The Constitution Committee met at 09:00 – 18:00 hours on Monday 8 and at
09:00 – 13:30 on Wednesday 10 November 2010 at the Divani Caravel Hotel,
Athens, Greece.

Please refer to the ISAF website www.sailing.org for the details of the submissions on this
agenda/referred to in these minutes.

1. Opening of the Meeting
2. Minutes of the Previous Constitution Committee
Meeting
3. Matters Arising from Council Meeting of 7 and 8
May 2010
4. Outstanding Matters from the Working Parties
5. ISAF AGM 11 November 2010
6. Submissions Deferred from Previous Council
Meetings
7. Submissions November 2010
8. ISAF Members
9. To Consider the Ongoing Review of the Articles
of Constitution and Regulations
11. Annual Report
12. Any Other Business

Present:
Philip Tolhurst – Chairman
Tom Schubert – Vice Chairman
Nilufer Cakmakli
John Crebbin
Abdelkarim Derouiche - 8 November
Balazs Hajdu
Peter Hall
Stanislav Kassarov
David Kellett
Graham McKenzie
Jon Napier
W Scott Perry – Part Conflicted by Regional Games
Fernando Pombo Garcia
Carlo Rolandi
Lorenz Walch
Vice-President Eric Tulla

In Attendance
Jerome Pels – Secretary General
Vice-President Alberto Predieri – for part of meeting
Gerardo Seeliger – for part of meeting
Phil Jones - for part of meeting 10 November
Helen Fry – Item 8
Trish Merrick – Administration Secretary

Apologies:
Jack Caldwell
Joseph Melino

Not present:
Elena Dimitrakopoulou
Vladimir Sakovich

1. Opening of the Meeting

The Chairman welcomed the committee members with special welcome to Abdelkarim
Derouiche as he had not been able to attend in 2009. The observers present were also
welcomed and apologies were noted.

The Chairman informed the meeting that some agenda items would be considered in
accordance with the need for specific committee members or guest speakers to be in
attendance and that given the confidential nature of matters relating to ISAF Members, Items
2 (b) and 8 were considered in closed session.
2. **Minutes of the Previous Constitution Committee Meeting**
   
   (a) Minutes
   
   The minutes from the meetings of 9 and 11 November having been approved previously, were noted and signed by the Chairman.
   
   (b) Matters Arising
   
   There were no matters arising not covered elsewhere in the agenda.

3. **Matters Arising from Council Meeting of 7 and 8 May 2010**
   
   The Chairman summarised the progress on the items included in the report circulated to committee members only, on 21 May.

4. **Outstanding Matters from the Working Parties**
   
   (a) Classification and Racing Rule 69 issues
   
   It was noted that Jon Napier was appointed to the Classification Commission as legal consultant in February 2010, and that various submissions would be considered under item 7
   
   (b) Conflict of Interest
   
   Moving forward from the draft paper circulated in 2008, it was agreed that what is needed is a Conflict of Interest policy and not a regulation. Moreover the policy should be in plain English and complement the IOC Code of Ethics. The Working Party, assisted by Graham McKenzie shall produce a policy paper for May 2011.

5. **ISAF AGM 11 November 2010**
   
   (a) The Special Resolution regarding the amended Articles of Association of the International Sailing Federation, approved by Council at the Mid-Year Meeting May 2010 (previously circulated to all MNAs) for consideration at the ISAF AGM 11 November 2010 was noted.
   
   (b) The Chairman confirmed that there were no other Special Resolutions.

6. **Submissions Deferred from Previous Council Meetings**
   
   Please refer to the 2010 Submissions Booklet for details of all submissions also available online at www.sailing.org/meetings
   
   (a) Submissions deferred from previous Council meetings for which the Constitution Committee is the Other Committee
   
   Submission 084-08 2016 Olympic Sailing Competition – Events
   
   **Opinion**
   
   Approve subject to Council approving the policy.

   Submission 085-08 Olympic Sailing Competition – Equipment
   
   **Opinion**
   
   Approve subject to Council approving the policy.

