

SUMMARY ANALYSIS
Proposals for the ISU 50th Ordinary Congress 2004
Amendments to the Constitution and Regulations
 March 16, 2004

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I. ISU COUNCIL PROPOSALS TO AMEND THE CONSTITUTION

This portion of the Analysis sets forth comments on Proposals submitted by the Council for amendment of the Constitution, including the Procedural Provisions of it. The Proposal to replace the current dispute resolution process (Articles 22 and 23) and the Proposal for the “New 2006 Constitution” are addressed separately.

| No. | Article | Observations / Comments / Recommendation(s) |
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| 3 | Article 3, para 2 | <p>This Proposal conflicts with the rights of Members and should be <u>REJECTED</u>.</p> <p><u>Reason</u>: The individual competitions included in the ISU Grand Prix of Figure Skating are the property of the host Member, not the ISU. The misstatement in this Proposal could be corrected by changing the inserted text to read “<u>ISU Grand Prix Series of Figure Skating (including the Final, but not the individual competitions within the series)</u>”. The same text could also be used for the ISU Junior Grand Prix Series.</p> |
| 7 | Article 5 insertion of new para 6 | <p>The text of this Proposal should be revised to read “... <u>unless authorized by this Constitution or, if specifically permitted by this Constitution, authorised by the Council or through delegation by it to the President and General Secretary.</u>” If it is not revised, it should be <u>REJECTED</u>.</p> <p><u>Reason</u>: This Proposal might be used to claim that all actions taken by the Council or by the President and General Secretary are valid, even if those actions are not otherwise authorised by the Constitution.</p> |
| 14 | Article 9, para 1.b) | <p>This Proposal <u>violates Swiss law</u> and must be <u>REJECTED</u>.</p> <p><u>Reason</u>: Swiss law requires that an Extraordinary Congress can be called by one-fifth of the Members (Civil Code Section 64 para 3). The current provision was adopted without objection at the 45th Congress in 1994 when the AUT member pointed out the requirements of Swiss law.</p> |
| 23 | Article 13, para 2 | <p>The provision regarding <u>advance nomination</u> restricts the rights of the Members and must be <u>REJECTED</u>.</p> <p><u>Reason</u>: Most Members do not have the resources for international travel to meet with other Members and promote their candidates before the Congress convenes.</p> |

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| 23 cont. | | <p>The provision on <u>mandatory resignation</u> from the Presidency of a Member interferes with the rights of the Members and must be <u>REJECTED</u>.</p> <p><u>Reason:</u> Some Members would have to make a choice between effective participation in governance of the ISU or effective management of their own national association.</p> |
| 33 | Article 15 | <p>This Proposal would interfere with the rights of the Members to participate in decisions which result in admitting individuals to “membership” and should be <u>REJECTED</u>.</p> <p><u>Reason:</u> Use of the term “award” with respect to the Honorary Member positions listed is <u>incorrect and misleading</u>. The provisions make it clear that the “Honorary Member” terms are for <u>positions</u> to which the individuals are <u>elected</u>, not “awards” which are granted. The Members should have the authority to nominate <u>and</u> elect Honorary Members.</p> |
| 34 | Article 15 | <p>Bringing the “Diploma of Service awards into the Constitution should not be done until details of implementation have been worked out. The Proposal should be <u>WITHDRAWN</u> or, if the Council refuses to do so, should be <u>REJECTED</u>.</p> <p><u>Reason:</u> Reference to Honorary ISU Referees and Honorary ISU Judges in paragraph 9 is improper as that provision specifically relates to the “ISU Diploma of Service.” Whatever Congress may decide on Proposal 34, a change in the Constitution cannot be retroactive without violating fundamental principles of law. The current Honorary ISU Referee and Honorary ISU Judge have the right to retain that appointment <u>as long as they live</u>.</p> |
| 36 | <p>Article 17, paras 1 and 2</p> <p><u>Decisions of the Council</u></p> <p><u>Exceptional Circumstances</u></p> <p><u>Superior Power of Congress</u></p> | <p>This Proposal appears to be part of the larger effort to make decision-making of ISU elected bodies <u>not</u> accountable to <u>any</u> party other than the next Congress.. The Congress should only be the <u>last</u> resort in dispute resolution matters which normally require specialised experience.</p> <p>This portion of the Proposal distorts the protection of Articles 22 and 23 and reduces the benefit to the Members and persons affiliated to them. It should be <u>REJECTED</u>.</p> <p>If there actually <u>are</u> exceptional circumstances, the proper procedure would be to address them in an Extraordinary Congress. If the Council is concerned about costs, it should propose an effective mechanism for written ballot instead of holding an Extraordinary Congress. The power this provision gives to the Council restricts the fundamental rights of the Members. It should be <u>REJECTED</u>. The ISU is <u>solely</u> an embodiment of its Members collectively, <u>not</u> a separate authority <u>over</u> them.</p> <p>In Article 22 paragraph 2, this provision preserves the authority of the Members acting in Congress. Bringing this provision into Article 17 would instead be a grant of power to the <u>Council</u> and would restrict rights of the Members and persons affiliated to them. It should be <u>REJECTED</u>.</p> |

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| 36 cont. | "Reason" | The "Reason" is inconsistent with fundamental principles of democracy and self-governance. It is based on a theory that the normal process of Members acting in Congress would be detrimental to the best interests of the ISU. By definition, that <u>is not correct</u> . The ISU is merely a collectively embodiment of <u>all</u> its Members |
| 38 | Article 18 | This provision is in the Constitution for the protection of the Members. It would be appropriate for this Proposal to be <u>AMENDED FROM THE FLOOR</u> (1) to keep it in the Constitution, and (2) to require the Council to meet more frequently than that -- as they do and any major corporation would. |
| 50 | Article 21, para 2 | This Proposal will invite abuse and should be <u>REJECTED</u> . <u>Reason:</u> There is no standard for determining which decisions are "of general interest" and which ones are only "minor decisions necessary for the day to day operation of the ISU." <u>No</u> decision of the Council or any officer of organ of the ISU should be enforceable against any Member or person affiliated to it if that decision is <u>not</u> published in a Communication. |
| 68 | Part VIII Section A. Congress para 22 | This Proposal is related to Proposal 23 and both should be <u>REJECTED</u> . <u>Reason:</u> Even when there is only one candidate, the Members must have the ability to express dissatisfaction by casting a blank ballot. Moreover, recording the actual number of votes is necessary to establish the order of precedence for purposes of determining succession in the event of a vacancy. |
| 69 | Part VIII Section A. Congress para 25 | This Proposal will result in undisclosed increased costs and should be <u>REJECTED</u> . <u>Reason:</u> These costs will fall to the Members organising a Congress. The Council is obligated to provide a budget for this item but has failed to do so. In any event, ballots should be retained by an independent custodian until the next following elections in case the results need to be verified. |
| 70 | Part VIII, Section B. Congress Meeting Procedures Para 7 | This Proposal needs to be <u>AMENDED</u> to specify that it does <u>not</u> relate to Proposals and the debate and vote on them. Those parts of the Agenda are already specified elsewhere in the Procedural Provisions to the Constitution, including "Urgent Proposals". This also applies to Proposal Nos. 75 and 77. |
| 82 | Part VIII Section G. Definitions Para 4 | This Proposal needs to be <u>MODIFIED</u> to specify that the ISU Event Coordinator will either serve as an unpaid volunteer like other ISU Officials or, if the ISU Event Coordinator is as an employee or consultant of the ISU, is supervised by the Technical Delegate. |

Parts II - VII of this Summary Analysis are shown on separate documents.