



Greek Society of Cinematographers

Dear Colleagues,

The Greek Society of Cinematographers wishes to welcome Kees Van Oostrum in the family of persons who care for and devote themselves to the goals of IMAGO. We will be more than happy to address Kees as “Mr President of IMAGO”

The Greek Society of Cinematographers also wishes to thank all those who have worked for years, even at personal cost, to the best of IMAGO and the world’s Cinematographers.

Luciano Tovoli, Paul René Ræstad, Rolf Coulanges, Nena Kellgren, Ellen Lotman, Louis-Philippe Capelle, Tony Costa, Alex Linden, Predrag Bambic, Ron Johanson, Dr. Cristina Busch, all former Presidents and former Members of the Board, all Committee Members and many others –to whom we apologize for not naming – have worked for years and have succeeded in making IMAGO **our** Federation.

We take for granted that we all care about our art, we are proud to be artists and that we are always eager to contribute to the Cinematic and Audiovisual language.

Accordingly, we believe that all the discussion taking place during the last few months is motivated by honesty and good will.

This is the reason we did not hurry to present our opinion. We now feel it is time to express ourselves.

As you know, we Greeks have a certain “bias” towards Democracy. We are working on it for centuries, and we are still learning about it. Consequently, whenever we participate in “the commons” we always begin with the question: is this democratic?

We will try to analyze this in four levels

- Legitimate level
- Moral level
- Procedures level

Then we will also add one more level, the

- Authorship level

Procedures: All democratic organizations are subject to procedures. The procedures are expressed in the Statutes. It is the Board's duty to assure that the procedures are respected.

Sometimes it may appear that there is a majority expressing a will against a specific procedure. In such a case there are two ways to react.

In the **democratic** way, the members of the organization gather together in a General Assembly and decide to change the Statutes and the associated procedures.

In the **chaotic** way, they all together neglect the Statutes and proceed according to what they think appropriate.

There are historic facts (not from IMAGO's but from the world's history) that in most instances where people followed the chaotic way, the result was that one (or few) person(s) assumed power and led according to their own will, neglecting what most people cared for (or needed). In other words, chaos leads to oligarchy.

The GSC feels that the only way to go is democratic.

Procedures need to be respected.

Let's see what the Statutes are providing on elections:

Article 26 §5

26.5. The IMAGO general assembly will appoint by simple majority an Election Committee of three delegates from different countries. Its function is to call for nominations of individual members candidates for the IMAGO administration board¹

Then in Article 26 §11

26.11 Full members who wish to become part of the IMAGO administration board must apply to the IMAGO general secretary or, in case, to the Election Committee appointed according 26.5., presenting his/her candidature 30 (thirty) days before the IMAGO general assembly at which elections are to be taking place.²

¹ **Formal Text registred with the Belgian Authorities:** 25.5. L'assemblée générale d'IMAGO nominera à la majorité simple un comité électif composé de 3 représentants de nationalités différentes. La fonction de ce comité consistera à proposer la nomination individuelle de candidats souhaitant siéger au conseil d'administration d'IMAGO.

² **Formal Text registred with the Belgian Authorities:** 25.11. Les membres effectifs de l'association désirant devenir membre du conseil d'administration d'IMAGO doivent déposer leur candidature auprès du secrétaire général ou s'il échet, auprès du comité électif constitué conformément à l'article 25.5., en veillant à présenter telle candidature (au minimum) 30 jours avant que l'assemblée générale d'IMAGO se penche sur de telles élections.

Unfortunately, regarding the presidential Election, we were unable to find any more relevant provisions.

However in the "Imago Interior rules" we read:

THE PRESIDENTIAL ELECTION COMMITTEE

Having received suggestions for potential candidate(s) for The Presidency (President and Board) from the National Member Societies, the IMAGO Election Committee presents their suggestions to the IMAGO General Assembly. This does not prevent the candidature for President presented at The General Assembly by a candidate not suggested by Election Committee.

According to Statutes and Interior Rules, the Election Committee is a consulting institution and does not have the authority to perform the election in itself.

This is in accordance with the democratic experience, where a committee elected during the General Assembly performs the elections.

What is suggested in both the Statutes and Interior Rules is that the Election Committee³ performs its tasks until each IAGA, then during the General Assembly either a new EC is to be elected or the existing EC has to be re-elected by a voting procedure.

The question arising is: under what authority is the EC performing the Election, especially under an open – non secret – ballot ?

Legitimacy: IMAGO has a Legal Counselor. It is Dr. Kristina Bush. We expected both the board and the EC to have addressed her. Instead, the EC contacted a Legal Counselors Company in Belgium. We certainly see the point behind this, yet we do not understand why Dr. Bush was excluded.

That said, could we please have a copy of the Belgian lawyer's opinion in writing?

