

# **MEMORANDUM OF ASSOCIATION AND STATUTES**

**THE FOUNDATION FOR CULTURAL  
HERITAGE WITHOUT BORDERS SWEDEN**

**WE RESTORE AND BUILD RELATIONS**



# THE FOUNDATION FOR CULTURAL HERITAGE WITHOUT BORDERS SWEDEN

Founded on April 19, 1995

## Memorandum of association

The undersigned hereby resolve to form a foundation called the **FOUNDATION FOR CULTURAL HERITAGE WITHOUT BORDERS**.

## Background

The events of the past 10 years, particularly in former Yugoslavia, Cambodia, the Middle East and Africa, have shown how fragile the protection of cultural heritage is when conflicts escalate into war. In that many conflicts today have strong ethnic elements, cultural heritage is especially vulnerable. The destruction of historical evidence, cultural monuments and cultural objects is used in a conscious strategy which is aimed at taking away people's dignity and breaking their affinity with their native district.

In recent years great efforts have been made by UNESCO and the Council of Europe to draw attention to the need to protect the cultural heritage when there are conflicts of various kinds and to help with concrete efforts to monitor, document and protect cultural monuments and collections and to participate in ensuring that what is taken away or damaged can be restored, repaired or rebuilt. The basis of the world community's work is the conviction that the world's cultural heritage belongs to all people and that preservation of cultural heritage is included in human rights.

In order for the efforts of international organisations to have a real effect, commitment and participation at national level are necessary on the part of states, associations and individuals. Financial resources and expert help are also necessary in order to be able to give support and help.

Sweden has signed both the 1954 Hague Convention on Protection of Cultural Property in the Event of Armed Conflict and the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage and has thus committed itself to participate in international efforts to protect the cultural heritage. Sweden also contributes, mainly through the Swedish International Development Cooperation Authority (Sida), to the care and preservation of cultural property in countries afflicted by conflicts.

The state measures, however, need to be supplemented by non-profit-making ventures both to create increased commitment in Sweden for

protecting the world's cultural heritage and to provide the possibility of rapid help in acute situations both in the form of financial support and through the participation of experts. An important task in such a context is to create, via active outreach activities, financial resources for aid to areas beset by conflict.

Since there is no body in Sweden which can take responsibility for economic activities of this kind the undersigned have resolved to join in establishing the **FOUNDATION FOR CULTURAL HERITAGE WITHOUT BORDERS**.

### **Object and capital etc**

The foundation's object shall be to promote the preservation of cultural property in areas beset by conflict, when there are other catastrophes or in acutely threatening situations as well as research in connection with this.

In the light of this object the foundation's primary purpose shall be to create financial resources to make it possible to both build up information and contact activities with organisations and institutions in areas beset by conflict etc, or where there is a threat of conflict, and in collaboration with expert bodies in Sweden and internationally provide financial support and supply expert help for preservation measures in the form of education, documentation, protective measures land restoration, repair or rebuilding of cultural monuments and museum collections as well as for research concerning the preservation of cultural heritage in situations of conflict and natural disasters or comparable situations. The Foundation shall also be able in other ways to work to preserve cultural property which is in immediate need of measures.

The founders each contribute SEK 1000 as basic capital when the foundation is formed. As an independent asset, the basic capital is to continue to support the object specified in this memorandum.

The Foundation shall be exempt from supervision under the Act (1929:116) concerning supervision of Foundations.

If the Foundation is dissolved any assets remaining to it are to accrue to the international fund initiated by the International Council on Monuments and Sites (ICOMOS) for corresponding purposes or, if this fund does not come into being or has been dissolved, are to be handed over to the Central Board of National Antiquities for measures in accordance with the object of the foundation.

In other respects the rules established by the founders and approved on 19 April, 1995 are to apply.

Stockholm, 19 April, 1995

Christina Magnuson, *Chairman, Swedish Red Cross*

Margareta Alin, *Chairman, Swedish National Commission for UNESCO*

Ingamaj Beck, *Art critic*

Margareta Biörnstad, *Chairman, Swedish National Committee of ICOMOS*

Jan-Krister Boman, *Architect SAR*

Carin Fischer, *Secretary-General, Stockholm - Europe's Cultural Capital 1998*

Elisabeth Fleetwood, *Member of the Riksdag*

Birgit Friggebo, *Member of the Riksdag*

Bengt Göransson, *Chairman of the Board of the insurance company Ansvar and Nordiska nykterhetsrådet*

Bengt OH Johansson, *Member of the board, ICOMOS*

Inge Jonsson, *President, Royal Academy of Letters, History and Antiquities*

Björn Kaaling, *Chairman, Swedish Museums Association*

Carl-Johan Kleberg, *Head of division, National Council for Cultural Affairs*

Henry Montgomery, *President, Royal Academy of Fine Arts*

Arne Ruth, *Editor in chief, Dagens Nyheter*

Elisabeth Sedig, *Secretary-General, Swedish National Association of Architects*

Stig Strömholm, *Professor, Chairman, Swedish National Committee for Cultural Cooperation in Europe*

Henrik Svennungsson, *Bishop, Stockholm diocese of the Church of Sweden*

Beate Sydhoff, *Chairman, Swedish National ICOM Committee*

Jens Wahlstedt, *Secretary-General, World Wildlife Fund*

Erik Wegraeus, *Director-General of the Central Board of National Antiquities*

Jan-Erik Wikström, *County Governor*

# **Statutes of THE FOUNDATION FOR CULTURAL HERITAGE WITHOUT BORDERS**

## **1§**

The name of the Foundation is **STIFTELSEN KULTURARV UTAN GRÄNSER**, in French translation **LA FONDATION PATRIMOINE SANS FRONTIÈRES** and in English translation **THE FOUNDATION FOR CULTURAL HERITAGE WITHOUT BORDERS**.

