

Section Chairs Meeting (SCM)
18 April 2012, 14:10 – 18:45
Swiss Federal Archives, Bern, Switzerland
Minutes

Present: Jens Boel (SIO, VP Sections), Paola Caroli (SAN), Deborah Jenkins (SLMT), William Maher (SUV), María José Justo Martin (SAN), Marietta Minotos (SPP), Kenth Sjöblom (SPO), David Sutton (SLA), Geir Walderhaug (SAE).

Andreas Kellerhals Vice-President for Finance, (for agenda item 5)
David Leitch, Secretary General (for agenda item 9)

Apologies: Didier Bondue (SBL), Esther Cruces Blanco (SAR), Kim Eberhand (SKR), Henri Zuber (SPA)

1, 2 Adoption of the Agenda. Chair Boel opened the meeting and noted that because President Berendse would not be arriving until late in the night, Secretary-General Leitch would attempt to address the concerns of the SCM relating to today's agenda, principally on the proposed constitutional revision. Maher asked whether the minutes of Toledo SCM needed a formal approval at this meeting. Boel explained, and SCM members agreed, that the group had decided that minutes would be approved via e-mail voting within 2 weeks of the date when they are circulated to the SCM members. This process has been adopted so that the SCM's work can be promptly posted to the ICA website. Boel noted that the Toledo meeting's minutes had been so approved by e-mail last November.

3. Reports on Developments of Common Interest.

3.1 Discussion Paper on Sections and Working Groups. As per agreement at the Toledo SCM, a draft document was prepared, circulated, and then approved electronically to provide some basic definitions of the nature of Sections and Working Groups. As per that plan, Zuber had sent the resultant Discussion Paper to PCOM in relation to the general plan for the future work of PCOM to be done through sub-committees. Because Zuber could not be present for the Bern PCOM meetings, there has not yet been any in depth discussion of the Discussion Paper. Furthermore, any work on the issue will have to be coordinated with the draft new constitution's reference to "Groups of Experts" as an organizational unit. In response to a question from Jenkins, Boel stated that there had not been any substantive reaction from PCOM because the document had not been formally presented to PCOM, only placed on its Wiki. Thus, there was more puzzlement than concern.

3.2 Reports on Sections Activities to PCOM. Boel indicated that he had reported to PCOM on the activities of Sections, based on submissions he had received. These related to the Olympic cities project, human rights and archives, and copyright policy. He had also encouraged the Brisbane Congress and the Secretariat to reduce the ICA's Annual General Meeting (AGM) to only one-half day, but he could not report on an outcome because the matter of the Congress schedule was not going to be discussed until a time simultaneous to this SCM.

3.3 ATOM Software Project. PCOM has indicated support for "Option 2.1" whereby ICA would remain involved with ATOM, but focused on the original idea of it as a desktop software package intended for use by small and medium sized institutions, especially in the developing world. ATOM Version 1.2 would be labeled as "ICA-ATOM" but any future development of

the program independently by Artifactual, for example to operate on an “entreprise basis” would be called simply “Atom.” It was the consensus of the SCM, that we supported this approach.

3.4 2013 Annual Meetings and 2012 Congress. In regard to MCOM, the only matter on which the SCM Chair was asked to comment upon was the matter of invitations from prospective hosts for the 2013 ICA Annual Meeting. At present, there is only one complete bid/invitation for the meeting. Meanwhile, registrations for the Brisbane Congress are growing, albeit from a small base. Jenkins noted that the promotional banner, to which we had agreed in Toledo, was going into production. It will have one sentence from the document we had agreed about the nature of Sections, and the names of each of the Sections. Once the artwork has been completed, Jenkins will share it with the SCM members.

There was further discussion about the scheduling challenges for the Brisbane Congress which were making it difficult to have a time for Sections to meet as well as for there to be a SCM. After considerable discussion, there was agreement that there was no choice but to have governance meetings coinciding/competing with program sessions, and this conclusion underscored why the ICA AGM should be reduced to one-half day. There was a reluctant consensus that the SCM meeting would need to take place on the Sunday preceding the Executive Board meeting, probably in the afternoon.

3.5 Copyright Working Group. Sutton reported that the group was continuing to do its work via e-mail. Meanwhile, ICA was looking to have Tim Padfield as its representative at the next WIPO Standing Committee on Copyright and Related Rights (SCCR) for the continuing discussions of language for a possible treaty text on library and archives exceptions. Sutton and Maher will be reporting on the SCCR process at the upcoming Society of American Archivists meeting, and Sutton has applied for a slot for a presentation on the Copyright Working Group’s work at the Brisbane ICA Congress. In response to a question from Maher, Sutton reported the follow-on to the White Paper the Working Group commissioned last year.

