and finance.
- 5.2 In addition to Expert and Associate Members, the Committee may appoint Institutional and Honorary Members.
- 5.3 Individual ICOMOS members may apply directly for membership in ICLAFI. Nominations of ICOMOS members also may be submitted by ICLAFI Expert Members, National Committees or by the ICOMOS Secretariat where no National Committee exists. Applications or nominations for all categories of membership must be sent to the ICLAFI Bureau. The ICLAFI Bureau shall review the membership application or nomination and inform the candidate of the result.
- 5.4 In the event of an application for membership being refused by the ICLAFI Bureau, an applicant shall have a right of appeal to the ICOMOS Board (Article 14(b) ICOMOS Statutes).
- 5.5 The categories of Membership along with their rights of membership are as follows:
- a. Expert Members
 - 1 Expert Members shall be accepted based on their individual profile, in particular their knowledge of and / or association and 5 years of experience in law, administration, finance, economics or tax in connection with the protection of Cultural Heritage;
 - 2 Expert Members may remain members so long as they are ICOMOS members and meet ICLAFI's criteria for participation, as expressed in article 5.6 below.
 - 3 Expert Members have the right to participate in any aspect of the work of the Committee;
 - 4 Each National Committee will be requested to designate one Expert Member as its voting member. The representative of an Institutional Member may not be designated by a National Committee as a voting member;
 - 5 Only the individual Expert Members designated by National Committees as voting members may vote at elections of the Committee's Bureau or amendment of its By-Laws;
 - 6 When voting on any issue or decision, other than the election of the Bureau or

amendment of the Committee's By-Laws, each Expert Members, shall have a vote.

a) Associate Members

- 1 Associate Members are conditionally accepted by the Bureau for a period of up to three years, after which time their contribution to the Committee will be evaluated by the Bureau and, as a result, the Associate Membership shall then be:
 - a. Extended for another similar period of time, with a maximum of two such triennial extensions, or
 - b. Upgraded to Expert Membership, or
 - c. Rejected on the basis of non-participation as expressed in article 5.6 below;
- 2 The Committee will strive to incorporate Associate Members in its work and activities.
- 3 Associate Members shall not have voting rights.
- 4 When appropriate, ICLAFI may ask a National Committee to designate one or more Associate Members to help build up particular expertise in countries where such a need exists.

b) Institutional Members:

- 1 ICLAFI may establish the category of Institutional Membership if it deems such membership appropriate;
- 2 The Expert Members of ICLAFI may opt to invite an Institution to become an Institutional Member of the Committee for one triennium, and the membership may be renewed for additional three-year periods without limitation of the number of extensions;
- 3 An Institutional Member may designate one person to be its representative in the Committee;
- 4 Neither Institutional Members nor their representatives have voting rights.

c) Honorary Members

- 1 Honorary Members may be elected by ICLAFI and may participate in all activities of the Committee;
- 2 Honorary Members need not be members of ICOMOS and are appointed in recognition of their services to ICLAFI and/or in recognition of outstanding achievement in the field covered by the aims and activities of ICLAFI;
- 3 Honorary members who are not Expert Members have no voting rights;
- 4 Honorary Members may use the title: Honorary Member, ICLAFI.

d) Emerging Professionals

- 1 An Emerging Professional means an individual member of ICOMOS who is a student or at an early stage of his/her professional career.
- 2 Emerging Professionals are recognised within ICOMOS to maintain scientific

relevance for future generations and to achieve intergenerational engagement to secure the organisation's continuity, including through mentorship.

- 3 An Emerging Professional may be an Expert Member or an Associate Member and, in this regard, shall have the same rights and obligations that are accorded to each of those types of membership.
- 4 The Committee shall encourage Emerging Professionals to join its work, introduce mentorship programmes, and strive towards achieving a 20% composition of Emerging Professional Members within the Committee. At least one Emerging Professional shall be invited to join the Bureau of the Committee as an observer without voting rights.
- 5 When appropriate, ICLAFI may ask a National Committee to designate one or more Emerging Professionals to help build up the particular expertise in countries where such a need exists.
- 6 A member identified by the Committee as an Emerging Professional shall cease to be regarded in this category after a period of five years.

5.6 Each Expert or Associate member is expected to demonstrate active participation in ICLAFI at least every two years. Active participation shall mean:

- a) attendance at Committee meetings and symposia;
- b) submission of papers or responses to questionnaires in lieu of personal attendance at symposia;
- c) undertaking projects on behalf of the Committee at the request of the Bureau;
- d) representing the Committee in an official capacity before other bodies; or
- e) making substantial contributions to the work of a subcommittee or task group of the Committee, and;

5.7 Each ICLAFI Member shall submit to the Bureau an annual report of committee-related activities undertaken by the Member.

5.8 The membership of any Expert or Associate Member may be withdrawn if the Member has been found not to have complied with the criteria for participation in the work of the Committee or been in violation of these By-Laws or the ICOMOS Statutes or Ethical Principles by informing the Member and the National Committee of that Member (or the Bureau of ICOMOS if that ICLAFI member is from a country where there is no National Committee.) Any Member affected by a decision of ICLAFI or a ruling of a National Committee regarding membership may appeal to the Board of ICOMOS.

5.9 Members who have been removed from the rolls of the Committee may reapply for membership certifying that the cause for their removal has ceased to exist and their intent to participate actively in the future.

6. The Bureau

6.1 The Bureau shall be elected by the Expert Members designated by their National Committee as having voting rights and shall comprise a President, three Vice Presidents, and a Secretary. Only Expert Members are eligible for election to the Bureau.

