

DETAILED ANALYSIS
Proposals for the ISU 50th Ordinary Congress 2004
Amendments to the Constitution and the General Regulations

Publius
(Acton/Djilas/Duanmu/Ibsen/Remarque/Sakharov/Sakigake/Zola)
March 6, 2004

Introduction

Pursuant to Section A para 2.c) of the Procedural Provisions of the ISU Constitution, the Council makes a recommendation on all proposals for amendment of the Constitution or of the General Regulations that are submitted by anyone other than the Council. The primary focus of this Analysis is to provide a corresponding evaluation of those Proposals from the Council as set for in the “1st Provisional Agenda” circulated February 13, 2004. This Analysis also identifies Proposals from various Members which have a particular emphasis on preserving the rights of Members in the governance of the ISU, in part to reflect a contrasting approach to the Proposals submitted by the Council.

Proposal 52 is addressed separately as it is too lengthy and complex to evaluate in the tabular form utilised in the main part of this Analysis. The proposed Rules for the New Judging System and the proposed “New 2006 Constitution” are also addressed separately.

The following Proposals are collectively identified as being appropriate for inclusion in the General Regulations only if the proposal for adoption of the New Judging System (the “Code of Points”) is approved by the Figure Skating Section and thus should either be referred to the Figure Skating Section for review or deferred for review by the full Congress only if the Figure Section first approves the Proposal and reaches a decision regarding eligibility qualifications of the new categories of IUS Officials: **90, 91, 115, 132, 140, 141, and 143-149.**

The following Proposals are not addressed in this Analysis as essentially being in the nature of “drafting” matters by insertion of references to the Disciplinary Commission if Proposal No. 52 is approved: **15, 16, 18, 21, 30, 61, 62, 72, 74.**

The following Proposals are not addressed in this Analysis as presenting minimal substantive content: **4, 6, 12, 73, 100, and 135.**

Pursuant to Part VIII of the Constitution (“Procedural Provisions of the Constitution”), Section A para 3, proposals “for improvement in the wording of the Constitution, its Procedural Provisions and the Regulations” are not included in the Agenda of a Congress but instead are to be “submitted by the General Secretary directly to the drafting committees of the Congress.” Those proposals are thus not included in the Agenda and may not be even be known to the Members until the new Rulebooks are published. The Members should at least receive a list of the matters determined to by “drafting matters” and should be given an opportunity to identify which of those matters should instead be submitted to the Members for examination. Moreover, all such “drafting matters” must ultimately be approved by the Members (even by vote on all of them as a group) in order for the changes to be official under Article 11 of the Constitution. It is thus both reasonable for each Member to receive a copy of the proposals thus deemed to be only of a “drafting” nature, and mandatory in order to observe the required

formalities of governance of the ISU. It is also reasonable that the Members be informed as to who determined which Proposals fall in to the “drafting matters” category and the criteria used for making such determinations.

The following Proposals appear on their face to focus on recognising or preserving the rights of the Members and, as such, present a check on an arbitrary exercise of power by elected officials of the ISU (or by persons appointed or employed pursuant to authority of such elected officials) or minimise a similar lack of accountability to the Members as the ultimate authority within the ISU:

<u>Member</u>	<u>Proposal(s)</u>
AUT Figure	29, 114
CAN Figure	37, 56, 88, 131
CAN Speed	99, 133
SCG	8
SVK	28, 31
USA Figure	1, 2, 5, 10, 11, 22, 25, 26, 54, 63-66, 85-87, 89

The following Proposals appear on their face to focus on recognising the role of, or establishing the rights of participation by, persons who are not selected by the Member with which they are associated -- in some cases in recognition of current participation and in others in limitation on the discretion of the Members.

<u>Member</u>	<u>Proposal(s)</u>
CAN Figure	44, 150
USA Figure	35, 42, 45, 83, 84

Members will need to consider two issues in connection with these Proposals. First, should athletes selected for participation be required to have represented a Member in at least one ISU Championship but also be required to have been out of active participation for a specified period of time to be sure there is no conflict of interest or appearance of one? Second, what qualifications should be set for coaches selected for participation in order to be sure there is also no conflict of interest or appearance of one? It will be critical that participation of select athletes and coaches does not undermine the credibility of impartiality as perceived by other competitors.

Proposal No. 91 offered by the Council raises related issue by exempting certain Officials under the New Judging System from having to satisfy the eligibility requirements. The Members could instead enhance the role and participation of the Coaches Commission without sacrificing long-standing eligibility requirements. If eligibility ceases to be critical for being an Official, it will become less critical for competitors as well. Those issues also arise under Proposal No. 115.