1. **Opening of the Meeting**

   The Chairman welcomed everyone to the first meeting of the new Constitution Committee, and summarised the activities that the Committee, its working Parties, and as Chairman he had undertaken over the last twelve months, including his reports to the Executive in May and
September and the presentation he had, at short notice made to Council in May., and advice given both to Chairmen of other Committees and to the Secretary general. He also reminded members of the obligations under Regulation 6.4.3, and the need to disclose any possible conflicts of interest. He in particular disclosed his previous involvement with ORC.

Stanislav Kassarov and Balazs Hajdu disclosed potential conflict of interest in some issues concerning the Olympic classes due to their involvement as International 470 Class President and International Finn Class President respectively.

2. Minutes of the Previous Meeting
   (a) Minutes

   The minutes of the Constitution Committee meeting of 5 and 10 and 12 November 2008, having been approved previously, were noted and signed by the Chairman.

   (b) Matters Arising

   There were no matters arising which were not covered elsewhere on the agenda.

3. Matters Arising from Council Meeting Saturday 9 May 2009

   Professional arm of the sport of Sailing

   The Chairman highlighted the issue that the professional arm of our sport is developing fast and needs professional services from ISAF, for example Rules, Judges, Umpires, Measurement, Safety, Anti-Doping but that it was crucial not to forget those who sail or race for pure pleasure. The approach for these two areas may have to be different and therefore will need to be looked at by the Constitution Committee

   ISAF Structure and Governance

   On request from the Executive Committee, a Working Party led by Philip Tolhurst, Chairman of the Constitution Committee had undertaken a review of the ISAF structure and governance.

   The Chairman summarised the structures of other Summer Federations in comparison to that of ISAF. It was evident that some areas require review but this should be consistent with the goals and objectives of ISAF. In particular the Regulations should be consistent with the Constitution and internationally understood.

4. Outstanding Issues from Previous Constitution Committee Meetings

   There were no matters arising which were not covered elsewhere on the agenda.

5. Submissions Deferred from the November 2008 Council Meetings

   (a) Submission 084-08 from the Fédération Française de Voile about 2016 Olympic Sailing Competition

       Recommendations

       Opinion: No Recommendation

       Constitution Committee position unchanged from previous position

   (b) Submission 085-08 from the International Formula 18 Class Association about the Olympic Sailing Equipment

       Recommendations
Opinion: No Recommendation
Constitution Committee position unchanged from previous position

(c) Submission 086-08 from the International Dart Class 18 Class Association about the Olympic Sailing Permanent Events
Opinion: No Recommendation
Constitution Committee position unchanged from previous position

(d) Submission 087-08 from the US Sailing about Olympic Sailing Competition Events for 2016, 2020 and 2024
Recommendations
Opinion: No Recommendation
Constitution Committee position unchanged from previous position

(e) Submission 118-08 from Fédération Française de Voile about Consistency of System of Invitations within World Match Racing Competition
Recommendations
Opinion: No Recommendation
Constitution Committee position unchanged from previous position

6. ISAF Governance

(a) The paper from the working party (please see Appendix A) was distributed.

The Chairman explained the context in which this review was taking place and its objectives.

The publication of a directive from the Olympic Congress on Good Governance was noted and it was concluded that until it was clear as to the actual requirements of the IOC we could not continue to discuss this. Currently those requirements are being reviewed and once that has been done the Working party will review whether ISAF currently meet the IOC requirements.

Further the review had to be within the context of the Strategic Plan, the draft of which would be published at the meeting of Council.

However three matters raised by the working party were already within the scope of submissions, leaving a further 14 papers under discussion.

For the reasons above The Chairman proposed that that this work be deferred, with the exception of two particular items.

Working Party Paper – Item 5 - Outstanding request under Regulation 3 as to the process for the election of Committee Members (Reg 6.2.5)

At present every 4 years concurrent with the General Assembly individuals are nominated by MNAs for different ISAF committees (except the Audit Committee) pursuant to Regulation 6.1 (a).

