

Creation of a National Committee of the Blue Shield: Guidelines for Statutes

The following document is intended as a guide on the creation and adoption of statutes for national committees of the Blue Shield. The aim of these draft statutes is to recommend a minimum standard compatible with the Blue Shield Statutes. It should serve as a general model that may be adopted, changed or completed according to the legislation and specific needs of a national committee. It is probable that many national committees will need supplementary provisions to better adapt their statutes to their national legal environment, or to ensure smooth running of their affairs. Statutes of the national committees of the Blue Shield must be submitted to the Board of Blue Shield International for official approval prior to their adoption in the country.

National Committees have no direct role in running the Blue Shield other than that specified in the Blue Shield statutes (2016), specified in draft Article 4 here.

Blue Shield national committees must be independent; their independence should be guaranteed in the statutes, as per example article 1.4. Statutes which limit membership or elected positions to individuals with particular professional or other affiliations, or which create the organisation or institution as a subset of another organisation will not be approved.

TWO NOTES: The Blue Shield is referred to here as the **Blue Shield Association**. The term *Association* is a Dutch legal term used in the 2016 Statutes of the Blue Shield. It is kept here to avoid confusion with the 2016 Statutes. However, the term has legal connotations in Dutch which do not carry over in its use in other languages, and we do not recommend its use in any context other than with reference to the 2016 Statutes.

As a result, the Blue Shield Statutes refer to themselves as **Articles of Association**. We encourage national committees to adopt the term **Statutes** where relevant to avoid confusion. However, for compliance with the Blue Statutes, where we have reproduced them in this document, we have used the terms it uses, such as Articles of Association.

Red text in italics inside brackets is intended for the committee to complete.

Each section is prefaced by guidance notes. These should be removed in the final document.

Statutes of the **(Nationality)** Committee of the Blue Shield

Adopted in *(Place of adoption)*

On *(Date of Adoption)*

Registered Office: *(Address)*

The *(Nationality)* Committee of the Blue Shield declares that:

WHEREAS

- Recalling the importance of Section 27 of the 1999 Second Protocol of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, in which the International Committee of the Blue Shield (ICBS) was recognized as an international organisation with consultative status to the Inter-Governmental Committee for the protection of cultural property in the event of armed conflict;
- Confirming the revised Articles of Association of the Blue Shield, which combined the roles and responsibilities of the International Committee of the Blue Shield (ICBS, created in 1996), and the Association of National Committees of the Blue Shield (ANCBS, created in 2009) into a single revised Association - approved at the joint meeting of ICBS and ANCBS in Rome in 2014 and formally enshrined in Dutch Law on 06 April 2016;
- Being determined to support the mission of the Blue Shield, the principles of the Strasbourg Charter of ICBS (Adopted 2001), and the Blue Shield Accord (adopted 2006), and in view of the necessity to improve the preparation for, and response to, emergency situations; to further contribute to the protection of cultural property, as defined in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in the event of armed conflict, natural- or human-made disaster; and to establish a system of protection in their favour;

They now adopt the following STATUTES.

Article 1: Name, Office, and Legal Status

[Note: The statutes of the national committees of the Blue Shield should give details about their geographic area of activity, the location of their headquarters, and their national legal status. Abbreviations are often used with the Emblem – for example UKBS is the UK Committee of the Blue

Shield, USCBS is the U.S. Committee of the Blue Shield, and so on. They are not mandatory, but if you choose to use one, you should state it here.

Blue Shield expects its committees to take a comprehensive view of cultural heritage in their country. If they need to prioritise a particular area, due to urgent need or capacity of the committee, this should be detailed in the strategic plan, not the statutes. The statutes indicate the aims of the committee, which should be general.]

- 1.1. The name of the Committee in the language of the Committee is Blue Shield (*Nationality*). The name of the committee in English is (*Name*). *[If relevant]* The abbreviation for the Committee is
- 1.2. The (*Nationality*) Committee of the Blue Shield is based in (*address / location*).
- 1.3. The (*Nationality*) Committee of the Blue Shield is works across the geographic area of (*address / location*).
- 1.4. The Committee is (*an association incorporated as a non-governmental, non-profit organization*) *[If relevant]* with full legal competence under (*Nationality*) law).

