

NYE VEDTÆGTER FOR INTERNATIONAL 2.4 MR KLUB ...

Skrevet/Samlet af: Peter Braun, Formand Dansk 2.4 MR Klub.

Nedenstående har jeg samlet de seneste mail-udvekslinger i dette spil, som efter min mening bliver mere og mere farceagtig ...

Dette blot for at sikre at medlemmerne i Dansk 2.4 MR klub har mulighed for at være informeret om hvordan den internationale klub arbejder omkring udarbejdelsen af nye vedtægter, som vi alle skal underlægges hvis de vedtages.

Sverige reagerer ret kraftigt på Danny McCoy's 'udtalelse' (kan ses andetsteds på 'Nyt' – siden) hvor han erindrer om at afstemningen skal være 'hemmelig' og hvor han (hvis man læser den oprindelige tekst) pludselig ændrer det sådan at det ikke var et afstemningsgrundlag men blot et draft der var rundsendt første gang. Vedtægterne skal reagerer Sverige ret kraftigt.

Emil Axelson skriver 24/7:

Hello All sailing friends!

I was very surprised when I received an e-mail that tried to point out that we should not discuss the new review of the new constitution between all different NCAs. This was at least my interpretation of the wish of a closed ballot. I can not see any reason for this. We from the Swedish NCA would like to see all Your comments and thoughts about this and we would like to have an OPEN process!

I was even more surprised when I heard that there was only very few of all our points/questions that has been treated in this review and that there was not one single comment of why.

As we don't see any big difference compared to the previous review we vote NO!! (even this time)

Please read also the attached comments from our specialist in constitutional questions, Jan Sjögren.

Yours sincerely
/Emil Axelson
Chairman of the Swedish 2.4mR NCA

Vedlagt Emil's mail er to dokumenter som er gengivet herunder:

Swedish position and comments on the renewed suggested Constitution distributed on July 13

Sweden strongly votes against the proposed Constitution, based on the following views:

We strongly feel that the suggested Constitution is far from ready for voting, and that it still bears the marks of bits and pieces taken from other Constitutions, which does not fit together to constitute a straightforward and clear rulebook for our class association.

A constitution is too serious to be rushed through without a proper discussion on how we want to run the class. We on the board of the Swedish NCA are very concerned about the lack of proper communication in this serious matter, and we are also concerned on the treatment of all our previous suggestions for improvements on the Constitution.

We also do not understand the reason for a closed ballot on a matter like this, since we want the other NCAs to take part and comment on our point of views as well as we want to take part of theirs.

We are still not against the process of producing a new constitution, but we are concerned about the procedures currently used. We are also almost offended by the suggestion that we have a language problem and therefore dislike the current process.

On behalf of the Swedish NCA
Jan Sjögren (Appointed by the chairman Emil Axelsson to act in the matter of the constitution)

Major objections:

A: Jurisdiction

Sanctions should be decided by ISAF and/or the NA

This affects paragraphs: 6.4 b, and 6.4c, which should be changed or deleted

B: Elections and appointments

All elections of voting officers should be made by the AGM

This affects paragraphs:

9.6.3 (which should be deleted),

9.7.2 (which should be deleted),

10.3.i which should be changed to "Elections according to 12.3,

12.3.6 which should be changed to "Election of the chairperson of the Technical Committee, for one (1) year
and add 12.3.9 "election of an auditor, for 1 (one) year

C: Representation and voting

It should be clear how the voting rights are decided and all voting rules should make certify a proper level of democracy.

The executive committee is elected by the AGM, and should not in itself carry any national voting representation. On the executive committee votings the members represent them selves and the responsibility given by the AGM.

On the World Counsel, the national votes are carried by representatives appointed by the NCAs and not as a rule by the members of the Executive Committee

This affects paragraphs:

13.2 Which as it is written, gives a very unclear view of the voting procedures
13.4 This paragraph should also cover the WC-meetings
8.4 since the World Counsel is the most important forum, the national representation and the numbers of votes should be taken into account nit is not the number of persons which is important but the number of votes.
9.6.2 The Executive Committee should have a majority as a quorum change to "four (4) members form a quorum "

D: Boat builders and measurers

Concerning the "Registered builders", this is not a possibility in a rule class, since the designs are owned by the designers and they decide on who can build. We cannot as a Class association for such a class ban any builder from building a boat as long as he has got the permission to build from the designer. As long as the boat is passed by the measurers it must be ok. We could hold a register of known builders, but nothing more.

Concerning approved measurers, we are now relying on the measurers accepted and certified by ISAF, if we intend to start to make any further selection, we must define a more proper procedure than suggested so far on how the selection and appointments are made. We could anyhow keep a register of recommended measurers (with previous experience). Otherwise we as a class-association take on to large a responsibility to provide measurers on all continents and in all countries.

This affects paragraphs:

9.7.5.f Which should be changed
9.7.5.h Which should be changed
9.2.4 Which should be changed

Minor objections

We had a lot of detailed suggestions for changes in our earlier respons, most of them are still valid, and only a few are acted upon, and non have been commented by the executive committee with this suggestion.