Subsequently, before 60 days have elapsed since the date of the General Assembly, the new Executive Committee recommends to the Council the appointments of Chairmen, Vice Chairmen and members of the ISAF Committees (Regulation 6.2.4, Article 69) for the next 4 year period bearing in mind the guidelines set forth in Regulation 6.2.2.
This arrangement creates a situation where a “vacuum” occurs between the time the old ISAF Committees are disbanded before the General Assembly in November, and the new ISAF Committees are appointed some time after the General Assembly. At the earliest this will be the following January.

In addition, it is unclear whether a Council member appointed in the position of Chairman of the Classes or Offshore Committees or as Women’s Representative, can also vote on the new appointments, and further whether that should be the outgoing or new chairman or representative if there is a change at that time.

A Working party consisting of: John Crebbin, Jon Napier, Scott Perry and Fernando Pombo was appointed to look at this issue.

**Appendix B - Item 6 - Ideas on Changes to the Submission Process**

The second issue the Chairman asked the Committee to consider was possible changes in Regulations to improve the Submission Process. The Chairman submitted a paper (attached as Appendix B) which detailed some personal thoughts.

The following comments were made:

- A great deal of our Business is enshrined by Regulation, which would explain why we are so often in a situation where we receive proposals in the form of a change to Regulations. It was felt that we are overly driven by the formality of Regulations, but that formality also acts as an appropriate restriction in certain cases. It is very difficult to distinguish between housekeeping and substantive changes, and different countries often see one as the other.

- The question was asked whether we should instead move in the direction of reviewing the formality behind the process.

- Some Countries are daunted by the process and it had been suggested that perhaps some assistance could be given prior to the submission. The Secretary General expressed concern on this idea based on the fact that if it’s rejected the onus comes back on the committee, or person, that assisted in the drafting. Conversely informal assistance had in the past and could in future help.

- Decision: The (review) Working party consisting of: the Chairman, John Crebbin, Jon Napier, and Scott Perry, to which Fernando Pombo was also added, were re-appointed, and asked to proceed with a review of these particular ideas independently of the more general review.

(b) Submission 036-09 from the Executive Committee proposing changing the Articles and Regulations so that the Directors of ISAF shall exclude members of Council, other than the Executive was discussed at length.

The letter from Dixcart in regard to submission 036-09 was noted by the Constitution Committee.

**Recommendations**

**Opinion:** Approve

**Amendment:** delete the third paragraph. In the second paragraph add after ‘Constitution’ the words ‘and the Regulations’

**Notes:**

Cannot be effective until the Articles have changed.

Legal advice is highly recommended.
The changes in the Articles should ensure that;

(a) The management, administration and promotion of the sport of sailing, and determining the policies of ISAF remain the responsibility of Council;
(b) That the responsibility for the financial and corporate affairs of ISAF remain with the Executive (Article 68);
(c) and that the implementation of policy decisions of the Council, for matters specifically delegated to it, and for taking management and all operational matters also remain with the Executive (Article 68).

The reporting committee, the Executive, will liaise with the Constitution Committee as per Regulation 15.3.6 (g).

It is envisaged that the detailed proposals to amend the Articles shall be presented to Council in May 2010 for final approval by the AGM of all members in November 2010.

7. ISAF Regulations

(a) Submission 037-09 from the Chairman of the Constitution Committee proposing re-arranging and re-numbering of the current Regulations to put them in a more logical order.

Recommendations

Opinion: Approve

Approve subject to the Council approving the policy.

Withdraw proposal 4, 5 and Appendix 3 of submission 037-09

8. Submissions for which the Constitution Committee is the Reporting Committee

(a) Submission 057-09 from the Chairman of the Constitution Committee about Regulation 1.1 and the deletion of Regulation 28.4

Recommendations

Opinion: Approve with the following amendment

It should be noted that the text of 28.4 needs to be deleted as well. In the first line of 1.1 delete ‘and’ replace with ‘or’.

9. Submissions for which the Executive Committee is the Reporting Committee

(a) Submission 001-09 from UAE Sailing & Rowing Federation about Regulation 2.34

Recommendations

Opinion: Reject

Not needed. They can already apply as affiliated member, similar to the Mediterranean Sailing Union.