Article 2: Mission and Aims

[Note: The statutes should define the mission and aims of the national committee, and strategic planning of goals and objectives should be carried out against these aims. In addition to confirming the principles of the Blue Shield Association, national committees of the Blue Shield are encouraged to include and explain the principles that are ruling their activity in their legal statutes. National committees of the Blue Shield are allowed to draft their own principles (also sometimes named “mission” or “vision”) when creating their legal statutes, as long as they respect the “spirit” of the principles expressed in the Strasbourg Charter.

They should not include detailed Areas of Activity: these are too specific for statutes, which should encompass the aims and goals of the committee over its entire lifespan.]

- 2.1 The (*Nationality*) Committee of the Blue Shield will conform to and abide by the **Rules and Principles for National Committees** as defined by the Blue Shield International Board and agreed by the General Assembly of the Members of the Blue Shield.
- 2.2 The (*Nationality*) Committee of the Blue Shield is committed to the mission of the Blue Shield Association, which is the protection of the world's cultural property, and is

concerned with the protection of cultural and natural heritage, tangible and intangible, in the event of armed conflict, natural- or human-made disaster (as set out in Article 2.1 of the Blue Shield 2016 Statutes).

2.3 The (*Nationality*) Committee of the Blue Shield, respects the principles of

- i. joint action,
- ii. independence,
- iii. neutrality,
- iv. professionalism,
- v. and respect for cultural identity and diversity,

based on the Strasbourg Charter adopted in 2001 by ICBS.

2.4 The (*Nationality*) Committee of the Blue Shield promotes the aims of the Blue Shield Association:

- a) to promote the ratification and full implementation of, and respect for, the 1954 Hague Convention and its Protocols of 1954 and 1999;
- b) to raise awareness of the importance of protecting cultural property and heritage in emergency situations and the types of risks that can endanger it;
- c) to provide relevant training and / or assist in the coordination of national capacity-building for concerned professionals (in the heritage sector, the Armed Forces, other emergency responders, and those tackling illicit trafficking) to help to mitigate the identified risks to cultural heritage; to promote better preparation and safeguarding in the event of armed conflicts, disasters and other emergency situations; and to deal with disasters should they occur; and to develop and disseminate adequate post-disaster cross-sectorial response/recovery measures;
- d) to promote community engagement with and participation in protecting cultural property;
- e) to encourage co-operation with, and between, other relevant entities involved in armed conflict and disasters through the development and maintenance of national, regional and local networks covering all types of cultural heritage, and including governmental authorities, representatives of military authorities, meteorological agencies, disaster reduction agencies, emergency services, cultural organisations, civil emergency services and humanitarian organisations;
- f) to act with the ethical and professional framework laid down in the **Rules and Principles of the Association**.

2.5 The (*Nationality*) Committee of the Blue Shield, based on the Blue Shield Approach

forwarded to the Blue Shield International Board for implementation by the Blue Shield General Assembly of Members in 2017, will deliver its commitment and mission through six key areas:

1. Proactive protection and risk preparedness;
2. Emergency response;
3. Stabilisation, post-disaster recovery, and long-term/ongoing support activities;
4. Legal compliance, policy, and their implementation;
5. Capacity building activities, and education and training in support of the Blue Shield's Areas of Activity;
6. Co-ordination - of Blue Shield members and with partner organisations.

Article 3: The National Committee and the Blue Shield International Board

[*Note: In order to achieve recognition by the Blue Shield Association, and in order to maintain that recognition, the statutes should identify the relationship between the Member Committee and the Association.*]

- 3.1 The (*Nationality*) Committee of the Blue Shield is a Member of the Blue Shield Association (referred to as a "Member" in the Association's Statutes/Articles of Association), having satisfactorily met the obligatory requirements set. In order to maintain Membership, the Member will submit an annual report to the Blue Shield International Board for circulation to the national committees about their activities, as far as circumstances allow.
- 3.2 The (*Nationality*) Committee of the Blue Shield agrees to promote the mission and goals of the Blue Shield Association in its country in order to raise national awareness of the threats to cultural heritage.
- 3.3 The (*Nationality*) Committee of the Blue Shield will conform to and abide by **the Rules and Principles for National Committees** as defined and amended by the Board and agreed by the General Assembly.
- 3.4 None of the actions of the (*Nationality*) Committee of the Blue Shield shall entail the liability of the Blue Shield International Board. Nor shall the actions of the Blue Shield International Board entail the liability of the (*Nationality*) Committee.