   Submission 086-08 Olympic Sailing Competition – Events
   
   **Opinion**
   
   Approve subject to Council approving the policy.
Submission 108-09 World Championships – IRC – Regulations 18.7 and 28.3  
Withdrawn

Submission 109-09 Rating Systems World Championships – Regulation 18 and 28.3 
Withdrawn

Submission 110-09 ORC Limited – Regulation 29.1 – Oceanic and Offshore 
Withdrawn

7. Submissions November 2010

Please refer to the 2010 Submissions Booklet for details of all submissions also available online at www.sailing.org/meetings

(a) Submissions for which the Constitution Committee is the Reporting Committee and make recommendations to Council:

Submission 038-10 ISAF Constitution about rearranging Articles 14-19 and deleting duplication from the Chairman of the Constitution Committee  
Withdrawn

Submission 039-10 ISAF Constitution about Article 46 from the Chairmen of the Constitution Committee and Racing Rules Committee

Recommendation to Council  
Approve with the following amendment:

46. **With the exception of the decisions listed in Articles 46(a) – (f), decisions of the Council shall be taken by a simple majority of votes cast in favour or against the resolution, with the following exceptions:** A Council Member who abstains has not voted.

(a) Decisions requiring a two-thirds vote cast in favour of the resolution are:

(i) a resolution for the election of expulsion of a Full member;

(ii) an amendment to the Racing Rules of Sailing; however, this provision shall not apply to Regulations incorporated by reference into the Racing Rules of Sailing.

(b) A decision on a change to a rule in the Racing Rules of Sailing or in the Equipment Rules of Sailing, with an effective date other than 1 January of the year following the year in which the Olympic Sailing Competition is held, requires a 75% vote cast in favour of the motion.

Submission 040-10 ISAF Regulations about housekeeping changes to Regulation 1 from the Chairman of the Constitution Committee

Recommendation to Council  
Approve

Submission 041-10 ISAF Regulations about the submission process and Regulation 1 from the Chairman of the Constitution Committee

Recommendation to Council  
Approve with the following amendment:
1. NOTICES AND SUBMISSIONS

1.5.1 A submission or proposal shall first state its purpose or objective, set out the proposal, the current position, if any, identify any Article, Regulation or Rule considered to be affected and the reasons for the proposal. In a submission or proposal to change the Article, Regulations or Rule, the current Article, Regulation or Rule shall be quoted in full, and the proposed changes be set out with the exact words to be inserted and/or deleted.

Submission 042-10 ISAF about Regulation 2 from the Chairman of the Constitution Committee

**Recommendation to Council**

Approve with the following amendment: 2.9.(b) Delete: ‘National Sports Organization’. Insert: ‘National Sports Authority’

Submission 043-10 ISAF Regulations about housekeeping changes to Regulation 2 from the Chairman of the Constitution Committee

**Recommendation to Council**

Approve.

Submission 044-10 Racing Rules of Sailing about housekeeping changes to references specific racing rules in the regulations from the Chairmen of the Constitution Committee and the Racing Rules Committee

Submission 045-10 ISAF Regulations about Regulation 31.1.2 from the Chairmen of the Constitution Committee and the Racing Rules Committee

**Recommendation to Council**

Approve.

Submission 046-10 ISAF Regulations about Regulation 31.1.4 from the Chairmen of the Constitution Committee and the Chairman of the Racing Rules Committee

**Recommendation to Council**

Approve.

Submission 047-10 ISAF Regulations about Regulation 32.1.2 from the Chairman of the Constitution Committee

**Recommendation to Council**

Approve.

Submission 048-10 ISAF Regulations about Regulation 2.12(c) from the Chairman of the Constitution Committee

**Recommendation to Council**

Approve.

(b) Submissions for which the Executive Committee is the Reporting Committee and the Constitution Committee is the Other Committee:

Submission 001-10 ISAF Constitution from South African Sailing

**Opinion**

Reject. Contrary to the policy approved by Council in May 2010. This would re-establish the Council Members as (shadow) Directors.
Submission 002-10 ISAF Constitution about Athlete Representation on Council from the Executive Committee

**Opinion**

Approve subject to Council approving the policy

Submission 003-10 Council and Committee Decisions about the limitation of the powers of Council from the International Funboard Class Association

**Opinion**

Reject. Would fundamentally change the Constitution and current governance system of ISAF

Submission 004-10 ISAF Constitution about Article 68 from the Executive Committee

Withdrawn

Submission 005-10 Election of President and Vice-Presidents about Regulation 7 from the Royal Spanish Sailing Federation

**Opinion**

No recommendation. Comment: Would fundamentally change the Constitution with regard to gender balance in the Executive Committee, balance of power in decision making in the Executive Committee and other unintended consequences.