It is true that the pandemic initiated special legislative provisions in many countries. To the best of our knowledge, these provisions are subject to a deadline. For example in Greece, we are allowed to perform General Assemblies via Skype or other equivalent platforms but only until June 30. From this date on, we will revert to the older rules.

However, the IAGA has unanimously decided in quorum for an Exceptional IAGA on Fall 2020. This would host the Presidential Election. The representative of the GSC openly

³ EC from now on

suggested to Paul René that he should stay in office until the Exceptional IAGA. Paul René accepted and no member spoke against it.

Provided that a General Assembly decision does not violate the law, it is the President's and the Board's duty to enforce it.

We are wondering, why are some people heading against the IAGA decision?

Morality: In a not so equal world, not all members are truly equal. Expressing an opinion different to what an apparent majority believes, can generate anxiety and worries. In an election where we have to choose between option A and (again) option A, anyone not voting for option A may be considered a “naughty member”

Democracy provides for this with the option of a **Secret Ballot**. So did IAGA 2014⁴

Technology assists: there are online platforms⁵ that support secret votes.

Using a Lawyer to monitor the procedure, collect data and announce the results would be a welcome option.

Beyond secret, there is also the **white ballot**. It addresses the needs of those who do not believe in “it’s either black or white” and need to express it.

Some members may have reasons to **refrain** from voting. One should acknowledge this right too. Refraining is a tool for those who want to express that they do not validate the procedure and are not afraid to do this in public.

So in the end of the day, whenever the Presidential Election takes place, there should be a minimum of three secret ballots (1. We accept Kees for President, 2. We do not accept Kees for President, 3. We vote White) and upon announcement the number of refraining members gets public.

This is our humble opinion. Feel free to listen or discard it.

As a Member of IMAGO, the Greek Society of Cinematographers is welcoming Kees Van Oostrum to lead the Federation. But we feel this should be done under transparent and

⁴ Copying from the Registered Minutes of IAGA 2014, page 4:

A vote on the length of the term of the limitation (3 terms of 3 years maximum) and adding words "secret ballot":

Vote:

Who is in favor: 22 , adopted

Against: 2

Abstention: 2

⁵ We as GSC are using Election Runner for years

legitimate conditions during the next IAGA. We do not feel the EC is authorized to perform the tasks it is trying to perform.

Authorship: we Greeks have a long story with authorship. We have had Europe's most pioneering law back in 1993, when the cinematographers have been declared co-authors of all Audiovisual works. The European Union has not gone this far. It was under pressure from our German colleagues that EU legislation provided that *"The principal director of a cinematographic or audiovisual work shall be considered as its author or one of its authors. Member States shall be free to designate other co-authors"*⁶

Yet there is a catch.

Only an artist can be an author. Technicians are not authors by definition.

Michelangelo had to create his own colors from ingredients he would find or buy. Auguste Rodin had to master the technique of manipulating metal. Le Corbusier had to understand and use concrete. They all had profound craftsmanship skills.

Yet, none of them called himself a "Craftsman" nor did anyone else dare to. All artists need to conquer technique. They do it to innovate art.

Unfortunately, both British and American Cinematographers call themselves Craftsmen, jeopardizing authorship rights for all of us.

We urge them to stop this. To join forces with the rest of us and to start collecting their own royalties.

start being the Artist that you really are.

Plan B instead of Conclusion

It should be clear that either considered by principle, or ex lege, the EC is not right. Still a ***plan B*** is available and we are hereby proposing it.

⁶ CELEX_02006L0116-20111031_EN_TXT

Since Paul René is not able to remain in office, the Board may shelter to the provisions of Article 277. The board may replace him with Kees, then replace the other resigned members. All these substitutions would be presented to the IAGA.

We believe this is a win-win situation

Best Regards

The Board of the Greek Society of Cinematographers

Christos Alexandris GSC, President

Argyris Theos, GSC, Secretary General

Pantelis Mantzanas, GSC, Vice President

Odysseas Pavlopoulos, GSC, Treasurer

Olympia Mytilineou, GSC, Member

⁷ Article 27

Provisional substitution

27.1. If one of the members of the IMAGO administration board would die or cease his functions during a financial year, the IMAGO administration board will provide for his replacement.

27.2. Such appointment will be provisional and submitted to the ratification of the next meeting of the IMAGO general assembly.

27.3. The member so appointed finishes his predecessor's term of office.

In the Formal Text registred with the Belgian Authorities:

Article 27 : Substitution temporaire

27.1. Dans l'hypothèse où un des membres du conseil d'administration viendrait à décéder ou à cesser ses fonctions au cours d'un exercice, l'organe d'administration pourvoira à son remplacement.

27.2. Cette nomination sera faite à titre provisoire et soumise à la ratification de la prochaine assemblée générale.

27.3. Le membre ainsi nommé achève le mandat de son prédécesseur