(b) Submission 002-09 from the UAE Sailing & Rowing Federation about Regulation 9.3.2

Recommendations

WITHDRAWN

(c) Submission 003-09 from the Executive Committee about Regulation 15.12.6
Recommendations
Opinion: Approve with the following amendment
Delete 'with the recommendation of' and insert: ‘in consultation with' -- spelling
Events Committee needs to be corrected
(d) Submission 004-09 from the Chairman of Race Officials Committee about Regulation 15.19
Recommendations
Opinion: Approve
(e) Submission 006-09 from the International Kiteboarding Association about Regulation 15.27
Recommendations
Opinion: Approve
Approve subject to the Council approving the policy. Suggested amendments: delete first 'Committee' in 15.27.1 and reverse order of words in second line so it reads: windsurfing and kiteboarding classes.
(f) Submission 008-09 from the Executive Committee about Regulation 1.13.4
Recommendations
Opinion: Approve
Subject to the Council approving the policy. The committee recommends to the Executive Committee that the policy as stated in the last sentence of the reason is put in the Regulations (future new submission).
(g) Submission 009-09 from the Executive Committee about Regulation 18.13.7 and 44
Recommendations
Opinion: Approve
Note that all other references to 'Olympic Advisory Commission' need to be removed from the Regulations.
(h) 011-09 Advertising Code - Regulation 20.1
Recommendations
Opinion: Approve with the following amendment
Approve proposal 1.
Regarding proposal 2:
The Executive proposes under proposal 2 the part under 20.6.5 of the submission only and withdraws the balance of proposal 2. The Constitution Committee proposes the text to read as follows:
20.6.5 In accordance with prior written consent from ISAF, and ISAF events, and at the ISAF Sailing World Cup events, the bib, or its equivalent, provided to the competitors/boats in accordance to that event Notice of Race shall be worn by the competitors as may be prescribed in the relevant sailing instructions.
(i) Submission 012-09 from the International Kiteboarding Association about Regulation 20.4.
Recommendations
Opinion: Approve
Subject to Council accepting the policy. Suggest amendment: delete in the first line 'kiteboard' and insert 'hull' and delete 'advertisement' and insert 'Advertising chosen by it'. Delete in 5th line 'permit or'.

Note: Organizing Authority (capitals)

(j) 013-09 Advertising Code from the Executive Committee about Classes and Rating Systems - Regulation 20.5

Recommendations
Opinion: Approve
Subject to Council accepting the policy. Suggest amendment: delete 'approval' and insert 'consent'

(k) 015-09 Advertising Code from the Executive Committee about Supplementary Entry Fee - Regulation 20.8

Recommendations
Opinion: Reject
This would be in conflict with 20.8.2 where it is stated that fees may only be required to be paid to the National Authority only.

(l) Submission 018-09 from the International Kiteboarding Association about Regulation 20-09

Recommendations
WITHDRAWN

(m) Submission 019-09 from the Executive Committee about Regulation 22.

Recommendations
Opinion: Approve
Subject to Council approving the policy. Note edit: delete 'or' from 22.2.2 (b) (ii)

(n) Submission 20-09 from Executive Commission about Regulation 22

Recommendations
Opinion: Approve
Approve subject to Council approving the policy.

(o) Submission 021-09 from the Executive Committee about Regulation 22

Recommendations
Opinion: Approve
Subject to Council approving the policy.

(p) Submission 022-09 from the Executive Committee about Regulation 22

Recommendations
Opinion: Approve
Subject to Council approving the policy. Propose amendment: delete 'of advertising chosen by the competitor on a boat or equipment' insert 'Competitor Advertising'

(q) Submission 023-09 from the Executive Committee about Regulation 22
Recommendations
Opinion: Approve
Subject to Council approving the policy. Propose amendment: delete 'per diem amounts' and insert 'fixed daily allowances'.

(r) Submission 024-09 from the Executive Committee about Regulation 22.3.6
Recommendations
Opinion: Approve
Subject to Council approving the policy.

(s) Submission 025-09 from the Executive Committee about Regulation 22.3.10
Recommendations
Opinion: Approve
Subject to Council approving the policy.

(t) Submission 026-09 from the Executive Committee about Regulation 22.5.2
Recommendations
Opinion: Approve
Subject to Council approving the policy.

(u) Submission 027-09 from the Executive Committee about Regulation 26.3(c)
Recommendations
Opinion: Approve
Subject to Council approving the policy.

