

FAI Statutes Working Group

**Proposed Amendments
to Statutes and By-Laws**

(Agenda Item # 21)

100th FAI Annual General Conference, Santiago, 2006

Proposals from the United Kingdom for changes to the Statutes & By-Laws

A. STATUTES

A.1 Cover page

This says: "approved by the FAI General Conference 28-29 September 2000". As there is no amendment page, the specific reference to year 2000 is not understood. We therefore propose that the 2007 edition should say: "approved by the FAI General Conference, October 2006". In future years, subsequent Conference dates should be used for future editions of Statutes.

Statutes are established by the General Conference (Statute 1.4.1) and only the GC can approve changes (Statute 1.4.2). The Annual General Conference is empowered to approve amendments to the statutes and by-laws (Statute 3.4.1.8). However, there is no reference in the Statutes to the GC approving the document called FAI Statutes at each GC. This is what I believe the UK proposal is asking for.

The present process is:

- At some point in time the whole FAI Statutes document is submitted to the GC for approval and is approved. This is where the statement **Approved by the FAI General Conference 28-29 September 2000** arises from on the front page of the Statutes.*
- The subsequent date on the front page is "2006 Edition". This refers to the latest edition incorporating amendments and changes as confirmed by the GC in 2005.*

*The SWG does not believe that it is appropriate or reasonable to submit the entire document "FAI Statutes" to the GC each year so that the statement **Approved by the FAI General Conference d-d Mmmm yyyy** is amended annually.*

The SWG therefore:

- Does not recommend adoption of the proposal.*
- Does recommend that the use of an amendment or effective date page be used to track the dates on which changes were made, as is done for other FAI documents.*

A.2 Terms and Definitions

A.2.1 Active Member of FAI. This definition does not mention the term National Airsport Control (NAC) that is used later in Statutes and extensively in other documents such as the General Section and other sections of the Sporting Code. We believe that the term NAC refers to the supervisory responsibilities of an Active Member in a particular sporting discipline. There is also the question of who "elects" an Active Member and this word should either be clarified or deleted. Also, the definition of Active Member should agree with that for FAI Sporting Powers. We therefore propose that the wording be changed to: "A national organisation that is elected by the FAI General Conference to represent that Country in FAI activities and to have Sporting Powers on behalf of FAI within that Country and represents the greatest number of aeronautic and astronautic disciplines in its Country. Within a particular discipline the Active Member or an organisation delegated by it to have Sporting Powers is said to be the National Airsport Control (NAC) authority for that discipline within the Country concerned"

This proposal raises two distinct issues:

- 1. The use of the term "National Airports Control (NAC)" in the definition of an Active member of the FAI;*

The SWG believes that the term "NAC" is adequately defined in the Sporting Code GS

- 1.3.1 **NATIONAL AIRSPORT CONTROL (NAC).** *The authority of enforcement of the Sporting Code is exercised through the Active and Associate Members who hold Sporting Powers in their own countries. FAI Members thus exercising National Airport Control are referred to as "NAC".*

and does not need to be brought into the Statutes. In fact, the SWG believes that the acronym "NAC" should be eliminated everywhere in the Statutes and in the BLs, and replaced with the term "FAI member" where necessary. The words National Airport Control are not used in the Statutes or the By-Laws. The only time the acronym NAC is used in the Statutes is in 6.1.1.1.3 election of Executive Directors. It is used extensively in the By-Laws.

2. *The manner in which the NAC comes into being in a particular country.*

The proposal identifies a need to clarify who elects the NAC, and the SWG believes that the Statutes give this responsibility to the GC (Statute 2.4.1, 2.5.1, 2.6.1, 2.7.1, 3.4.1.14).

The SWG therefore:

- Does not recommend adoption of the proposal.*
 - Does recommend that the acronym "NAC" should be eliminated everywhere in the Statutes and in the BLs, and replaced with the term "FAI member" where necessary.*
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A.2.2 Aeronautics. To read: *For FAI purposes, aerial activity up to an altitude of 100 kilometres.* Reason: The existing words "the earth's surface" give a datum that is not constant, varying from below sea level to an altitude of some 9000m. In contrast, "Altitude" is a common worldwide datum and is standard aviation terminology. More precise lower altitude datums can then be defined in the General Section of the Sporting Code. These would include Mean Sea Level (MSL) and the surface of the WGS84 ellipsoid depending on the sensor and altitude scale used. For instance, pressure altitude to the ICAO ISA or GPS altitude above the WGS94 ellipsoid.