Submission 006-10 Nominations, Appointments and Elections about Regulation 7, Election of President and Vice Presidents from the Fédération Française de Voile

**Opinion**

No recommendation. Comment: Would fundamentally change the Constitution with regard to gender balance in the Executive Committee, balance of power in decision making in the Executive Committee and other unintended consequences.

Submission 007-10 Events Committee Terms of Reference and the new Olympic decision schedule and post Olympic report from the Executive Committee

**Opinion**

Approve

Submission 008-10 Equipment Committee Terms of Reference and the new Olympic decision schedule and post Olympic report from the Executive Committee

**Opinion**

Approve subject to Council approving the policy

Submission 009-10 Equipment Rules Administration about Regulations 15 and 32 from the Executive Committee

**Opinion**

Approve with the following amendment:

32.1.1 The ERS shall be adopted or changed only by the Council after considering recommendations from the Equipment Control Sub-committee and the Chairmen of the Racing Rules Committee, Equipment Committee and Oceanic and Offshore Committee. Changes to the ERS shall be put into effect only every four years, except when the Council has previously authorized more frequent changes or when Regulation 32.1.2 applies. on 1 January effective
as of 1 January of the year following the year in which the Olympic Sailing Competition is held. Regulation 32.1.2 contains exceptions to this policy.

Submission 010-10 Windsurfing and Kiteboarding Committee about Regulation 15.27 from the International Kiteboarding Association.

Withdrawn

Submission 011-10 ISAF Appointments about ISAF appointment of Chief Umpire, Jury Chair, Chief Measurer, Course Representative or Principal Race Officer from the Chairman of the Race Officials Committee

Opinion

Approve with the following amendment:

18.12.8 When ISAF exercises its right to appoint a Chief Umpire, Jury Chairman, Chief Measurer, Course Representative or Principal Race Officer (Race Officer when one course area will be used) the appointee shall respectively be an International Umpire, International Judge, Chief Measurer, International Measurer or International Race Officer.

Submission 012-10 ISAF Appointments about ISAF appointments of umpires and judges from the Chairman of the Race Officials Committee

Opinion:

Approve with the following amendment:

18.12.9 (a) When ISAF appoints or approves the International Jury it may, to the extent permitted by the Racing Rules of Sailing, in conjunction consultation with the relevant class association and Organizing Authority, appoint / approve national judges

(b) When ISAF appoints or approves the Umpire Team, it may, in conjunction consultation with the relevant Organizing Authority, appoint / approve national umpires to the extent consistent with guidelines adopted by the International Umpires Sub-committee

Submission 013-10 Organizing Authority about reference in Regulations from the Executive Committee

Opinion

Approve subject to Council approving the policy.

Submission 014-10 ISAF Technical Delegate about Regulation 18.13.7 from the Executive Committee

Opinion

Approve subject to Council approving the policy.

Submission 015-10 ISAF Advertising Code about Regulation 20 from the Executive Committee

Vice-President Alberto Predieri explained the background and objectives of the revised Advertising Code as proposed in submission 015-10.

Opinion

Approve with the following amendment:
20.1 Definitions
“Code” this Regulation 20 including Table 1 and Table 2

20.2 General

20.2.1 Advertising on a boat, personal equipment or any other object on board a boat shall be displayed in accordance with this Code, the applicable class rules and the rules of the relevant System. Advertising that is not specifically permitted under this Code shall be prohibited.

Submission 016-10 ISAF Advertising Code about Regulation 20.8 from the Royal Yachting Association

Opinion
Reject. Current wording is clear. New wording may be policy change.

Submission 017-10 ISAF Advertising Code about sail stickers for sailor identification from the Executive Committee.

Withdrawn
Submission 018 ISAF Classification Code about Regulation 22 from the Executive Committee

Approve with the following amendment:

22.5.5 The Protest Committee shall report promptly within 14 days its decision to the Classification Authority. If a competitor has given evidence under Regulation 22.5.3 the Protest Committee shall also report promptly within 14 days a summary of that evidence to the Classification Authority.

