

## ISAF Council

### Articles 38 and 40

A submission from the Portuguese Sailing Federation and the Royal Spanish Sailing Federation

#### Purpose or Objective

To make it possible that a Group of Member National Authorities that have nominated a person to represent them in the Council may change their representative before the next Ordinary General Assembly Meeting

#### Proposal

Amend Article 38 as follows:

38. Members of the Council appointed to serve at, or at the time of, an Ordinary General Assembly Meeting shall hold office until the next following Ordinary General Assembly Meeting, **a successor is appointed pursuant Article 40(f)** or they cease office.

Amend Article 40 (c) as follows:

- (c) Appointed members shall hold office until the appointment of their successors ~~at the next Ordinary Meeting of the General Assembly~~ unless the Council has made changes in Schedule A requiring new nomination and selection of Council members pursuant to Article 40(b) in which case the term of a Council member whose seat is subject to re-nomination shall cease at the time of the selection of his successor, if any. Appointed members shall be eligible for re-appointment.

Add a new Article 40 (f)

- (f) If a Group of Member National Authorities decides to appoint a successor for the Council member they appointed under Article 40 (a), the new Council member shall be appointed or elected in accordance with Article 40, except that the new appointment shall be notified to the Chief Executive Officer and shall be valid only when received at least two weeks before the next Council meeting.**

#### Current Position

As above.

#### Reasons

1. During the four-year period in between ordinary meetings of the General Assembly, circumstances may happen that make advisable to change the person who was originally appointed to represent a Group in the Council.
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2. It may happen that, for different reasons, the person appointed at the beginning of the quadrennium ceases his relation with the MNAs he was appointed by, or he is no longer involved with the Group at all. In such a case, the Group should be allowed to appoint another Council Member closer to them and the work they are doing to develop and improve sailing in their area.
  3. In accordance with Article 39, 'Members of the Council shall be responsible for placing before the Council the views of the Member National Authorities by whom they were nominated or elected ...'. Maintaining in the Council a member against the desire of the MNAs that he is supposed to represent is completely against the spirit of Article 39 and perverts that particular seat in the Council. In a situation like this the risk is that for a long period of time ISAF Council may not receive the opinions of a whole group of MNAs but those of an independent person.
  4. The Alternate system permitted by Articles 50 to 54 does not guarantee that the views of a Group in this situation are brought to the Council, since it depends on the nominated member of the Council to accept appointing an Alternate or not.
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## **2014 NOVEMBER CONFERENCE**

### **COUNCIL DECISION – NOVEMBER 2014**

Council received submission 003-14 from the Portuguese Sailing Federation and the Royal Spanish Sailing Federation

#### **Decision**

**On a proposal to defer from José Angel Rodriguez Santos, seconded by Hector Duval Council unanimously deferred Submission 003-14 to November 2015.**

Recommendation from the Reporting Committee

#### **Executive Committee**

#### **Recommendation to Council: Reject**

Support the principle, but with two safeguards: (i) any change should have unanimous support of all MNAs in the Group; and (ii) a Council member may only be changed once in a 4-year Council term. If this is the wish of Council, the Executive will make such a submission in 2015.

Opinion from the Other Committees

#### **Constitution Committee**

#### **Opinion: Defer**

The issues raised are recognised but further drafting is required. A working party has been established to put forward a submission in 2015 having regard to safeguards referred to in the recommendations made by the Executive Committee.

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