

**BEFORE THE INDEPENDENT PANEL**

**IN THE MATTER OF:**

**SATISH KANWAR**

*Appellant*

**V**

**RACE OFFICIALS COMMITTEE**

*Respondent*



**DECISION**

1. The Appellant submitted his application to World Sailing (WS) for first appointment as an International Race Officer on 26 July 2018. The application met WS's requirement for references and recommendations; it included references from three WS International Race Officers (from Singapore, China and Turkey) and one International Judge (Great Britain), and letters of recommendation from the Laser, Optimist and Board Class Associations of India.

As an application for first appointment, the application also required an endorsement by the Appellant's Member National Authority (MNA), namely Yachting Association of India (YAI). WS regulations require the endorsement to be received by WS by 1 September.

2. The Appellant requested the endorsement from YAI in a timely manner on 24 July 2018. The on-line application link enabling YAI to endorse the application was initiated on 26 July 2018.
3. YAI was reminded of this request, and the date the endorsement was required by WS, on 3 August 2018. On 6 August 2018 YAI acknowledged receipt of the request, and stated: *"This office is aware of the deadlines and appropriate action will be initiated after due examination of the applications."*
4. On 27 August 2018, YAI replied as follows to the Appellant's request for endorsement: *"It is opined that in order to recommend your appointment to World Sailing, in accordance with the guidelines promulgated by WS, there is a need to further assess your competencies, skills,*

*inter-personal relations as well as team work and team management skills. Please be advised that the YAI shall seek the views and recommendations of your peers as well as competitors, support personnel, volunteers, team officials and other race officials and based on feedback, would consider making a recommendation to World Sailing for your appointment as the IRO in the future.”*

5. The YAI reference to World Sailing guidelines is incorrect; there are no such guidelines for MNA endorsement. YAI may have been thinking of WS guidelines for WS race officials when giving references; the Appellant's application already had the required references from WS International Race Officials.

In addition, delaying its decision to the extent YAI did was unreasonable. YAI had ample time between 24 July and 1 September 2018 to make its assessment and provide the endorsement, or give reasons why it would not. The abilities of the Appellant should have been well known to YAI, as in December 2017 YAI had awarded the Appellant its Best Race Official Trophy for 2017.

6. On receipt of the YAI response, the Appellant sought to provide YAI with evidence of the views of others. Between 27 and 30 August 2018 he secured the written support for his application from 20 sailing clubs and 4 sailing class associations of India. These were provided to YAI on 31 August 2018.
7. The Appellant also liaised with World Sailing, who replied on 30 August 2018 as follows:

*“I have now removed the requirement for needing the MNA endorsement to be received, therefore you should now be able to mark this as complete.*

*“I understand the MNA endorsement is out of your hands and the World Sailing Executive Office will work on receiving this once the application has been submitted. It shall also be noted the productivity and initiative you have given to requesting this.*

*“To conclude, please go ahead and submit your application, understanding the MNA endorsement has not been received.”*

8. No evidence has been provided to the Panel of the efforts of WS to secure the MNA endorsement. However it appears that no further comments were received from YAI regarding the Appellant's application prior to the WS Race Officials Committee (ROC) meeting in Sarasota on 30 October 2018 to consider applications for appointment of International Race Officials.

9. WS regulation 31.8 states that:

*“A candidate for first appointment shall be endorsed by his MNA. The Race Officials Committee may waive this requirement if the endorsement is unreasonably withheld or delayed by the MNA.”*

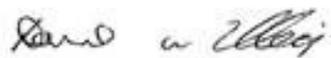
Given the reply from WS to the Appellant in paragraph 7 above, it was appropriate for the ROC, at its meeting on 30 October 2018, to consider and decide whether to waive the requirement in the Appellant’s case. There is no evidence provided to the Panel that the ROC made any such consideration at that meeting.

10. The evidence supplied to the Panel suggests that any research by WS for such a consideration appears to have started only after the Appellant had submitted his appeal in November 2018.

11. The Panel concludes that the delay in the YAI’s endorsement was unreasonable and through no fault of the Applicant, and could have prejudiced his future as a potential International Race Officer. The Panel concludes that it may have been appropriate in this case for the Race Officials Committee, at its meeting on 30 October 2018, to have decided to waive the requirement for YAI endorsement, and to have considered the Appellant’s application on its merits.

12. The appeal is upheld. The ROC is directed to re-consider, on the basis of only such information as was, or could have been, available to it at the time of its meeting on 30 October 2018:

- i. whether or not to waive the requirement for MNA endorsement in this case; and
- ii. if it decides to waive the requirement, whether to appoint the Appellant as an International Race Officer.



**David Tillett (Chairman)**



**Josje Hofland**



**Chris Atkins**

**Independent Panel**

**11 March 2019**