(v) Submission 028-09 from the Race Officials and Constitution Committee regarding Regulations 33 to 35
Recommendations
Opinion: No Recommendation
Awaiting the Council policy to be established

(w) Submission 032-09 from the UAE Sailing & Rowing Federation about Council Members Group I
Recommendations
WITHDRAWN

(x) Submission 34-09 from the Chairman of ISAF Classes about new regulation
Recommendations
Opinion: No Recommendation
Note: Article 6 obliges the National Authorities to enforce the class rules.
(y) Submission 035-09 from the Chairman of the Windsurfing Committee about change of Name of Windsurfing Committee

**Recommendations**

WITHDRAWN

(z) Submission 037-09 from the Chairman of the Constitution Committee about ISAF Regulations - “Housekeeping”

**Recommendations**

Opinion: Approve

Approve subject to the Council approving the policy.

Withdraw proposal 4, 5 and Appendix 3 of submission 037-09

(aa) Submission 057-09 from the Chairman of the Constitution Committee about Rating Systems

**Recommendations**

Opinion: Approve with the following amendment

It should be noted that the text of 28.4 needs to be deleted as well. In the first line of 1.1 delete and replace with ‘or’.

(bb) Submission 073-09 from the International Kiteboarding Association about Regulation 26.2.1.(e)

**Recommendations**

Opinion: Approve

Subject to the Council approving the policy.

(cc) Submission 074-09 from the International Formula Windsurfing Class about Regulation 26.2.1(e)

**Recommendations**

Opinion: Approve

Approve subject to the Council approving the policy.

*Note: Column ‘Boats Worldwide is repeated’*

(dd) Submission 075-09 from the Chairman of Equipment Committee about Regulation 26.

**Recommendations**

Opinion: No Recommendation

Subject to Council approving the policy, substantial editing is required.

10. **Submissions for which the Events Committee is the Reporting Committee**

(a) Submission 090-09 from the Chairman of the Events Committee about Regulation 17.2.1

**Recommendations**

Opinion: Approve
(b) Submission 091-09 from the Chairman of the Events Committee about Regulation 17.2.6

Recommendations

Opinion: Approve

Subject to the Council approving the policy. Proposed amendment: 17.2.6: delete: ‘at the Mid-Year Meeting’

(c) Submission 092-09 from the International Kite boarding Association about Regulation 18.2.2

Recommendations

Opinion: Approve

Subject to the Council approving the policy.

(d) Submission 094-09 from the Federación Argentina de Yachting and Yacht Club Ypacarai about Classes and Equipment for the Youth Olympic Sailing Competition

Recommendations

Opinion: Approve

Subject to the Council approving the policy the Constitution Committee shall review the wording. Note repeat of wording in 16.5.4 (a) (i) and (ii).

11. Submissions for which the Match Racing Committee is the Reporting Committee

(a) Submission 101-09 from the Chairman of the Race Officials Committee about Regulation 24.2

Recommendations

Opinion: Approve

Subject to the Council approving the policy.

12. Submissions for which the Oceanic and Offshore Committee is the Reporting Committee (Vice Chairman Tom Schubert took the chair)

(a) Submission 107-09 from the International IRC Owners Association about Regulations 15.17.2, 6.1.1

Recommendations

Opinion: Reject

Intention of the submission is unclear

(b) Submission 108-09 from the International IRC Owners Association about Regulation 18.7 and 28.3

Recommendations

Opinion: Approve

Subject to the Council approving the policy.

(c) Submission 109-09 from the Executive Committee about Regulation 18.7 and 28.3
Recommendations
Opinion: Approve
Subject to the Council approving the policy.

(d) Submission 110-09 from the Executive Committee about Regulation 29.1(a)

Recommendations
Opinion: Approve
Subject to the Council approving the policy.

13. Submissions for which the Race Officials Committee is the Reporting Committee

(a) Submission 116-09 from the Chairman of the Race Officials Committee about Regulation 18.12

Recommendations
Opinion: Approve
Subject to the Council approving the policy.

(b) Submission 117-09 from the Chairman of the Race Officials Committee about Regulation 33

Recommendations
Opinion: Approve
Subject to the Council approving the policy. Proposed amendment to 33.12 (f): delete ‘past’ and reinstate ‘four’.

