ISAF Constitution

A submission from South African Sailing

Proposal

Amend the Constitution as approved at the Mid-Year Meeting 2010 by Council as follows:

General

WORDS MEANINGS

Regulations Regulations adopted by the Council to carry out the aims and objects of the Federation.

CANCELLATION OF MEMBERSHIP

14. (a) Notwithstanding Articles 15 to 20, when a member National Authority has been in arrears on all or a part of its subscription, fees, dues or other payments due to the Federation or any of its subsidiary or associated companies for a year or more, and having been warned to make payment at least 30 days previously, and the Secretary General having so certified in writing, the Executive Committee may by majority vote suspend or Council may by a majority vote suspend or cancel the membership in the Federation of a Member National Authority with immediate effect.

14.1 (a) When an International or Recognized Class has been in arrears on all or part of its subscriptions, fees, dues or other payments due to the Federation or any of its subsidiary or associated companies, on the same conditions and terms as provided in Article 14(a), the Executive Committee Council may by a majority vote suspend or cancel the International status and membership of an International or Recognized Class.

15.2 Without limiting any alternative grounds, one of the grounds on which a member’s status may be challenged is for persistent disregard of or failure to observe the Constitution of the Federation especially as it pertains to the obligations of membership.

17 The Council may suspend or cancel the status and membership of an International or Recognized Class which in the Council’s judgement has failed to meet its obligation to protect the design characteristics of the class or currently does not meet the requirements for the class prescribed in the Rules and Recommendations for Adoption and Control of International or Recognized Classes.

19. The Executive Committee Council may:

EXECUTIVE COMMITTEE

68. (b) The Executive Committee has full responsibility for managing the corporate and financial affairs of the Federation subject to sub-regulation (c) below.
In all its actions and deliberations the Executive Committee shall report to the Council. **All actions of the Executive Committee shall be required to be ratified by the Council at their next meeting. If any actions are not ratified by Council such actions shall have effect only until the vote on ratification or the end of the next Council Meeting, whichever is sooner.**

Current Position

As above

Reason

The proposed amendments are intended to improve governance of ISAF while clarifying the need for Council to have a strong role in managing our sport.

The amendments proposed by the Executive concentrate too much power in the hands of too few people with no effective oversight except on a 4 year basis. The Executive need to justify and have their decisions considered and ratified at least once a year by the representatives of the Stakeholders of Sailing as embodied by the Council. The current articles clearly show that the Council is responsible for sailing and managing the sport through the Federation and where the Executive is intended to act on behalf of Council. Their proposal virtually reverses this role unless safeguards are put in place. This proposal is intended to put some safeguards in place.

This submission endorses many of the technical points proposed by the Executive but ensures that their deliberations are examined and endorsed on a timely basis. A comparison of this proposal with that of the Executive is attached and you will see it allows Council to fulfill its obligations to manage the Sport of Yachting as given in Article 43 while allowing the Federation to be managed on a more streamlined basis.