The SWG fails to see an advantage in replacing one non-precise definition with an equally non-precise one. Also, deletion of the words "including all air sports" does not seem to serve any purpose.

The SWG therefore:

- Does not recommend adoption of this proposal*
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A.2.3 Astronautics. To read: *For FAI purposes, activities taking place at altitudes of over 100 kilometres.* Reason: As for Aeronautics, above.

The SWG fails to see an advantage in replacing one non-precise definition with an equally non-precise one.

The SWG therefore:

- Does not recommend adoption of this proposal*
-

A.2.4 FAI Air Sport Commission. There is no provision for CASI in this definition. The following addition is proposed: " .. or, in the case of the Air Sport General Commission, the General Section of the Sporting Code and other general matters of interest and co-ordination across air sports and FAI-related NAC activities."

Although the definition does not allow for the Air Sport General Commission, the duties and powers of the CASI are however clearly and separately listed in Statute 5.6.1.

The SWG does not see a need to re-define something that is already adequately defined (5.6.1). CASI is and should remain an ASC with its special duties and responsibilities as defined. The proposed wording would require a re-writing of the CASI's duties and powers, to encompass the more general statement "and other general matters of interest and co-ordination across air sports and FAI-related NAC activities." The SWG believes that the proposed wording would affect the CASI status, and that therefore advice should be taken from CASI and the EB before any decision.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.2.5 FAI Sporting Code. Presently, this duplicates and could conflict with what follows under the definition "Sporting Code". It is proposed that this is shortened to: "See under "Sporting Code", to avoid having similar material in two different places. Our proposal is supported by the fact that the present wording under "FAI Sporting Code" does not include astronautics.

For clarity reasons, the SWG agrees in principle with the proposal and recommends that the definition under "Sporting Code" be used and "FAI Sporting Code" be deleted.

The SWG therefore:

- *Does recommend deleting the definition "FAI Sporting Code"*
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A.2.6 General Conference. This definition does not say what the General Conference is, or give a cross-reference. It is proposed that the words "See chapter 3" are added.

The SWG believes that the definition defines exactly what is necessary, that the General Conference is the FAI's supreme authority. No more and no less is required, and cross referencing does not affect the definition.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.2.7 Good Standing. It is proposed that a definition of "Good Standing" should be included, so that this frequently-used FAI wording is clearly understood. The following is proposed: "Good standing - An FAI member in good standing is one that has fulfilled its obligations to FAI. Obligations are listed in FAI Statute 2.4.2.2."

The term "good standing" is used eight (8) times in the Statutes and twice (2) in the By-Laws. The proposal is sensible, but the SWG recommends that, to be consistent with the format of other definitions, it should read:

Good Standing An FAI member that has fulfilled its obligations to FAI as listed in FAI Statutes Chapter 2.

The SWG therefore:

- *Does recommend adoption of this proposal as modified above.*
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A.2.8 International Appeals Tribunal. A cross-reference would be helpful. Add: "See Statute 1.10."

The SWG cautions adding cross-references where not absolutely necessary, as they become cumbersome to amend as the primary document changes. An Index would be a better tool and it recommended that the EB consider adding an Index to the Statutes and the By-Laws.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.2.9 National Airport Control (NAC). There is no definition of this important term that is used later in Statutes and extensively used in other FAI documents. The following is proposed: "National Airport Control (NAC). See above under Active Member."

See the SWG comments above under A.2.1 - Active Member of FAI. The SWG believes that the term is adequately defined in the SC GS 1.3.1.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.2.10 Obligations to FAI. New definition, to read: "Obligations to FAI are listed in FAI Statute 2.4.2.2. See also above under "Good Standing"."

The Statute referred to is about "responsibilities and obligations", and these are clearly defined (2.4.2, 2.5.2, 2.6.2, 2.7.2). The SWG cautions against using the Definitions to add terms already defined elsewhere and believes that an Index would be a better tool. The SWG recommends that the EB consider adding an Index to the Statutes and the By-Laws.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.2.11 Plurality vote. This does not read very clearly. The following is proposed: "In a vote of more than two alternatives, where the decision is in favour of the largest number of votes cast for any of the alternatives. An absolute majority is not necessarily required."

