

## **World Sailing Governance**

### Maintaining the World Sailing Ethics Commission under a new Constitution

A submission from Swiss Sailing

#### Purpose or Objective

The International Sports Federations worldwide, especially ASOIF members, have now an Ethics Commission independent from its governing bodies such as a Board or Council.

Therefore the existing Ethics Commission should not be abolished under the new Constitution.

#### Proposal

Under part V. – Panels and independent bodies, the Ethics Commission should be inserted into the new Constitution alongside the Investigations Panel and the Disciplinary Tribunal (and the pertinent regulations).

Therefore the Sections 8.14/8.14.1 – 8 and 36 of the current World Sailing Regulations should be inserted into the new Draft Regulations.

Furthermore the World Sailing Code of Ethics (current version 19 May 2019) describing the tasks of the Ethics Commission shall remain valid (of course with maybe some modifications taking into account the role of the Investigations Panel (Article 46 Draft Constitution) and the Disciplinary Tribunal (Article 47 of the Draft Constitution)).

#### Current Position

There is no special Article about the Ethics Commission in the actual Constitution, but the above-mentioned Regulations including Regulation 36 and the present World Sailing Code of Ethics are still in force.

#### Reasons

1. Rule 22 of the Olympic Charter describes the tasks of the IOC Ethics Commission (charged with defining and updating a frame work of ethical principles, including a Code of Ethics, based upon the value and principles enshrined in the Olympic Charter), whereas rule 59 of the Olympic Charter defines the measures and sanctions in case of a violation of the IOC Code of Ethics.
  2. The ASOIF (Association of Summer Olympic International Federations) suggests in its recommendations for Codes of Ethics for International Federations (updated 20 March 2019) that the implementation of the Code of Ethics should be carried out by an Ethics Commission of the International Federation supported by an IF Staff Member.
-

3. Therefore Swiss Sailing has strongly proposed in its submission dated 20 January 2019 that the Ethics Commission of World Sailing should not be abolished, arguing that IOC and NOCs strongly suggest having ethic bodies within international and national Sports Federations, as this is a specific task requiring specific know-how and should not be mingled with other tasks (i.e. disciplinary tribunal, a tribunal by separation of powers, principals must not have investigative duties and should not set rules and principles). Unfortunately there was no feedback from the Board.
  4. In support of this submission the Chief Ethics and Compliance Officer of the International Olympic Committee (IOC) has repeatedly made it clear that  
  
*“the complaints under the Code of Ethics shall all refer to the Ethics Commission without any interference from other World Sailing bodies”* (24 March 2020 )  
  
and  
  
*“that there is a need for an Independent Ethics Commission”* (31 March 2020 )
  5. Summing up, the integrity of World Sailing is best handled by an independent body like the Ethics Commission and not by the Executive, guaranteeing the separation of power which is indispensable for a Sports Federation recognized and supported by the IOC.
-