Comments on the Constitution of the International 2.4mR Class Association, from the Swedish 2.4mR class Association

Stockholm 18 May 2005

Amendment proposals are written without brackets () and comments within brackets.

- 4.6national sail number, date of measurement, date of issue and ownership. (All data needed on the certificate shall be mentioned or no data at all)
- 4.7by the NA or NCA. (the NA is responsible for the numbers except for classes with international numbering. The NA can delegate this to the NCA. Some countries do not have a NCA)
- 4.11defined in this constitution in paragraph 8.1. (This clause is about definitions. At least there should be a reference to 8.1 or should the definition be placed here)
- 6.1 The ICA has jurisdiction over 2.4mR World and Continental Championships. (ISAF only owns the WC and Continental C, all other events are owned by the NA or the sailing clubs. What properties are referred to? Are there any? If no should it be deleted)
- 6.2 The powers of the ICA shall be administrated by its Executive Committee. (the power is on the World Council)
- 6.3govern all 2.4mR races mentioned in 6.1. Each member of the Class agrees to be governed by these rules. (We think that penalties can only be given by NA and ISAF and according to RRS and other ISAF rules, the ICA also have a function in the development of the class-rule, but only to make suggestion to ISAF)
- 9.2.2 (It might be better to let the secretary do this. The vice-president will have quite a job with the certificates)
- 9.2.4 Deleted. (It is a hopeless work in a development class, where the right to the design belong to the designers. It is also so that to be able to register builders, we must have a function and a procedure to accept builders to be registered)
- 9.2.5 Deleted. (see above)

- 9.3.5 Deleted. (Tis could make it impossible to get a secretary from outside English spoken countries. It is obvious that these circumstances will be regarded when looking for a new person. Having this in the constitution is to overdo it, its enough to state that the official language is English)
- 9.6.1 (In this clause it should be stated the mission of the EC.)
- 9.6.2 four (4) shall form a quorum (4 out of 7 highly reduces the risk for nondemocratic manouvering)
- 9.6.3 ...shall appoint a qualified webmaster. (The chairperson of the TC as all other officials and the auditor shall be elected or appointed by the AGM)
- 9.6.4 Add. The persons mentioned in this paragraph have no vote in the Executive Committee.
- 9.7.1Chairperson and two (2) Ordinary Members of which two (2) shall form a quorum. One of these persons can be appointed as a Class Chief Measurer. (The chairperson and class chief measurer can be the same person if necessary)
- 9.7.2 Deleted. (The elections are stated in 12.3 and the membership in 12.1. See also 9.3.5 comments)
- 9.7.3 The Technical Committee Chairperson may appoint additional members and not more than three (3) to the committee. (The AGM shall elect the three members. If the chairperson thinks it is needed, additional members can be appointed. I don't think it is needed that these persons have to be approved by the EC. If there is a demand on the members that they shall be actively involved with the ICA it will be impossible to get new persons to the TC, because they will not be active before they get into the TC. About the experience see also 9.3.5 my comments)
- 9.7.4 b) ...aspects of measurement and preferred measurement methods.
- c) Deleted. (there are no tools and gauges as it is not a one design class. Some tools can be made by the individual measurer for certain designs, but this should not be the task of the ICA)
- 9.7.5 f) Supervising and guidance of measurement checks..... (As the organizer of the event is responsible for the whole organisation the ICA can not intervene in their work)
- g) Replace the 2:nd sentence with: This registry can be updated at the AGM. (Why is this a "shall sentence"? The registry should be presented on the web site. Since there is no authority to appoint measurers except NA and ISAF and we have not made any room for this process in the constitution, we could hardly do anything more than keep a registry of recommended measurers with previous experiences of the class)
- 10.1 Delete the word "Open".

- 10.3 d) (This report should be written, so it can be published on the web).
- g) Delete " and all NCA" and insert "members. (The world Council includes the NCA representatives, see 8.1, who are bringing the proposals.)
- h) Alter to: Elections according to 12.3.
(Delete the three subparagraphs i., ii. and iii. You should not write the same thing in several places but in contradiction to each other. For example 9.7.2 says that the chairman is appointed by the EC, in 10.3 h) he is elected by the AGM and in 12.3 he is appointed but standing in the list for elections.)
- 12.2.1 Alter to: All voting shall be by open call. (It is rather inconvenient with written votes and it takes a lot of time)
- 12.2.2 If someone so requires the voting shall be cast by written ballot where the ballots may be sealed.
- 12.3.2-4 Delete "or appointed". (It is better to have them elected)
- 12.3.5 Alter to: A Chairperson and two members of the Technical Committee shall be elected for a period of one (1) year. (It is better to elect the whole TC at the AGM. If one can not find a candidate for it at the time, the AGM can give the EC commission to appoint someone afterwards. At the event WC only people from all over the world meet and it will be possible to find candidates.)
- 12.3.6 Insert a new paragraph: Members of the Executive Committee according to 9.6.1 shall be elected for a period of one (1) year.
- 12.3.7 (new) A qualified auditor shall be appointed for a period of one (1) year to examine the correctness of the accounts and certify the financial statement.
- 12.3.8 Former .6 ... but not more than 8 years in total.
- 12.3.9 Former 12.3.7
- 13.2 Change to: The NCAs appoints the holders of the national votes
- 13.6 Replace the last sentence by: This membership should not be given to active sailors, and carries no voting privileges.
- 14.5fees by March 1 will get a monetary penalty of 10% of their total fee to be paid that date. (If sanctions will not be active before May 1 the actual deadline will be May 1 and not March 1. It should be known what the penalty is, and it can not be up to the EC to decide from case to case. If it shall be March 1 or May 1, is not of importance for us.)
- 15.1accounts of the ICA and execute decisions taken by the World Council or the Executive Committee concerning payments. (the treasurer is responsible against the World Council and shall work independently from the EC)

