

ICOMOS ICICH BY-LAWS - 2020

By-Laws for ICICH

(The ICOMOS International Scientific Committee on Intangible Cultural Heritage)

1 Establishment

The International Scientific Committee on Intangible Cultural Heritage (hereinafter referred to as “the Committee” or “ISC”) is established in accordance with:

The ICOMOS Statutes adopted at the 19th General Assembly in Delhi, in December 2017; 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.

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 Intangible Cultural Heritage (ICICH) aims are consistent with ICOMOS, specialised to research and promote the understanding, protection, conservation and management of Intangible Cultural Heritage, by:

- a) promoting international co-operation in the identification, study and solution of issues related to the ethical identification, protection, interpretation, and management of the intangible cultural associations attributed to monuments and sites;
- b) co-operating with the International Scientific Committees of ICOMOS in reviewing doctrinal documents as well as management and conservation practices, in light of the role of intangible attributes in the significance and values of cultural heritage sites;
- c) advising ICOMOS on any role it may have in the implementation of, or other activities associated with UNESCO’s International Convention on Intangible Cultural Heritage;
- d) advising ICOMOS on the role of intangible attributes in the role it plays in implementation of other UNESCO Conventions and international treaties, such as the World Heritage Convention and The Hague Convention.

3 Functions

3.1 The Committee shall:

- a) Provide a platform for exchange of ideas and dissemination of information on Intangible Cultural Heritage;
- b) Provide technical advice on Intangible Cultural Heritage;
- c) Prepare or study doctrinal texts where appropriate and inform the International Secretariat where a text is being prepared;
- d) Approve and perform each Triennial Work Plan, under By-law 6(8)(h);
- e) Form sub-committees, task forces and/or working groups whenever necessary to perform certain tasks which will enable ICICH to fulfil its objectives;
- f) Try as far as reasonably possible to make technological provision for members to participate remotely in proceedings where it is not possible for them to attend in person.

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- 3.2 The Committee may:
- a) Prepare and submit nominations for Honorary Membership prior to a triennial General Assembly in the appropriate format and in the requisite timescale;
 - b) Become involved in the preparation of Resolution(s) in advance of a triennial General Assembly in conjunction with other ISCs.

4 Activities

- 4.1 The Committee shall engage in the following activities:
- a) Research on Intangible Cultural Heritage at place;
 - b) Promotion of Intangible Cultural Heritage at place;
 - c) Encouragement of knowledge and understanding of Intangible Cultural Heritage at place;
 - d) Fostering the gathering and sharing of diverse professional experience and knowledge and developing guidance for ICOMOS on Intangible Cultural Heritage at place taking into account cultural diversity and sensitivities and in co-operation with other ICOMOS Scientific and National Committees;
 - e) Fostering awareness-raising, appreciation and interpretation of Intangible Cultural Heritage at place;
 - f) Supporting capacity building about Intangible Cultural Heritage at place;
 - g) Addressing the needs of new Associate Members and Emerging Professionals in developing their specialisation and competence in Intangible Cultural Heritage.
- 4.2 These aims shall be included and detailed in the ISC Triennial Work Plan the Committee shall prepare timed with each triennial General Assembly of ICOMOS.

5 Membership

- 5.1 The Committee shall be composed of Expert Members, and Associate members. The Committee shall seek to reflect, in its membership and Bureau, regional and cultural diversity in the available expertise in the field of conservation of Intangible Cultural Heritage at place.
- 5.2 The Committee may, if it wishes, (but is not obliged to) appoint Institutional Members.
- 5.3 The Committee may, if it wishes, (but is not obliged to) appoint Honorary Members.
- 5.4 The Committee may, if it wishes, following a decision of the majority of the Expert Members, invite a non-ICOMOS Member, who can make a significant contribution to the meetings and activities of the Committee, to participate in its activities. Invited members will be encouraged to apply for ICOMOS membership and will be accorded no voting rights.
- 5.5 Applications relating to all categories of membership must be sent to ICICH with a copy for information to the applicant's National Committee, or where none exists to the International Secretariat.
- 5.6 The Committee shall adopt minimum Criteria for Admission and a transparent and well understood methodology for assessing and verifying individual competencies and expertise of applicants.

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5.7 In the event of an application for membership being refused by this Scientific Committee an applicant shall have a right of appeal to the ICOMOS Board (Article 14(b) ICOMOS Statutes).