- 6.2 There may be only one member of the Bureau from any one country.
- 6.3 The Bureau shall lead and guide the work of ICLAFI, ensure good governance, and represent ICLAFI within ICOMOS and outside the organization while acting in the best interests of, and maintaining regular contact with, its membership.
- 6.4 The Bureau members shall be elected at the end of each three-year mandate and serve until their successors are elected. Special elections shall be held in cases of resignation, loss of membership in ICOMOS or the Committee, or where a position was not filled in a regular election through a lack of candidates. Special elections shall be held within three months of a vacancy occurring.
- 6.5 At the request of one-third of the voting Expert Members, the Committee may vote to have an earlier election for the Bureau or any of its members.
- 6.6 Elections shall be organized and monitored by one or more Expert Members appointed by the Bureau. Elections shall be conducted through secret ballot (a) at an annual meeting with provision for proxies or (b) by postal and/or electronic means. Votes should be collected and counted by one or more individuals appointed by the Bureau who are not themselves candidates and are acceptable to the candidates. If no agreement on an independent third party can be reached, the Bureau will ask the officers of the Scientific Council to collect and count the votes. Elections for members of the Bureau shall be verifiable. If no candidates are nominated for election to a position on the Bureau, the Bureau members shall appoint a qualified ICLAFI member to fill the position until a special election is held.
- 6.7 The Bureau of the Committee shall:
 - a. Maintain an updated membership roster;
 - b. Admit and withdraw membership in accordance with the provisions of these By-laws and the ICOMOS statutes and rules of procedure;
 - c. Certify Expert Voting Members of the Committee nominated by National Committees;
 - d. Convene meetings of the Committee in designated locations or via conference calls or other communication technologies;
 - e. Implement the Committee decisions;
 - f. Prepare the Committee's guidelines for communication, election and reporting for approval by the Committee;
 - g. Prepare an Annual Report to be submitted to ICLAFI Members and to the Scientific Council of ICOMOS;
 - h. Subscribe at least one Bureau member to the Scientific Council's listserv;
 - i. Provide the Scientific Council and ICOMOS Board with advice and any data or information requested by them;
 - j. The Bureau shall make provision for a Website and/or other electronic means of communication to its membership or the public.
 - k. Take and execute necessary decisions in all other administrative and financial issues before the Committee.

7. Co-operation with other ICOMOS bodies

In pursuance of its aims, ICLAFI will co-operate with the ICOMOS Board and Bureau, Scientific Council and Advisory Committee, other National and International Scientific, ICOMOS Working Groups, the ICOMOS Secretariat, and ICOMOS partner organizations and international bodies.

8. Meetings

- 8.1 The Committee shall meet as often as is necessary to conduct its business and will strive to meet at least once per year to advance its scientific and administrative agenda.
- 8.2 If the Committee meets more than once in any year it shall designate one of those meetings as its Annual General Meeting. Meetings are either in a designated physical location, organized as conference calls, or via other technological means.
- 8.3 Decisions of the Committee are by a simple majority vote of those members present and voting, in person or remotely, unless specified otherwise in these By-Laws.
- 8.4 The minutes of meetings of the Committee shall be approved by the membership, signed by the President, and submitted to the International Secretariat, as provided for in the ICOMOS Statutes.

9. Finances

- 9.1 Should the Committee receive funds to support its activities, those funds must be deposited in an account set up by the ICOMOS International Secretariat. The activities of the Committee may be financed by funds allocated by ICOMOS from its annual budget or obtained:
 - a) by the Committee from international and national organisations including ICOMOS National or Scientific Committees
 - b) by the Committee on its own initiative such as income from publications,
 - c) from any other source provided by way of gift, bequest, donation or sponsorship, or
 - d) from ICLAFI members as voluntary contributions to its funds, but such contributions shall not be a condition of membership.
- 9.2 Members of the Committee are generally expected to obtain the funds necessary to ensure their participation in its activities, in particular their travel expenses to the meetings.

10. Accountability

- 10.1 The Committee cannot make any legal agreement or carry out an act that could create a binding obligation on ICOMOS without the authorization of the Bureau of ICOMOS.
- 10.2 The Committee shall not take a public position contrary to that of the Board and Bureau of ICOMOS. This provision does not prevent ICLAFI from expressing disagreement with the Board or Bureau within the ICOMOS organization.

11. Language

The Committee will use English as its working language. Use of other languages, including French and Spanish, will be encouraged.

12. Secretariat

The Secretariat of ICLAFI will be located at the ICOMOS International offices.

13. Dispute Settlement

- 13.1 Any dispute arising out of the interpretation of these By-Laws shall be resolved by way of referral to the ICOMOS Scientific Council. There will also be a right of appeal to the Board of ICOMOS from a decision of the Scientific Council.
- 13.2 The referral shall be governed by the ICOMOS Statutes, Rules of Procedure, the Eger- Xi'an Principles, the Malta Guidelines and the Ethical Principles, provided always that nothing in these By-Laws shall be interpreted in any way that might be inconsistent with the realisation of the aims of the Committee.

14. Amendment

- 14.1 Amendment of these By-laws shall be made by the Expert Members designated by National Committees as voting members at a physical meeting of the Committee with proxies permitted, by postal vote, and/or via conference calls or other technological means.
- 14.2 Any agenda item for amendment of these By-Laws, which is to be discussed and resolved by the Committee, shall be submitted to all ICLAFI Members at least fifteen (15) days before the date of its consideration. The Committee shall notify the Scientific Council and the Board of ICOMOS of the Committee's decision following its vote.
- 14.3 All By-Law revisions shall be submitted through the Scientific Council for the approval of the Board of ICOMOS.