

Proposed Changes to Certain Articles from 48(c) to 59

RECOMMENDATION FROM THE CONSTITUTION COMMITTEE

Introduction

At the 1997 November conference the Danish Sailing Federation made a submission (see Appendix 1 for original submission) aimed at clarifying the appointment procedure and the responsibilities of the Group representatives to the Council. A working party of the Constitution Committee presented proposals for changes in the Articles and Regulations to cover this matter to the Council in November 1998 as guidelines for discussion. It was then decided not to debate the matter around the table, but to ask Council to have a look at the proposals and comment if they wished.

At the 1998 November conference the Constitution Committee Chairman agreed to circulate the proposed changes in the Articles and Regulations regarding operating guidelines for the Groups of Member-Nations among a selected number of Council Members and other persons closely involved in the matter. The wording as proposed by the Constitution Committee working party detailed their changes to the Danish submission in *italics*. Some minor alterations of a legal nature were made by the working party and they were included in the text as well. The wording was circulated to the following persons:

Khalid Mahmood Akhtar (PAK)

Karel Bauer CZE)

Carlos Diehl (ARG)

Yasuo Hozumi (JPN)

Dan Ibsen (DEN)

David Kellett (AUS)

The proposed changes as detailed below were tabled at the 1999 Council Meeting, but not considered due to lack of time. Since then they have been on hold. They were represented to the ISAF Council in November 2003 as below and Council deferred to the 2004 Mid-Year Meeting.

Proposed Changes to Articles

(Words in italics indicate additions to the text originally proposed by the Danish Sailing Federation).

Article 48(c) Delete existing text and insert the following:

Members of the Council shall hold office until the appointment of their successors at the next Ordinary Meeting of the General Assembly and shall be eligible for reappointment. When the normal term until the next General Assembly is four years, immediately prior to the *end of two years of the term each Group of Full Members must either confirm in writing to the Secretary-General the continued appointment of their member or the appointment of a different member in accordance with the procedure adopted by the Group* in which case the initial appointee's term ends with the receipt of the new appointment, and the term of the new appointee shall be until the appointment of new members of the Council pursuant to this Article. *In the event that after two years of the term, the Group neither confirms the appointment nor appoints a different member as provided above, the initial appointment continues to the end of the four-year term.*

Article 55 Amend the Article as follows:

In the event that a member of the Council is unable or unwilling to attend a meeting or meetings of the Council, *the Group of Full Members represented by that member may at any*

time appoint some other yachtsman from their Group to be an Alternate Member of the Council for any meeting or meetings that the regularly appointed member is unable to attend, and may at any time revoke such alternate's appointment.

Article 56 Amend the Article as follows:

In the event of a member being unable or unwilling to attend a meeting or meetings of the Council and the member *not having notified the Secretary-General* or his Group and no alternate having been appointed, the President may appoint an alternate for the ensuing meeting.

Article 57 Amend Article as follows:

An Alternate shall be entitled to receive notices of all meetings of the Council and to attend at any such meeting at which the *incumbent appointed member* is not personally present in his capacity as member and is generally to perform all the functions of this person as a member of the Council during his absence.

Article 58 Delete this Article.

Article 59 Amend this Article as follows:

All appointments and revocations of appointments *to the Council* shall be made by notice in writing given the Secretary-General *by the Group* making or revoking the appointment.

Proposed new Regulation implementing certain changes to Articles 48 to 59.

- 8.6 It is the responsibility of the Full Members constituting a Group to nominate the number of representatives on the Council allocated to the Group and to present the names of the representatives so appointed to ISAF by the due dates set out in Article 47(d).
- 8.7 The Member National Authorities constituting Groups are responsible for appointing competent individuals with adequate knowledge of the sport of sailing and of ISAF as members of the Council. Members of the Council shall preferably have a good working knowledge of English.
- 8.8 Groups are expected to develop and agree to the principle of the rotation among Full Members in the appointment of representatives to the Council except where the relative sizes of the Member National Authorities and number of sailors among the Members make this inappropriate. Subject to the foregoing, the plans for rotation should provide for each Full Member to periodically have a person from that country appointed to the Council. Groups, and especially large Groups, should make use of the possibility of rotating their representative on the Council more often than the normal four-year period of office.
- 8.9 Pursuant to Article 46, the representatives of each Group on the Council have the responsibility to represent the views and opinions from within their Group while at the same time remaining responsible for the governing and administering the activities of ISAF generally and in the interests of sailors throughout the world.
- 8.10 Before each meeting of Council, the representative of each Group has the responsibility of acquiring from the full Members within the Group such views and information as are necessary for the proper representation of the Group as a whole. If possible, meetings of the Full Members should be arranged for this purpose.
- 8.11 Whenever a Full Member from within a Group so requests, the representatives of the Full Members of the Group shall call a meeting of the Group members at a convenient time and place to discuss and debate such matters as the Full Member requests. The views of any Full member not able to be represented at such meeting may be submitted in writing to be circulated at the meeting.

Appendix 1 - Original Submission by Danish Sailing Association in 1997

SUB 48 - A submission from the Danish Sailing Association dated 31 July 1997

SUBMISSION

The Danish Sailing Association submits the following changes to the Articles ("the constitution") of ISAF:

Article 46 - amendment:

"Members of the Council have an obligation to call for an annual meeting with his group in due time before the annual ISAF meeting to discuss upcoming matters."

Article 47.c - delete existing text and insert new text:

"Members of the Council are elected for a four year period, but the Groups of Full Members shall confirm the nomination after two years in office. If a Group of Full Members do not wish to confirm the nomination after the first two years, then the respective Group can appoint an alternate to represent the Group in the Council for the remaining two years until the nomination of a successors for the next Ordinary Meeting of the General Assembly and shall be eligible for reappointment."

Article 54 - delete existing text and insert:

"Each Group of Full Members may at any time appoint some other yachtsman from their Group to be an Alternate Member of the Council, and may at any time remove any Alternate member so appointed by them."

Article 55 - consequential change of wording:

"The President may and the respective Group not having notified the Secretary General of an Alternate.

Article 56 - consequential change of wording:

".... at which the normal member appointed by the group is not personally present and is generally to perform all the functions of this person as a member during his absence.

Article 57 - delete

Article 58 - consequential change of wording

"..... by notice given to the Secretary General by Group making or"

REASON

The Danish Sailing Association find that this change is necessary and would benefit a lot to the decision making process in ISAF:

This will enrol the National Authorities within the Groups of Full Members more actively in the political work in ISAF and secure a close dialogue/contact between the Groups and their Council members,

this will commit a Council member and - according to Article 46 - make him able to place before the Committee/Council the views of the Full Groups of members by whom he were nominated or elected, with a reconfirmation of the nomination of a Council Member after two years, this will put a pressure on the Council Member to present the views of the Group, which appointed him, before the Committee/Council. This also ensures, that policy discussions in the Council has a greater chance of being more balanced and sophisticated, and as one the tasks of Council Members or Alternates are to present the view of the Full Groups of members having appointed them, it must naturally be the Groups of Full Members who shall appoint an Alternate, if necessary.