Submission 019 ISAF Classification Code – Classification Procedures about Regulation 22 from the Executive Committee

Opinion
Approve with the following amendment:

Proposal 1

22.3.2 A competitor applying for, or holding, a classification shall comply with the following requirements: He/she shall

(a) he shall not hold, nor apply for, more than one classification;
(b) be shall not take any action or act in a manner which is contrary to the spirit or purposes of the Code or which is a subterfuge for circumventing the Code;
(c) he shall at all times fully and freely disclose all relevant information to the Classification Authority (whether or not specifically asked for);
(d) he shall not provide the Classification Authority with information that is false, misleading or potentially misleading;
(e) he shall immediately notify the Classification Authority of any change in his circumstances which affects, or may affect, his classification status; and
(f) if he is a Group 1 competitor, he shall not engage in any activities which are incompatible with Group 1 status unless he
has notified the Classification Authority of a potential change of classification.

Submission 020 ISAF Classification Code – Competitor Classifications about Regulation 22.2 from the Executive Committee

Opinion

Approve with the following amendment:

Proposal 1

(a) A competitor who takes part in racing only as a pastime is a Group 1 competitor, unless within the qualification period he/she has undertaken one of the activities listed in Regulation 22.2.2 and is a Group 3 competitor.

(b) However:

(i) a competitor who is under 18 years of age is a Group 1 competitor; and

(ii) a competitor who is over 18 years of age, but under 24 years of age, is a Group 1 competitor provided that he/she has not engaged in any of the activities listed in Regulation 22.2.2 for more than 100 days in the qualification period (excluding any activities undertaken before his/her 18th birthday).

Proposal 2

(c) has been paid:

i) to provide a boat or its sails for racing; or

ii) for services in connection with providing a boat or its sails for racing; and

iii) then raced competed on that boat, or in a team competition, in a boat of the same team.

However a Group 1 competitor who, as an owner of a boat, is occasionally paid a charter fee to provide that boat for a racing competition shall remain a Group 1 competitor if he/she does not steer that boat in the competition. If the competition is a team event this dispensation shall only apply if he/she does not steer any boat in the same team as the boat chartered; or

Submission 021-10 Athletes’ Commission about Regulation 45 from the International Kiteboarding Association

Opinion

Reject. Not practical. The current arrangement meets IOC requirements.

(d) Submissions for which the Equipment Committee is the Reporting Committee and the Constitution Committee is the Other Committee:

Submission 064-10 Class World Championship Regulations about the restructure of Regulations 18 and 26 from the Chairmen of the Equipment Committee and Events Committee

Opinion

Approve subject to Council approving the policy and with the following amendment:

26. ISAF INTERNATIONAL AND RECOGNIZED CLASSES
Approval subject Council approving the policy

(e) Submissions for which the Events Committee is the Reporting Committee and the Constitution Committee is the Other Committee:

096-10 ISAF Olympic Event and Equipment Decisions about Regulation 16.1 Defining the Process from the Chairman of the Events Committee

Opinion

Approve with the following amendment:

16.1.9 The following regulation shall apply for the choice of Event and Equipment for the 2016 Olympic Sailing Competition only, and shall take precedence over any conflicting other regulation including Regulation 16.1.7. Council may provisionally decide some or all of the Events and Equipment options to be listed in regulation 16.1.4 in November 2010. Council shall finally confirm or change these decisions, and make all other Events and Equipment options decisions, in May 2011. Classes and MNAs may make submissions on Events and Equipment options for decision in May 2011; any such submission shall propose a full set of ten Events. Council shall make decisions on Core Events in May 2011. This regulation will be cease to apply and be deleted after May 2011.

Council to define procedure for choosing equipment for Olympic Events Policy and the Constitution Committee to review the wording of this procedure. Policy and desireable outcomes are not for inclusion in the regulations.

Clarified that decisions in accordance with 16.1.9 on the 'slate' in November 2010 and Mid Year 2011 require only a simple majority

Submission 102-10 Classes and Equipment for the Olympic Sailing Competition about Regulation 16.1.1(a) from the International Kiteboarding Association

Opinion:

No Recommendation. Council to set the policy. Comment: 'Format' is not a defined term

Submission 103-10 Classes and Equipment for the Olympic Sailing Competition about Regulation 16.1.1(c) from the International Kiteboarding Association

Opinion

No Recommendation Council to set the policy.