- 16.1 (Payments must be evidenced by recites and written decisions taken by the WC or EC where the limits should be expressed. That means that the part with 500 Euro can be deleted when re-writing the paragraph.)
- 17.1 Delete (Is it possible to have this clause?
What do the ISAF rules say?
Unsportsmanlike conduct is handled in RRS and need not be here. Those sanctions are given by NA or ISAF , What are we suspending from, the only jurisdiction we have is the WC and CC).
- 17.2 We are very uncertain whether it is appropriate to have expulsion without cause
- 18.2 Deleted. (This is regulated by the Class Rules)
- 18.3 Deleted. (This is regulated by the Class Rules)
- 18.4 Deleted. (This is regulated by the Class Rules)
(You should not write the same thing in two different documents and in different ways. If the intensions in this document have to be taken they shall be introduced in the Class Rules first)

Det næste der sker er, at Stellan Berlin reagerer – også i ret kraftige vendinger:

Dear friends!

I'm very surprised by this e-mail. A vote has already been carried through and the answer was no. This new vote has not been discussed in the EC but is Danny's own idea and should therefore be invalid. We have never practiced closed votes before and should never in the future. We need open discussion and debate! What obscure reasons can there be for a closed ballot?

In a matter like this I find it very important to give everyone time to reflect and think. And as you are only representing your class association I would find it reasonable to give you time to discuss with the sailors you are representing. I find the time given much to short.'

I also honor democratic principles. It's correct that as Danny explains that I suggested an internet vote. The reason was that Danny intended to send the new constitution to ISAF without a vote. I thought that a vote at the AGM in september would have been appropriate. However, Danny was very eager to get things done before August 1st and therefore an Internet vote was the only alternative.

It seems like the answer you get from Simon Forbes at ISAF may depend on when or how

you ask your question. From Danny's e-mail we only get the answer not the question. Below you can see my correspondence with Simon Forbes in the same matter. I didn't have the strength to push the vote to September as I was had the rest of the executive committee against me.

Finally I like to point out that as Danny states the EC was unanimous regarding the Internet vote. However, we were not unanimous when it comes to the constitution itself. I do strongly agree to the fact that there is a need for a better constitution. Unfortunately the proposed constitution is not an improvement in my mind.

Sincerely,
Stellan Berlin

Stellan,

Normally we deal with class constitution changes throughout the year with the Chairman of the ISAF Constitution Committee.

He then reports to the Equipment Committee what changes he has approved.

You should send any proposed changes to me.

Kind Regards

Simon Forbes

ISAF Secretariat

-----Original Message-----

From: Stellan Berlin [<mailto:stellan@se.northsails.com>]

Sent: 13 April 2005 22:32

To: Simon@isaf.co.uk

Subject: Class Constitution

Simon,

As we have established e-mail contact, can you please answer the following or refer me to someone that can.

The 2.4mR association is discussing a new constitution. Does ISAF have to approve it in the same way as ISAF approve changes to class rules?

After reading 2005 ISAF regulations PART V my own conclusion is that ISAF approval to changes in the constitution isn't handled the same way as class rules.

The reason I ask is that the current president likes to have an extra General Meeting over Internet regarding a new proposed constitution. The motivation is that the proposed changes has to be submitted to ISAF by August 1st.

The current constitution is not good but we have had it for 15 years, so why rush through with the new one. We have the AGM at the worlds, which are held in Italy in September. Do we really have to rush to a decision before August 1st, in order make it valid for 2006?

Sincerely,
Stellan Berlin

En umiddelbar kommentar fra min side er, at jeg mener at vi gjorde det helt rigtige da vi stemte nej ud fra den måde dette gøres på, altså selve processen hvor man prøver at presse noget ned over hovedet på de enkelte lande; endda på basis af et grundlag som ikke nødvendigvis viser sig at være helt korrekt ...

Jeg tror at der på AGM på Elba vil blive et slagsmål omkring Danny McCoy's position som formand og muligvis også om dele af 'bestyrelsen'.

Peter Braun