For clarity reasons, the SWG agrees in principle with the proposal and recommends the following wording:

<i>Plurality Vote</i>	<i>In a vote of more than two alternatives, the decision shall be in favour of the alternative gaining the largest number of votes cast.</i>
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The SWG therefore:

- *Does recommend adoption of this proposal as modified above.*
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A.3 1.8.2 Sporting Powers

This gives Sporting Powers to the Executive Board but not to NACs, which seems to be a reversal of their normal roles. The following wording is proposed: "Sporting Powers are administered worldwide by each FAI Air Sport Commission for their particular Air Sport and by a National Airsport Control (NAC) authority for each Air Sport within the Country concerned. See also under "Active Member" in Terms and Definitions."

The relationship of FAI Active members and "sporting powers" is stated in Statutes 2.4.2.1. and 2.4.3. The SWG does not believe that the definition of "Sporting Powers" needs to be amended.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.4 1.12.3 We note that the 2005 UK proposal to re-number the sub-paragraphs under 1.12.3 has been carried out in the 2006 edition of Statutes.

No further action

A.5 2.4.2.2.6 We note that the 2005 UK proposal to alter the wording of this paragraph has been carried out in the 2006 edition of Statutes.

No further action

A.6 2.6.2.1 It is proposed that the last words should be: "... approved by the Executive Board and confirmed by the next General Conference". This allows for actions between General Conferences and avoids delays in dealing with the Affiliate Member concerned.

This provision in 2.6.2.1 is specific to International Affiliate Members whose rights are established at the time of affiliation. The SWG wonders why an International Affiliate Member would want to see their rights and privileges amended during the year. The SWG fails to see a good reason for this change, and believes that the GC should retain this exclusive right for any such initiatives.

The SWG therefore:

- *Does not recommend adoption of this proposal*
-

A.7 5.3. & 5.4. This states that these paras were deleted in 2000 and 2001. It is suggested that a failure to close up the numbers for several years gives the appearance of bad housekeeping, particularly in these days of word processing and the availability of documents through web pages. We propose that the paras in Chapter 5 be re-numbered and the present gap in text closed up.

The SWG cautions that "permanently updated" sequential numbering may create problems with cross-referencing in all FAI documents. It is recommended that the Statutes numbering should stay as is.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.8 5.6.1.1 (to read 5.6.1.2) General Section. It is proposed to delete the words: "Establish and". Reason, the GS is already established and the job of CASI is to keep it current, as it says in the rest of 5.6.1.1. (to read 5.6.1.2)

The SWG believes that this statute establishes the fact that the General Section has been established by the FAI Air Sport General Commission and comes under its responsibility. The SWG does not see a good reason for a change.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.9 5.6.1.3 It is proposed that "Executive Board" is added before "the General Conference". CASI should be able to make recommendations to the EB between annual General Conferences.

The proposed wording would bring about modified duties and powers and a modified status for the FAI Air Sport General Commission. The SWG believes that duties and powers of CASI, specifically statute 5.6.1.6 adequately cover this situation and that the EB and the GC should retain their prerogative. The SWG therefore also believes that advice should be taken from CASI and the EB before any decision.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.10 5.6.1.4 Appeals. It is proposed to delete the words "when so directed by the Executive Board," because normal procedure is that CASI deals with appeals directly without any EB involvement.

The SWG believes that it would be unwise to delegate the initial responsibility to decide if an appeal is acceptable or not to any other FAI body than the EB. The EB should retain its prerogative to decide if an appeal is acceptable or not, and if it should go to CASI or if it should be treated by another FAI body. The SWG fails to identify a need for this proposed change.

The SWG therefore:

- *Does not recommend adoption of this proposal*
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A.11 5.6.1.5 The present wording has rather cumbersome English, and the following is proposed: If an Appeal is made against a decision relating to a sporting dispute, establish an International Appeals Tribunal if there is a possible case for the appeal."

Although the SWG fails to identify an urgent need for the proposal, it agrees, for clarification purposes, to propose the following wording:

5.6.1.5. - *in the event of an appeal against a decision relating to a dispute of a sporting nature, investigate whether the appeal should be accepted. **If the appeal is accepted,** establish an International Appeals Tribunal.*

The SWG therefore:

- *Does recommend adoption of this proposal as modified above.*
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5.6.3 on the Air Sport Commissions

A.12 5.6.3.3 on Gliding states: "all matters (except aerobatic competition) relating to gliding." However, this does not seem to recognise that Hang Gliding and Paragliding are administered by CIVL and not IGC. This has been raised before by the UK, but the anomaly still exists. The following wording is suggested: "all matters relating to gliding except those administered by other FAI Commissions, such as Aerobatic Competitions, Hang Gliding and Paragliding". It is suggested that the Statutes Working Group seeks the views of the Presidents of CIMA, CIVL and IGC on this wording.