Submission 104-10 Classes and Equipment for the Olympic Sailing Competition about Regulation 16.1.6 from the International Kiteboarding Association

Opinion

No Recommendation. Council to set the policy.

Submission 106-10 ISAF Sailing World Championships about ISAF Sailing World Championships as Olympic Qualifier from the Chairman of the Events Committee
Approve. Subject to Council approving the policy.

Submission 107-10 Olympic Qualification about Regulation 16.2 from the International Kiteboarding Association

Opinion

Approve Subject to Council approving the policy.

Submission 109-10 ISAF Sailing World Cup about new Regulation 17.3 ISAF Sailing World Cup

Opinion

Reject. Council to set the policy. Wording is not appropriate for the ISAF regulations.

Submission 113-10 World Championships of the Olympic Classes about World Championships or Grand Final from US SAILING

Opinion

Approve. Subject to Council approving the policy.

Submission 114-10 ISAF Sailing World Championships about Regulation 17.2 from the International Kiteboarding Association - withdrawn

Submission 115-10 World Championship Events about Regulation 18.3 from the International Kiteboarding Association

Opinion

Approve subject to Council approving the policy. May need re-wording.

Submission 121-10 ISAF Youth Sailing World Championships about Regulation 17.4 from the International Kiteboarding Association

Withdrawn

(f) Submissions for which the Match Racing Committee is the Reporting Committee and the Constitution Committee is the Other Committee:

Submission 127-10 Grading of Events about Regulation 24.2.3(c) from the Russian Yachting Federation

Opinion

Approve. Subject to Council approving the policy

(g) Submissions where the Oceanic and Offshore Committee is the Reporting Committee and the Constitution Committee is the Other Committee:

Submission 133-10 ORC Limited Offshore Racing Congress about Regulations 18.7 and Regulation 29.1, 29.2 from the Executive Committee

Opinion

Approve subject to Council approving the policy.

Submission 134-10 Designation as an International or Recognized Class about Regulation 26.2

Opinion

Approve. Comment: the term 'Offshore Racing Class' is not defined.

(h) Submissions where the Race Officials Committee is the Reporting Committee and the Constitution Committee is the Other Committee:
Submission 141-10 International Measurer about Rating Systems from the Royal Yachting Association

**Opinion**

Approve subject to Council approving the policy.

Submission 142-10 International Measurer about Rating Systems from the International IRC Owners Association

**Opinion**

Approve

Submission 143-10 International Measurer about appointment to additional classes from the Chairman of the Race Officials Committee

**Opinion**

Approve with the following amendments:

33.13.4 An International Measurer applying for appointment to an additional Class shall:

(a) have acted as an Equipment Inspector in at least two principal events (as defined determined by the International Measurers Sub-committee) of the Class he is applying for, within the four years prior to 14 October of the year of application;

(b) have an intimate detailed knowledge of the relevant class rules and the ISAF Equipment Rules of Sailing.

(c) be recommended by the relevant class association and another International Measurer.

Submission 144-10 Race Officials at Major Events about Age Limit for Race Officials at Major Events

**Opinion**

Reject. Probably contrary to National or International Law

8. **ISAF Members**

(a) Applications for ISAF Full Membership

The Constitution Committee thanked the ISAF Head of Administration for the considerable work done in producing the updated applications summary document for all membership applications which has facilitated a great deal of progress.

**Decision**

The Constitution Committee recommended Full Membership Status to the Executive Committee for:

i) Madagascar
ii) Panama
iii) Saudi Arabia

(b) Review of Membership Applications granted Provisional Membership

i) Aruba
It was noted that Aruba Sailing Association, granted provisional membership at the Council Mid-Year Meeting 2009, has now fulfilled all constitutional requirements and was formally granted full membership in July 2010. Membership fees will be invoiced pro-rata.

ii) Botswana

It was noted that Botswana Yacht Racing Association, granted provisional membership at the Council Mid-Year Meeting 2010, has now fulfilled all constitutional requirements and was formally granted full membership in September 2010. Membership fees will be invoiced pro-rata.

iii) Mozambique

It was noted that Mozambique Sailing and Canoeing Federation had been granted provisional membership at the Council Mid-Year Meeting 2010 subject to resolving a particular issue on their constitution.