5.8 The rights and duties of Members shall be as follows:

(1) Expert Members

- a) ICOMOS Members experienced and engaged in the areas relevant to the objectives of the Committee may apply for Expert Membership, either upon personal application or by proposal of the National Committee to which they belong;
- b) Expert Members shall be accepted based on their individual profile, in particular their knowledge of and / or associations with Intangible Cultural Heritage at place; all Expert Members must be members of ICOMOS and may remain members so long as they are ICOMOS members and meet the International Scientific Committee's (ISC) criteria for participation.
- c) Expert Members have the right to participate in any aspect of the work of the Committee;
- d) Each National Committee should 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;
- e) Only the individual Expert Members designated by National Committees as voting members, may vote at elections of the Committee's Bureau or concerning the amendment of its By-Laws; an Expert Member who is the only one of that National Committee to be the ICICH voting member by default, in the absence of a response from the National Committee confirming them in that role.
- f) When voting on any issues and decisions, other than the election of the Bureau or amendment of the Committee's By-Laws, all Expert Members, shall have a vote.

(2) Associate Members

- a) ICOMOS Members interested in gaining knowledge and building up expertise in areas relevant to the objectives of the Committee may apply for Associate Membership, either upon personal application or proposal by the National Committee to which they belong;
- b) Associate Members shall be accepted in unlimited number. They are conditionally accepted for a period of three years, after which time their contribution to the Committee will be evaluated in a transparent manner. The Associate Membership shall then be:
 - i. Extended for another similar period of time, with a maximum of two such triennial extensions, or
 - ii. Upgraded to Expert Membership, or
 - iii. Rejected on the basis of non-participation or unsatisfactory performance;
- c) The Committee will strive to incorporate Associate Members participation in its work;
- d) Associate Members do not have voting rights;
- e) When appropriate an ISC 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.

(3) Institutional Members

- a) When in the interests of ICOMOS and of ICICH, and at ICICH's discretion, the category of Institutional Membership may be established;
- b) The Expert Members of ICICH, may opt to invite an Institution to become an Institutional

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Member of the Committee for one triennium, and the membership may be renewed indefinitely for additional three-year periods;

- c) An Institutional member may designate from its staff one person with the required qualifications to be its representative and spokesperson in the Committee;
- d) Institutional Members do not have voting rights.

(4) Honorary Members

- a) Honorary Members may be elected by the Expert Members of ICICH and may participate in all activities of the Committee;
- b) They need not be members of ICOMOS and are appointed in recognition of the services and/or in recognition of outstanding achievement in the field covered by the aims and activities of ICICH;
- c) Honorary members who are not Expert Members have no voting rights;
- d) Honorary Members may use the title: "Honorary Member, ICICH".

6 The Bureau

- 6.1 The Bureau shall be elected by the Expert Members with voting rights and shall comprise a President, two Vice Presidents, a Secretary, and, if necessary, a Treasurer. Only Expert Members can be elected to the Bureau.
- 6.2 Members of the Bureau should represent different countries and wherever possible at least three geographic regions.
- 6.3 The role and responsibilities of each Bureau member will be specified and agreed upon by the Bureau, which as a whole shall lead and guide the work of ICICH, ensure good governance, represent ICICH within ICOMOS and outside, while acting in the best interests of and maintaining regular contact with its membership.
- 6.4 The term of office for the Bureau shall be three years and members shall be eligible for re-election for a maximum of two more consecutive terms.
- 6.5 The Bureau shall be elected at the end of each three-year mandate. Prior elections can be undertaken in cases of resignation.
- 6.6 Elections shall be conducted by Expert Members, appointed by their National Committees as voting members, through secret ballot, at an annual meeting with provision for proxies, or by postal and electronic means. If an election is held by postal and/or electronic means, votes should be collected by an independent third party agreed upon by all candidates. If no agreement on an independent third party can be reached, the officers of the Scientific Council shall be asked to collect the votes. Elections for officers shall be verifiable.
- 6.7 If no candidates are nominated for election of a post, Expert Members appointed by their National Committees as voting members, shall meet in closed session, either in presence or via electronic conferencing, to encourage the nomination of candidates. Such meetings shall be repeated every 10 days until nominations have been declared for all offices.