This proposal seems to ignore that fact that the specific duties and powers of the CIVL are stated in 5.6.3.9. Statue 1.1.4 also clearly identifies that gliding, hang gliding and paragliding are separate FAI activities. The SWG fails to identify a need for the proposed change.

The SWG therefore:

- *Does recommend adoption of this proposal as modified above.*
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A.13 5.6.4 Commission Presidents' Group (CPG).

Since CPG membership overlaps with CASI and constitutes 50% of CASI membership, it is suggested that the relationship between the CPG and CASI be established more closely to avoid duplication. For instance, 5.6.4.1.1 and 5.6.4.1.2 on CPG activities overlap with those of CASI. The present wording is: "consider the work and matters of common interest of the various Commissions" and "create areas of common policy on sporting matters for General Conference determination". It is suggested that CASI responsibilities also include "matters of common interest" and "common policy on Sporting matters", and both are reflected in the General Section of the Sporting Code that is the responsibility of CASI. We propose that 5.6.4.1.2 should say "*maintain areas of common policy on matters specific to Air Sport Commissions*" and that 5.6.4.1.4 should read "*present advice or recommendations to the Executive Board, General Conference and/or CASI as appropriate.*"

5.6.4.2 states that the President of FAI chairs CPG meetings. However, there is no mention of a Secretary, or procedures for the agenda and minutes. The lack of CPG minutes has been commented on by the UK during previous General Conferences. Now that the CPG sometimes meets with the full Executive Board, the availability of these important proceedings to NACs and other FAI organisations is considered even more important. Rather than invent special procedures, it is proposed that existing Commission procedures should be used. We propose that the following words be added to 5.6.4.2: " ... and a Secretary shall be elected from within the members." The Secretary should not be the FAI Secretary General as he already has a very high workload. We also propose that general procedures should be in a short new 5.6.4.3 so that procedures are separated from officials. We therefore propose: "5.6.4.3. General procedures including the production of agendas and minutes and postings of these on the FAI web pages shall follow the same procedures as for the Commissions (By-laws section 5)."

The SWG believes that the responsibilities of the CPG are well paired with the CASI responsibilities, and the SWG could not identify the mentioned duplication. Although the CPG members also sit on CASI, CASI's responsibilities as a rule making body radically differ from the CPG's "consulting" responsibilities to the General Conference as defined in statutes 5.6.1 and 5.6.4. The SWG believes that statute 5.6.4 adequately covers the current activities of the CPG and that, unless CASI's responsibilities are changed by the General Conference, there is no need to adapt statutes 5.6.4.1.2 and 5.6.4.1.4.

The SWG believes that the CPG's reporting duties to the General Conference are adequately defined in 5.6.4.1.2 and 5.6.4.1.4 and could not identify a need to change the existing statutes. The CPG should, in the SWG view, remain a consulting group for the General Conference.

The SWG therefore:

- *Does not recommend adoption of this proposal.*
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A.14 5.8 Statutes Working Group - At the moment, there is no reference to the SWG in the FAI Constitution. The SWG Terms of Reference, composition, election and procedures should therefore be added in an appropriate place. It is suggested that the existing short 5.8 be re-numbered 5.9 and the SWG item be in a new 5.8. The detail for the new 5.8 should be based on what was minuted about the SWG after the Madrid General Conference. It is proposed that the SWG produce a draft for the new 5.8, for consideration by General Conference.

The SWG agrees that the FAI Statutes Working Group shall be listed in the Statutes as a Permanent Working Group, as required by statute definition: "A Working Group established for an indefinite period of time and listed in the FAI Statutes".

The SWG therefore:

- *Does recommend that the General Conference task the SWG to produce the required proposal to be included in the next General Conference Agenda..*
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B. BY-LAWS

B.1 Cover page. Same comment as for cover page of Statutes.

Same comments and recommendation for inclusion of an amendment or effective date page apply as for the Statutes.

The SWG therefore:

- *Does not recommend adoption of the proposal.*
 - *Does recommend that the use of an amendment or effective date page be used to track the dates on which changes were made, as is done for other FAI documents.*
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B.2 4.3 Executive Board agendas. This mentions the "Presidents of Commissions Group" (a different term to that used in Statutes), but not the Air Sport Commissions or FAI Active members. These other organisations should be added, and the words "Presidents of Commissions Group" should be changed to "Commission Presidents' Group" to be consistent with the wording used in Statutes. The following wording is therefore suggested: "It shall include matters referred to the Executive Board by the General Conference, the Commission Presidents' Group, the Air Sport Commissions (including CASI), Active and Associate Members (see 4.8) as well as ... "

The SWG agrees with the proposal to replace the wording "Presidents of Commissions Group" with "Commission Presidents' Group".