Article 4: Rights and duties of the National Committee as a Member of the Blue Shield Association

[Note: The Blue Shield Association 2016 Statutes guarantee certain rights for each national committee, which you may include in your statutes if you wish. These articles refer to article 2 – the Mission and goals: If you change the number of statutes, you will need to change this reference, and all following numbers.]

- 4.1 Each Member (i.e. National Committee) of the Association is entitled to:
- a) information from and support of the Association in order to perform the activities mentioned in article (2) of these statutes in their country;
 - b) participate in meetings and other activities of the Association;
 - c) exercise the right to vote as laid down in articles [specify the article numbers] of these statutes;
 - d) benefit from the public relations, awareness raising, and network activities undertaken by any Coordination Centre of the Association.
- 4.2 The (*Nationality*) Committee of the Blue Shield shall contact the Blue Shield International Secretariat to supply an annual report, and to supply information if they initiate an international action if possible before the action or as soon as possible thereafter.
- 4.3 Membership of the Association shall be terminated by the General Assembly according to the conditions set out in the Association Statutes:
- a) if the Member ceases to exist for reasons other than legal merger or scission;
 - b) if the Member resigns; the resignation should be addressed in writing to the Association, in accordance with a notice period of at least one (1) month;
 - c) through termination by the Association, as stipulated articles [specify the article numbers] of these statutes;
 - d) through expulsion, as stipulated in article [specify the article number] of these statutes.
 - e) if the Member has become bankrupt;
 - f) if the Member cannot demonstrate it is active on a regular basis, for example, through the provision of annual reports.

Article 5: Logo, Strapline and Emblem

[Note: National committees are required to adopt the Blue Shield logo, and to follow the **Guidance**

for its use supplied by Blue Shield International (Document 5).]

- 5.1 The Blue Shield has adopted an official logo and strapline (brief description) to represent the Association. The logo consists of the blue shield emblem of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, set within a lighter cerulean blue circle encompassed by a royal blue circle, symbolising both Blue Shield’s roots and wider remit.



- 5.2. As it is the official emblem of the Blue Shield Association, recognising the Guidance issued by Blue Shield International, the following logo is adopted by the (*Nationality*) Committee of the Blue Shield as its official logo, agreeing that it may not be altered except to translate it.

[logo + name of committee]

- 5.3 As chosen by the Blue Shield Association, and recognising the Guidance issued by Blue Shield International, the following strapline is adopted by the (*Nationality*) Committee of the Blue Shield as its official organisation description, agreeing that it may not be altered:

“Protecting Heritage in Crisis”.

- 5.4 (*Nationality*) Committee of the Blue Shield acknowledges that the blue shield cultural emblem is a protective symbol used during armed conflicts and its design and use are restricted by international law, realised through national laws. While its formal use as a symbol of protection is subject to the 1954 Hague Convention and its Protocols, the symbol can also be used for educational purposes in communications, publications, presentations, *et cetera*, by the National Committee. The emblem will not be used or displayed in any way that could damage its reputation and status as a protective emblem, or in any way that could lead to

confusion with the Blue Shield organisation. (*Nationality*) Committee of the Blue Shield agrees to follow the Guidance set down by Blue Shield International and UNESCO for the use of the emblem.

Article 6: Membership of the Committee

[*Note: Membership of national committees is usually open to anyone. However, there can be different levels or types of Membership status (active, associative, honorary, etc.). Choosing what types of membership a committee may have is up to the national committees. Blue Shield International has published guidance to assist with choosing the number of members, types of membership, and duration of membership (see Document 1 - Creation of a Blue Shield National Committee: Information, Process and Guidelines: Appendix 1 Membership Guidance).]*

- 6.1 Membership of the (*Nationality*) Committee of the Blue Shield is open to.....
- 6.2 Membership status can be (*active, associative, honorary, etc*)
- 6.3 (*Nationality*) Committee of the Blue Shield will only admit as full individual and institutional members those who fully comply with the Statutes, and Rules and Principles of the Blue Shield Association, and the Statutes of this National Committee.
- 6.4 Members of the (*Nationality*) Committee of the Blue Shield are forbidden to use the name and reputation of the Blue Shield in order to conduct any commercial or lucrative activity. Duties should be carried out on a not-for profit basis.
- 6.5 Membership will last for a period of (*.....*) years, after which it must be renewed.