(c) Submission 118-09 from the Chairman of the Race Officials Committee about Regulation 33.11.2 and 33.14.2

Recommendations
Opinion: Approve
Subject to the Council approving the policy.

(d) Submission 119-09 from the Chairman of the Race Officials Committee about Regulation 33.11.2

Recommendations
Opinion: Approve
Subject to the Council approving the policy.

(e) Submission 120-09 from the Chairman of the Race Officials Committee about Regulation 33.12(f)

Recommendations
Opinion: Approve
Subject to the Council approving the policy. Proposed amendment delete: ‘grades’ and insert ‘Graded Events’. It was suggested that ISAF publishes what is considers to be the “range” of Graded Events.
(f) Submission 121-09 from the Chairman of the Race Officials Committee about Regulation 33.12(i)

**Recommendations**

**Opinion:** Approve

**Subject to the Council approving the policy.**

(g) Submission 122-09 from the Chairman of the Race Officials Committee about Regulation 33.13.2(b)

**Recommendations**

**Opinion:** Approve

**Subject to the Council approving the policy.**

(h) Submission 123-09 from the Polish Yachting Association about Regulation 33.14

**Recommendations**

**Opinion:** Approve

**Subject to the Council approving the policy.**

(i) Submission 125-09 from the Chairman of the Race Officials Committee about Regulation 34.4

**Recommendations**

**Opinion:** Approve

**Subject to the Council approving the policy. Proposed amendment: delete ‘a representative of’**

14. **Application Documents for ISAF Membership**

(a) The Committee noted the new application pack for ISAF membership prepared by the secretariat, comments were invited.

(b) The Committee noted the new Guidance Notes for the Draft MNA Constitution prepared by the secretariat, comments were invited.

The Chairman also raised the issue of the reviewing the Constitution documents from applicant MNA’s. It was agreed that new applicant MNA’s Constitution and supporting papers would be first sent to Vice Chairman Tom Schubert for review, and thereafter the ISAF office would forward each application to the whole committee for final approval.

15. **ISAF Members**

(a) MNA Groupings

Lebanon, Federation Libanaise de Yachting from Group

The Chairman confirmed that last year the Constitution Committee had recommended that the Federation Libanaise de Yachting be moved from Group D to Group I. It transpired that this however had not previously been discussed with Lebanon, and subsequently they objected. The objection still remains.

Jack Caldwell confirmed he would send previous notes in regard to this agenda item to the Constitution Committee
**Decision**

The Constitution Committee agreed to defer any change until an entire review of the groupings next takes place.

(b) ISAF Full Membership Approval

Botswana

The Constitution for Botswana was not received in time to be review at this meeting. It therefore will be added to next years meeting.

Oceania Sailing Federation

The Committee approved the Constitution subject to the change of the Clause 11.5 of the Federations Articles being changed. and referred the application for Affiliate Continental Membership in accordance with ISAF Regulations 2.18.3 and 2.34 for approval to the ISAF Executive Committee and ISAF Council:

(c) Review the amended Constitutions of the 2008 Membership Applications

Tanzania

The Committee approved the amended Constitutions of Tanzania national sailing authority applying for ISAF Full Member Status in accordance with ISAF Regulation 2.18.3 for and referred the application to the ISAF Executive Committee and ISAF Council:

(d) Micronesia

It was noted that the Executive recommendation to Council was to cancel the Associate Membership of Micronesia as they have failed to comply with their membership obligations in a material respect.

**Decision**

**Cancellation**

(e) Challenge to Existing Membership

The Federacion Paraguaya de Vela (FEPAVE) is challenging the status of the Yacht Club Ypacarai (YPY) as Paraguay's MNA before ISAF. As evidence and backup for its challenge FEPAVE submitted letters of support from various Paraguayan sports authorities.

After consideration the Constitution Committee decided to postpone its decision on this challenge for 1 year to give the parties, FEPAVE and the YCY, a chance to reach an amicable arrangement or solution.

16. **International Hobie Class Association Vote at ICC**

The International Hobie Class Association wishes to clarify the voting situation at the International Classes Committee under ISAF Regulation 3.2.