1.4. Proposed Constitutional Reforms. As the SCM’s representative to the Constitution and Organization Sub-Committee, Sutton provided an overview of the fundamental organizational changes incorporated into the proposed constitution: a) a widening of the franchise by giving Category “C” (institutions) the right to vote and b) a basic change to the way ICA is managed by transferring power from the MCOM to the Executive Board. He noted that there were some important areas needing clarification (the number and role of the Vice-Presidents, the phrasing of the French law mandate seemingly giving the President imperial powers, and the nature of the unit known as “Group of Experts.” Sutton also answered questions and addressed concerns about these elements. For example, while there was disappointment within the SCM that the proposal still did not give category “D” members the right to vote, giving institutions the right to vote would be a major, and perhaps not easily won, advance and change in the nature of ICA. There was considerable concern about the draft constitution’s allocation to the President of “all powers to make commitments” and while it was understood that this phrasing was a response to terms of French law, SCM members expressed the strong hope that some additional consultation with specialists could result in a less “absolutist” phrasing of the need for the President to hold executive powers.

SCM members expressed concern about how much of the constitution relegated some basic operational protections to “Internal Regulations” for which neither their terms nor text were being made available before a decision had to be made on the text of the new constitution.

While the shape of some Internal Regulations may be derived from text in the current constitution, e.g., the election of Fellows, there are other areas where there is great unclarity of the exact terms of provisions that would support accountability and good governance—the kind of information the members will need with the new Constitution. There was a strong sense that it would be unwise to adopt the new Constitution without the regulations having been drafted. However, because of the limited time available, Jenkins suggested that the Constitution and Organization Sub-Committee only be required to provide a set of “heads of terms” to outline those items on which regulations are needed. Sutton agreed to represent the SCM in drafting the regulations. Maher and Jenkins suggested that the constitution proposal include a set of “transitional provisions” to indicate that the new constitution would not take full effect until specified “Internal Regulations” had been written and adopted by the Executive Board. The SCM agreed by consensus.

Discussion then turned to Chapter XI (Articles 22-26) relating to the nature and scope of Sections. Maher raised concerns about the language of Article 24 which stated: “Sections shall not have their own budget but shall be entitled to apply for grants from ICA funds”. Jenkins noted that while the budget reference seemed to relate to the annual partitioning of 50,000 € for sections to use for their operations, the negation of the possibility of having a budget would also affect instances where a Section is able to secure funds from other sources, such as grants or foundations. The consensus was that the SCM should just recommend deleting the opening negative clause and instead start the sentence with “Sections may apply for grants from ICA funds.” It was also agreed that the qualifier on applying for grants (“... entitled to apply for grants from ICA funds, on condition that two-thirds of members of the section have paid the membership fees due to ICA in the previous calendar year”) should be deleted because it was a cumbersome and unrealistic condition given the limited quality and timeliness of membership management information.

Sutton then requested discussion of the fact that the draft new Constitution eliminated the position of Vice-President-Sections—should we press to have this continued, and if so, should a V-P Sections be part of the anticipated special group of Vice-Presidents with senior management functions (c.f., Section 7.2 of the draft Constitution). Walderhaug noted a general trend of titles changing from “Vice-President of _____” to “Chair of _____” so this was not a surprising change. Boel spoke in favor of a simplified governance-structure with just two Vice-presidents (Program and Finance).

When the SCM came to discuss Articles 27 and 28 relating to the new organizational entity title as “Groups of Experts,” it was noted that such groups related to more than just “best practices,” but also to communities of practice, advocacy, and other interest groups. Furthermore, there was concern that Article 28 had the members of such groups being appointed by the Secretary General when they should be appointed by the Vice-President Programs. It was also noted that Article 28 should be reconsidered in light of the SCM’s Discussion Paper on Sections and Working Groups because it outlined how best to constitute and populate groups such as those anticipated by the prospective Groups of Experts. Finally, Boel suggested that the term “Working Group” be used instead of “Group of Experts.”

5. Vice-President for Finance Andreas Kellerhals joined the SCM to update the group on work relating to restructuring membership dues for category A.1 members (national archival agencies). Kellerhals reported on responses he had received from a survey he made of A.1 members in regard to a draft plan adjusting dues according to measures of population and

economic condition of countries. The responses fell into three categories: basic approval from those seeing a reduction, moderate to strong disapproval from those facing increases causing some to indicate they might have to leave ICA, and those wanting to have an explanation of what more ICA would provide to member institutions. Following these results, Kellerhals came up with an adjusted model whereby there would be no increase greater than 20 percent and no decrease greater than 30 percent. The result would be approximately 740,000 € in revenue if everyone pays up. If only 80 percent of this amount is paid, there would still be enough to run the basic operations of the ICA, but none for professional programs. In response to SCM members' concerns that an ICA without professional programs would lack the content that makes it a vibrant and continuing organization, Kellerhals noted that for real products, ICA can find partners and members to support activities.

Sutton wondered about what additional revenue would come from an expansion of Category D (individual) members. Kellerhals noted that this could provide needed revenue, but that it came with the consequence of raising the question of one-member-one-vote—something that would bring changes to the character of ICA. SCM members then suggested the possibility of weighted voting, as done in IFLA. Jenkins also noted that calculation of an appropriate variable rate for institutional members was particularly problematic—in the case of municipal archives, there were some institutions with archives larger than those of some national archives, but World Bank data were not available for a fine-grained assessment as there was for whole countries in the case of Category A members.