Article 7: Loss of membership of the National Committee

[*Note: Committees are recommended to agree a process to remove membership from people who do not fulfil their duties, or who act in a way that is contrary to the goals and aims of Blue Shield.*]

- 7.1 Membership status of the (*Nationality*) Committee of the Blue Shield ends:
 - a) In case of the resignation of the member (submitted in writing to the Committee with a one month notice period);
 - b) In case of death.
- 7.2 Membership may be terminated by the (*Nationality*) Committee of the Blue Shield (*Complete as appropriate*: for activities that may include: non-payment of membership fees; disrespect for the fundamental principles of the (*Nationality*) Committee of the Blue Shield or the Blue

Shield Association; failure to fulfil the duties and obligations laid out in the articles of association of this Committee).

Article 8: Appointments and Positions of the National Committee

*[Note: It is up to the National Committee to determine its exact structure. However, the structure, composition and positions, roles, the process for filling those positions (e.g. elections), duration of office, and so on should all be detailed in the statutes. **Document 1 - Creation of a Blue Shield National Committee: Information, Process and Guidelines: Appendix 1 Membership Guidance** contains the posts which the national committee should consider having in its structure.*

All national committees are expected to have as a minimum an Executive Office / Board, and to appoint/elect a President / Chairperson. Larger committees may also wish to have other appointments (such as a Vice-President, a Secretary, a Treasurer). The Executive Office may be composed from a selection of members from a larger Administrative Council who make decisions on the activities and operation of the National Committee: this should normally have between 5 and 12 members. It can be composed of representatives of other organisations who can contribute to the mission of the organisation, but who may not be members themselves, such as government representatives, or representatives of other organisations. The Committee may have a larger General Assembly composed of all its members, who may have the right to meet and vote for the election of positions, and make decisions regarding the general direction of the organisation.

For examples of statutes concerning composition, membership, and so on, Members may use the 2016 Statutes of the Blue Shield Association as examples to draft their own. Please see Articles 6 and 7 of the Blue Shield Articles of Association].

(8.1 Each national committee should create their own statutes of composition as appropriate here.)

Article 9: Funding processes and resources

[Note: National committees of the Blue Shield are expected to give information about their funding process and their use of resources in the statutes.]

9.1 The (*Nationality*) Committee of the Blue Shield shall exclusively and directly pursue non-

profit actions. It aspires to attract funding from a variety of sources including donations, income from activities and/or grants, gifts and/or endowments, after consideration of ethical implications of any proposed donation.

- 9.2 The (*Nationality*) Committee of the Blue Shield bank account will be normally registered in the same location as the organisation.
- 9.3 Funds may only be used for statutory objectives and in relation to specific projects or in accordance with the annual budget, drawn up by the (*Executive Board*) and approved by the (*National General Assembly*).
- 9.4 The financial year corresponds with the (*calendar year, or other period as appropriate*).

Article 10: Modification of the statutes

[*Note: In their statutes, national committees are recommended to agree on the regulations concerning the modification of the statutes, specifying how and when the medication takes effect.*]

The process is dependent on the structure of the Committee, and the legal foundation of the committee.

Please see Article 13 of the 2016 Articles of Association of Blue Shield for an example.]

(10.1 Each national committee should create their own modification process here.)

Article 11: Dissolution

[*Note: In their statutes, national committees are recommended to agree on regulations for the unlikely possibility that it becomes necessary to dissolve the Committee.*]

- 11.1 The (*General Assembly*) may decide to dissolve the Association through a decision taken at a (*General Assembly*) meeting by a three-fourths (3/4) majority of the Members present or represented, and (*more than half*) of (*the Executive Board*).
- 11.2 Any assets owned by the national committee at the time of dissolution may be transferred to the Blue Shield International Board or, at the General Assembly's decision and with the Approval of Blue Shield International, any organisation(s) having similar aims.