## **2§**

The Foundation consists of assets contributed to the Foundation by the founders and of funds contributed by others.

## **3§**

The Foundation's object shall be to promote the preservation of cultural property in areas beset by conflicts, where there are other catastrophes or in acutely threatening situations, as well as research in connection with this.

In light of this object, the Foundation's primary purpose shall be to create financial resources to make it possible to both build up information and contact activities with organisations and institutions in areas beset by conflict etc or where there is a threat of conflict, and in collaboration with expert bodies in Sweden and internationally provide financial support and supply expert help for preservation measures in the form of education, documentation, protective measures and restoration, repair or rebuilding of cultural monuments and museum collections as well as for research concerning the preservation of cultural heritage in situations of conflict and natural disasters or comparable situations.

The Foundation shall also be able in other ways to work to preserve cultural property which is in immediate need of measures. The Foundation may accept gifts and contributions which support its objects.

## **4§**

The Foundation's capital may be utilised for measures in accordance with the object clause and during the first year for building up the Foundation's operations.

Gifts and contributions which the Foundation receives after its formation may be used for measures in accordance with the object clause and for administration associated with it, unless otherwise stipulated by the donor.

## **5§**

The Foundation is to be administered and represented by a board consisting of nine members. Two members each are to be appointed by the Swedish National Committees of ICOMOS (International Council on Monuments and Sites) and ICOM (International Council of Museums) and one member each by the Central Board of National Antiquities and the National Association of Swedish Architects.

These are to appoint a further three members, elected with reference to the needs of the board for broad skills in cultural history and administration. The board shall appoint from among its number a president and vice-president. The members of the board are appointed for a term of three years.

## **6§**

The board shall be domiciled in Stockholm.

## **7§**

The board shall promote the object of the Foundation. The board determines important matters concerning the operations, organisation and financial management of the Foundation.

## **8§**

The board shall meet when called by the president, as and when he or she finds appropriate or when at least five members so request. However, the board shall meet at least once every six months.

The board forms a quorum when at least five members are present, including the president or vice-president. Each member has one vote. That which constitutes a board resolution is the opinion on which most members agree. In the event of an evenly divided vote the president has the casting vote except in the case of elections, when the outcome shall be determined by lot.

## **9§**

The board may delegate decisions on behalf of the board in exactly specified matters to a member or working committee or another person.

## **10§**

Those authorised to sign for the Foundation besides the board shall be the person or persons appointed by the board for this purpose.

## **11§**

Where necessary for handling an item on the agenda the board may allow a person outside the board the opportunity to participate in the board's discussions.

## **12§**

Minutes shall be kept of the Foundation's meetings. These shall show who was present, the board resolutions and any divergent opinions expressed. Also those persons entitled to be present at the board's meetings but not to participate in the resolutions are entitled to have a divergent opinion recorded in the minutes. The minutes are to be verified by the president and one other member of the board. The minutes shall be filed consecutively and stored securely.

## **13§**

The Foundation's financial year shall run from 1 January-31 December. Annual accounts are to be prepared for the Foundation's operations and submitted to the Foundation's auditors within three months of the end of the financial year.

## **14§**

The Foundation's accounts and the board's administration shall be examined by two auditors, one of whom is to be appointed by the Central Board of National Antiquities and the other by the National Association of Swedish Architects. At least one of the auditors shall be an authorised public accountant.



## **15§**

For each financial year the auditors shall submit a report on the results of their examination with a statement as to whether there is any qualification of the report as regards the accounting or other administration. If there is any qualification the reason for this shall be stated in the report.

## **16§**

An annual report, annual accounts and audit report shall be submitted to each of the organisations and institutions which appoint members of the board within six months of the end of the financial year.

## **17§**

The Memorandum of Association shows that the Foundation shall be exempt from supervision as stipulated in the Act (1929:116) concerning Supervision of Foundations.

## **18§**

The board shall give notification of the further rules deemed necessary for the Foundation's operations.

## **19§**

No amendment to § 3 may be made so that the object of the Foundation contained therein is in any material respect relinquished.

Dissolution of the Foundation requires a resolution of both the board and the organisations and the agency which appoints board members.

Amendment to these statutes may otherwise be made by means of an unanimous board resolution.

## **20§**

If the foundation is dissolved any assets remaining to it are to accrue to the international fund initiated by the International Council on Monuments and Sites (ICOMOS) for corresponding purposes or, if this fund does not come into being or has been dissolved, are to be handed over to the Central Board of National Antiquities for measures in accordance with the objects of the foundation.



## **CULTURAL HERITAGE WITHOUT BORDERS** (CHwB)

sees cultural heritage as an indispensable element of human rights and democracy and a common resource belonging to all of mankind regardless of nationality or religion.

Our mission is to promote cultural heritage as both a right in itself and a resource. CHwB works with civil society and institutions at all levels to strengthen peace-building, sustainable socio-economic and democratic development and the realisation of human rights.

CHwB is neutral when it comes to conflicting parties, but not to the rights of all people to cultural heritage. CHwB is committed to equality, non-discrimination, participation, accountability and transparency.

We are an independent Swedish organisation with local offices in countries of operations supported by Sida, other bilateral funds, the EU, private foundations and grants.



CHwB's board is appointed by ICOMOS Sweden, ICOM Sweden, The Swedish National Heritage Board and Swedish Association of Architects.



Cultural  
Heritage without Borders

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