Walderhaug noted that one reason to pursue recruitment of individual members is that individuals are an effective tool to reach out to institutions and organizations to join. However, Sutton noted that any move to recruit members was going to require strengthening of the membership information management system and tracking operations. Kellerhals acknowledged the importance of the information infrastructure but noted that the problem was more complex than something that could be solved just by new technology.

6. Memory of the World Program. Boel called the SCM's attention to Executive Board agenda item 2012.1.30 relating to UNESCO's Memory of the World program (MOW). The item calls for ICA to become active in educational and support activities, and as a first step, there should be a panel on MOW to enhance knowledge of the program and identify ways in which it can be integrated into education. Jenkins noted that the process of completing the MOW applications was quite complex, so anything to promote the program and assist in the application process would be quite welcome.

7. Items on the Executive Board Agenda. Many of the topics for the Board meeting had already been discussed in the above SCM agenda items. However, there was a brief discussion of the Access Principles document (EB 2012.1.23). The revisions that had been made in the most recent version were noted, especially in regard to the scaling back in regard to calls for broad access to materials in private institutions. While those revisions should make the Principles more readily acceptable in the Western world, it remains to be seen how the document as a whole will be received outside of the West.

8. Election Procedures for the SCM. Three positions need to be filled: Chair, Vice-Chair, and Secretary. It was agreed that Boel should request Henri Zuber to organize the election over the next few months, and that the call for nominations and balloting should be done electronically. Because it is not entirely clear which Sections are having elections this year (and

thus which may have different chairs than those now constituting the SCM), it was agreed that the task of determining who could be the electorate for the new SCM officers as well as who could be candidates is a matter for Zuber to investigate and resolve. The meeting also agreed that Zuber should be given the liberty to determine the best means for working out the SCM elections and candidates.

In regard to when the transition to new officers would take effect, the SCM agreed that it was most logical for them to begin their terms at the conclusion of the Congress' AGM. This was based on the fact that the terms of the elected President and Vice-Presidents begin at this moment, and where there is a model for organizational processes the SCM should follow it.

9. Visit by Secretary-General. David Leitch and Annick Carteret joined the meeting. Boel explained that he had asked for this visit to update the Section Chairs on items relating to the Executive Board agenda, especially the constitutional revision. Leitch described the constitution drafting work that had occurred since the Toledo meeting. He characterized the major revisions which would result in a greater democratization of the ICA both through the extension of the voting franchise to institutional members and through the Executive Board receiving greater power, thus putting Sections closer to the center of decision-making.

Boel noted that the SCM had spent some time discussing the proposed constitution and said that there was much we liked but there were some areas of concern. He pointed to the matter of the internal regulations. While we appreciated the concept of moving certain policies and procedures out of the constitution and into a document that could be amended more readily, SCM members would like to see the text of the regulations before the constitution takes effect. Thus, he asked what the timeline would be for the preparation of the regulations. Leitch said that he and Carteret had drafts of internal regulations for elections and for fellows, and that the next step would be to identify those points in the draft constitution where internal regulations are specified. Maher suggested that the constitution sub-committee "comb" through the draft document to create a complete list of all items needing internal regulations, and that such a list be used as part of the background documents to promote the adoption of the new constitution. In addition, he noted that the SCM members had proposed the idea of writing a short set of "transitional provisions" that could both handle the offices or other entities that would go out of existence with the advent of the new constitution and also stipulate that the new constitution would not take effect until specified internal regulations had been adopted by the Executive Board.

Leitch indicated that there would not be time to write all of the regulations before the Brisbane AGM but that drafts of a few regulations would be provided to serve as examples of the nature and structure of regulations. Sutton said he understood but that there needed to be at least "heads of terms" to identify all of the internal regulations that would be required. A few examples would be fine to show the character of regulations, but a full list of all of the regulations that would need drafting was essential to the process. Leitch stated his general sense that the Constitution and Organization Sub-Committee is the logical and capable body to do this work.

In regard to the imperial character of the statement of the president's power, Leitch and Carteret indicated that the terms in the document came directly from the requirements of the French law of associations. Unlike the prior major constitutional revision in 2004, consultation with specialist legal counsel was conducted at the very beginning of the current process. Leitch emphasized that the President is not seeking any set of comprehensive powers, and Berendse

himself is more inclined for broader sharing of power. In addition, the concept behind the proposed clause was simply that the powers had first to be specified so that they could then be delegated.

Turning to other topics, Boel asked for an update on the project for archival statistics. Leitch indicated that this project was worth doing but the tremendous lack of standardization will make it very difficult to launch. He indicated that there had been a meeting with the consultants in December, and Jenkins confirmed that there had been great frustration with the lack of action from the consultants. Leitch said that ICA will ask for a product (i.e., the completed report) with a timeline and targets to be provided before the Brisbane Congress.