The International Hobie Class Association has six ISAF Classes (Hobie 14,16,17,18, Tiger and Dragoon) and as such has six votes at the ICC. There is on occasion’s only one Hobie representative at the ICC. At the recent ISAF Conference the question was raised if one delegate could hold votes for more than one class., the concern being that one person could get a group of proxies and sway the voting. The individual did not have proxies as he was the Executive Director of the Hobie Class, and his name is listed as the contact for all the Hobie Classes

**Decision**
The Committee confirmed that each ISAF class has the right to sit at the Classes committee, and therefore, if the Hobie Class wish to have six votes, then six individual people need to attend.

17. **Annual Report**

The Committee authorised the Chairman to finalise, in liaison with the Vice Chairman, the Committee’s report to the ISAF Council meeting of 12 November 2009 on the activities of the Constitution Committee for the period of 1 January 2009 to Date.

18. **Any Other Business**

**Communication within the Constitution Committee**

The Committee discussed on how to improve effective communication within the Committee between meetings. A suggestion was made to look at some kind of a private online forum type software that can be very helpful discussing subjects. The Secretary General agreed to look into this.

The Secretary General further proposed that mail shots to the Committee should be send through the Secretariat to ensure the latest email addresses of members are used.

**Rule 69 Cases**

The Chairman informed that the Constitution Committee has been formally asked to look at the processes involved in the event of a Rule 69 case instigated by ISAF, as a consequence of a sailor making an incorrect application under the Classification Code. Following a review of the relevant regulations and rules, an outline proposal will be worked on by a Working Party of four members of the Committee. The Working Party will consist of: Lorenz Walch, Philip Tolhurst, Tom Schubert and Peter Hall.

The Executive and the Race Officials committee will also be asked to nominate people to join this Working Party. There is a need to establish this as soon as possible.

**Conflict of Interest Working Party**

The Chairman confirmed there was previously and remains a working party reviewing the “issue” of potential “Conflicts of Interests”. An interim report had been prepared, however it was suggested that the Committee should now be liaising with the Race Officials Committee before producing a final report. The Working Party consists of the following members: Stanislav Kassarov, Tom Schubert and Lorenz Walch

There being no further business the meeting closed.
Appendix A

Item 6

Base Criteria for Working Party

1. The Strategic Plan

2. The May 2008 Presentation to Council: by the then Treasurer

3. November 2008: work in progress as identified by David Lees

4. Comments from the chair following the General Assembly

5. Outstanding request under Regulation 3 as to the process for the election of Committee Members (Reg 6.2.5)

6. November – December 2008; Email correspondence between members of Council on the same and related issues

7. Female Representation on Council & Committees

8. Obvious shortcomings eg items in the Articles that should be in the Regulations and the absence of definitions in the Articles

9. Comparison with other Summer Olympic Federations & IOC requirements as to governance
Appendix B

Item 6

Ideas on Changes to Submission Process

1. Comments made in May gave a clear demonstration that the present procedure is rather daunting for some countries, leads to some submission being poorly drafted, and in some case both the purpose ie. Objective of the submission and the reasons are not clearly articulated or become confused.

2. The objective and the reasons supporting a submission are frequently distinctly different and therefore should be clearly separated.

3. Reg. I, although headed ‘Notices and Submission’ also at various places refers to ‘proposals’ but gives no separate indication of how a proposal differs from a submission although the test clearly anticipates that can be made and they can be dealt with differently.

4. It would also assist Council if submission were more clearly differentiated between Housekeeping, minor and those involving a policy change. Some submission are already dealt with by committee – Could that be expanded to include “Housekeeping” and possibly “Minor” and presented to council simply for ratification ‘en bloc’, but with the ability of council to call for any particular submission decision to be individually reviewed.

5. As to format this might be improved if the submitter first set out the objective or purpose of his submission, then the background and then the submission and lastly the reasons.

6. If we could clarify the procedure for proposals then the MNA’s etc could be asked to ‘submit’ these at any time: Could technology then enable these ‘ideas’ to be posted on the MNA are of the website and for a ‘chat room debate’ to allow feedback before the proposal moves to a formal submission?

7. Do we also need to review the process by which submissions are considered – can it be improved upon? Can we have a better way of amending without changing the intent ie purpose?

8. Should the current provisions dealing with the CC post conference review be improved upon or even expanded?