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6.8 The Bureau of the Committee shall:

- a) Register Members to the Committee;
- b) Register Expert Voting Members nominated by National Committees to the Committee;
- c) May wish to withdraw the membership of any Expert Member, or Associate Member if s/he has been found not to have complied with the criteria for participation in relation to the work of the Committee as set out by these By-Laws; Should the Bureau wish to withdraw the membership of any Expert Member, or Associate Member, the Bureau must inform the National or Transnational Committee of that Member (or the Bureau of ICOMOS if this ICOMOS member is from a country where there is no National Committee).
- d) Any Member of an ISC affected by the ruling of the Bureau or by a ruling of a National Committee may make an appeal to the Board of ICOMOS. Members who have been removed from the rolls of the Committee may reapply for membership certifying their intent to participate actively in the future;
- e) Convene the Committee meetings in designated locations or via conference calls or other technologies;
- f) Implement the Committee decisions;
- g) Prepare the Committee's Draft Guidelines for communication, election and reporting for approval by the Committee;
- h) Prepare an Annual Report to be submitted to ICICH Members and to the Scientific Council of ICOMOS for their consideration and approval. The Scientific Council will advise International Scientific Committees of the required format and content of the annual report¹;
- i) Prepare a triennial work plan, including aims and objectives; approve each plan, share with members, and carry out the plan;
- j) At least one Bureau member must subscribe to the Scientific Council's listserv;
- k) The Bureau shall provide the Scientific Council with any additional data or information requested by them, so as to enable them to carry out their annual performance review effectively;
- l) The Bureau shall provide the Scientific Council with information concerning any involvement the Committee may have in nominations relating to international conventions (inter alia, the Convention Concerning the Protection of the World Cultural and Natural Heritage, the Convention on the Protection of the Underwater Cultural Heritage, and the Convention for the Safeguarding of the Intangible Cultural Heritage) as well as identifying individual members involved in such work;
- m) The Bureau may receive advice and guidance from the Scientific Council;
- n) The Bureau shall ensure that duties of maintaining the archival record and institutional memory of the Committee are allocated appropriately and that appropriate information is disseminated to all members of ICICH;
- o) The Bureau shall make provision for a Website for ICICH and if necessary, a listserv.

¹ The annual report must contain as a minimum:

- a) The names and contact details of the President and Secretary of the Committee
- b) The number of Committee members in the current and previous year
- c) A summary of the Committee's activities for the past year, including in particular its annual meeting and any conferences or publications.

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7 Emerging Professionals

- 7.1 An Emerging Professional means an individual member of ICOMOS who is a student or at an early stage of his/her professional career.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 When appropriate an ISC 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.
- 7.6 A member identified by the Committee as an Emerging Professional shall cease to be regarded in this category after a period of five years.

8 Criteria for participation

- 8.1 The Committee shall adopt minimum criteria for participation as a means of gauging levels of engagement by Expert and Associated members.
- 8.2 Active participation shall mean attendance at Committee meetings and Symposia, submission of papers or responses to questionnaires in lieu of personal attendance at symposia, undertaking projects on behalf of the Committee at the request of the Bureau, representing the Committee in an official capacity before other bodies, or making substantial contributions to the work of a subcommittee or task group of the Committee.
- 8.3 Should an Expert, or Associate Member not attend three consecutive Annual Meetings of the Committee and its Symposia without due cause, and over the same period not demonstrate active participation, the Bureau may decide to withdraw the membership of the Expert or Associate Member.

9 Triennial Reviews of the work of International Scientific Committees

- 9.1 The Committee and its Bureau shall assist the appointees of the Scientific Council with the Triennial Review of the Committee's work under the Eger Xi'an Principles and the Malta Guidelines, including provision of additional data or interim reports to allow the review to be carried out effectively.
- 9.2 The Committee must implement any necessary measures based on recommendations of the Triennial Review, if agreed by the Scientific Council, the Advisory Committee or the Board of ICOMOS, or show good reason why this should not be done.

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- 9.3 Cases of persistent non-compliance by this Committee in the Triennial Review Process may be referred to the Board of ICOMOS by the Scientific Council or the Advisory Committee for corrective action, as it is only for the Board of ICOMOS to decide whether to endorse the activities of or to dissolve an ISC.

10 Co-operation with other bodies

In pursuance of its aims, the Committee will co-operate with:

International Scientific Committees and National Committees of ICOMOS; and

ICOMOS partner organizations and international bodies aiming at achieving what is stipulated in the aims and activities of the Committee. In this regard, such partnership arrangements will require the approval of the majority of the Expert Members.