Note: During the Council Meeting, that issue was satisfactorily resolved and MSCF having now fulfilled all constitutional requirements was formally granted full membership in November 2010.

(c) Georgia

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

**Decision**

Approve the recommendation to cancel the Associate Membership of the Georgian Sailing Federation.

(d) Challenge to Existing Membership

A decision was made in November 2009 to allow another year to pass in order for the Federacion Paraguaya de Vela (FEPAVE) and the Yacht Club Ypacarai (YPY) to reach an amicable arrangement or solution. This has not been the case and further correspondence was received by the Secretary General. Most of the communications were in Spanish and the Chairman therefore asked Scott Perry to review the file and he gave a verbal report. There followed a detailed discussion and the positions of both parties were considered.

**Decision**

The Secretary General shall write to the Federacion Paraguaya de Vela (FEPAVE advising that ISAF cannot consider the challenge to the existing membership of the Yacht Club Ypacarai (YPY) as it does not meet the criteria detailed in the ISAF Constitution and Regulations.

9. **To Consider the Ongoing Review of the Articles of Constitution and Regulations**

(a) Re-arranged and re-numbered regulations

It was noted that the re-arranged and re-numbered ISAF Regulations based on the approval of proposals 1, 2 and 3 of Submission 037-09 will be published in 2011 with all amendments approved by Council at the November meeting. The revised format includes reference to the current numbering for ease of use.

(b) Proposals to remedy defects in the committee appointments procedure
Work is ongoing regarding proposals to amend the committee appointments procedure and will be considered at the meeting in November 2011.

(c) Housekeeping Amendments to Articles

Work is ongoing to highlight and make housekeeping amendments to the Articles and will be considered at the meeting in November.


The Chairman confirmed that there were no issues for raised requiring specific input from the Constitution Committee.

11. Annual Report

The Chairman summarised the items that would be included in the verbal report to be given at the ISAF Council meeting of 11 November 2010 on the activities of the Constitution Committee since the meeting of Council in November 2009.

12. Any Other Business

(a) Obstacles to timely progression to Full Membership Status

i) English version of Constitution document

The current requirement for the Constitution document of all applications to be in English was discussed at length. This has been an increasingly significant factor in delaying the progress of several applications for Full Membership Status and consequently contrary to facilitating the increased membership objectives of the Strategic Plan.

Decision

The Working Party of Tom Schubert, Scott Perry and Peter Hall shall review all applications and make recommendations to the Constitution Committee. Where appropriate the requirement for the Constitution documents to be in English may be waived subject to confirmation from a member of the Constitution Committee fluent in the language in question that the documents fulfil all requirements in order for a recommendation to be made by the Working Party to the Constitution Committee.

ii) Recognition by the NOC

It was noted that the current procedure for full membership requiring the relevant NOC to recognise the sporting organisation before ISAF can consider an application is contrary to IOC practice of recognising sporting organisations which are recognised first by the International Federation.

Decision

It was agreed to put forward an urgent submission for consideration at the Mid-Year Meeting 2011 to amend the regulations governing Full Membership to include timescales within which NOC approval may be obtained.

(b) MNA Groups

Decision

The following Working Party was appointed to review the MNA Groupings:

Nilufer Cakmakli
Abdelkerim Derouiche
Peter Hall
Scott Perry
Vice-President Eric Tulla (ex officio)

(c) AGM

i) Proxy Votes
   An interpretation regarding the appointment of Proxies and Representatives at the AGM was published on the ISAF website on 10 November 2010.

ii) Observers
   The committee considered the legality of a “closed” AGM meeting excluding observers.

   **Decision**
   The Chairman may conduct the AGM in closed session.

(d) Gaming

   Any form of cheating will be tackled as part of an ethics policy to be developed but David Kellett informed the members that the subject of “Gaming” had come up during recent discussions regarding the America's Cup and World Match Tour and he proposed that serious consideration should be given to the control and possible financial benefits to be gained from the licensing of legal betting based on ISAF owned results.

   There being no further business the meeting was closed.