11 Meetings

- 11.1 The Committee shall meet as often as is necessary to conduct its business and must meet at least once a year for its scientific and administrative agenda. It may hold a maximum of two (2) Extraordinary General Meetings should the need arise.
- 11.2 If the Committee meets more than once in any year it must designate one of those meetings as its Annual General Meeting. Meetings are either in a designated location or – following a decision by its membership – organized as conference calls or via other technological means.
- 11.3 In these meetings, members may vote in accordance with clauses 4.8 (1) (e) and 4.8 (1) (f) of these By-Laws. All decisions are decided by a simple majority unless specified otherwise in these By-Laws. Electronic consultations leading to decisions may also be invoked and decisions made in such consultations shall be considered valid. Electronic votes of Expert Members in webcasts (or comparable technologies) shall be considered valid.
- 11.4 The minutes of meetings of the Committee shall be signed by the President and put on record by the International Secretariat, as provided for in the ICOMOS Statutes.
- 11.5 The Committee shall address their annual activity report and their work programmes for the next year to the International Secretariat, for opinion of the Advisory Committee and approval by the Board of ICOMOS, as provided for in the ICOMOS Statutes.

12 Finances

- 12.1 Should the Committee require funds to support its activities in a given year, the activities of the Committee shall be financed by funds:
- a) allocated by ICOMOS from its annual budget,
 - b) obtained by the Committee from international and national organisations including ICOMOS National Committees,
 - c) obtained by the Committee on its own initiative such as income from publications, and
 - d) obtained from any other source provided by way of gift, bequest, donation or sponsorship.
 - e) The ISC may ask its members for voluntary contributions to its funds but such contributions shall not be a condition of membership.

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- 12.2 Members of the Committee are generally expected to obtain the funds necessary to ensure their participation in its activities, in particular their presence at the meetings.
- 12.3 The Committee cannot open a bank account in its name.
- 12.4 The Committee cannot keep funds of the ISC in a personal account. A special account may be set up by the ICOMOS International Secretariat for this Committee as required.
- 12.5 Should this ISC have an association with a partner organisation, its funds must be held either by ICOMOS or the partner organisation.
- 12.6 This ISC will designate a contact person who may liaise with the ICOMOS Accountant at the International Secretariat if necessary, and as follows:
- a) For incoming payments that designated contact person should inform the ICOMOS Accountant of a payment which is due so that it can be clearly identified and attributed to the appropriate ISC account;
 - b) For outgoing payments that designated contact person may send the International Secretariat the invoices that the Committee wishes to settle out of its funds or the bank details for electronic transfers together with information about the purpose of the payment;
 - c) The ICOMOS Accountant may prepare the operation for signature by two of the following: the ICOMOS Director General, one of the Directors, and the ICOMOS Accountant;
 - d) The International Secretariat will provide the designated contact person with detailed records on the Committee's funds upon request;
 - e) The annual ISC accounts will be listed in the Annual ICOMOS audited balance sheet;
 - f) Should ICICH be dissolved, any assets or funds held in the ICOMOS accounts on its behalf may be attributed to the general ICOMOS budget.
- 12.7 The Treasurer or designated contact person shall draw up a budget and financial plan to be approved by ICICH and maintain an appropriate record of all financial transactions for the purpose of assisting the Accountant of ICOMOS in the preparation of the annual audited statement

13 Accountability

- 13.1 The Committee cannot make any agreement or carry out an act that could create a legally binding obligation for ICOMOS without the authorization of the Bureau of ICOMOS.
- 13.2 The Committee shall not use the ICOMOS name in relation to its activities or agreements unless authorised by the Bureau of ICOMOS.

14 Language

The Committee will use English and French as working languages. ICICH has a strong commitment to the use of other languages (such as Spanish) and will be encouraged.

15 Secretariat

The Secretariat of the ISC will be located at ICOMOS International, 11 rue du Séminaire de Conflans, 94220 Charenton-le-Pont, France.

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16 Dispute Settlement

- 16.1 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.
- 16.2 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.

17 Amendment

- 17.1 Proposals for the amendment of these By-laws shall be made by the voting of Expert Members designated by National Committees as voting members at a Meeting with proxies, and/or by postal and electronic ballot. All By-Law revisions shall be submitted through the Scientific Council for the approval of the Board of ICOMOS.
- 17.2 Any agenda item for amendment of these By-Laws, which is to be discussed and resolved by the Committee, shall be submitted to all Expert Members, to the Scientific Council and the Board of ICOMOS at least ninety (90) days before the date of its discussion.