The submission of agenda items by Active and Associate Members is adequately and competently covered in 4.8. and does not require a change. It is however noted that By-Law Chapter 4 does not provide for Air Sport Commissions or Technical Commissions to submit items for consideration by the EB. Therefore the SWG recommends that the Air Sport Commissions and Technical Commissions be added to 4.8 so that to read:

4.8. *Any Active or Associate Member or Air Sports or Technical Commission desiring to have an item included in the agenda of an Executive Board meeting shall transmit a proposal to the FAI Secretariat. Such a proposal may not be rejected without consultation between the Member and the FAI President. To the extent feasible all proposals shall be sufficiently detailed for the issues to be understood beforehand.*

The SWG therefore:

- *Does recommend adoption of the proposal as modified above.*
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B.3 4.7 Executive Board minutes. While recognising that President Portmann has generously stated that he will allow EB minutes to be distributed, we believe that a statement should be made in By-Laws so that the policy is written down for the future. We propose to replace "as directed by the FAI President" by "in accordance with the procedures that also apply to FAI Commissions (By-laws Section 5) unless the Executive Board decides that a specific item is too sensitive for such a distribution."

The SWG believes that the present wording should not be changed. It is felt that the content of the minutes, and not the distribution is important, and that the FAI President should retain the right to decide on the distribution/publication as he sees fit. Any person believing to have the right to be informed on any EB minute is allowed at any time ask the President for his report and/or the minutes.

The SWG therefore:

- *Does not recommend adoption of this proposal.*
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B.4 5.2.1.1 CASI NAC members, change "designated" to "nominated", better English. Add at the end: "these nominations may be changed during the period of office by an official notification from the NAC to FAI." Reason, current procedure but not currently stated in By-laws.

CASI representatives are nominated by the concerned NACs before the vote, and are designated by the GC after the vote. The SWG does not see a need for change.

The SWG therefore:

- *Does not recommend adoption of this proposal.*
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B.5 5.2.3 CASI Bureau members, says: "Their terms of office shall correspond to the FAI Year ending with the Annual General Conference and without regard to the actual date of their election." It is proposed that simpler wording be used, starting with the end of the previous sentence: " the procedures in 5.3 below. Their terms of office shall start immediately after election and continue until the next election."

The SWG suggests that this be passed to CASI for their consideration. It is presumed that the existing wording was created when the CASI meetings were always coincident with the FAI GC. If it is likely that the CASI meeting be held at a different time, then the procedure suggested above would be appropriate.

The SWG therefore:

- *Does not recommend adoption of this proposal.*
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B.6 5.5.4 Deleted paras. This states that this para was deleted in 1993. It is suggested that a failure to close up the numbers for 12 years gives the appearance of bad housekeeping, particularly in these days of word processing and the availability of documents through web pages. There are other examples of blank paras that should also be removed, followed by the re-numbering of paras in the closed-up order. Other examples include para 5.1 of By-laws.

The SWG cautions that "permanently updated" sequential numbering may create problems with cross-referencing in all FAI documents. It is recommended that the By-Laws numbering should stay as is.

The SWG therefore:

- *Does not recommend adoption of this proposal.*
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B.7 5.6.3. Location of Commission meetings. The larger Commissions do not normally meet at Avenue Mon-Repos 24 this para implies, but at nearby locations normally arranged by the FAI Secretariat such as the Olympic Museum. This has been raised before by the UK but this para still appears to be factually inaccurate. The following is suggested: "Commissions shall normally meet at or in the general location of FAI Headquarters, as arranged by the FAI Secretariat".

It is presumed that this By-Law 5.6.3 implies that the meeting will be in facilities organised at or in the vicinity of the FAI Office. For clarity purposes the SWG recommends the following re-wording:

5.6.3. *"Commissions shall normally meet at, or in the vicinity of, the FAI Headquarters. When meeting elsewhere is"*

The SWG therefore:

- *Does recommend adoption of the modified proposal above.*
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B.8 5.4.15 Observers attending Commission meetings. At the moment, nothing is said about the attendance of Observers at Commission Plenary meetings. A new para is suggested setting out what happens now and putting it on a proper footing in FAI procedures: 5.4.15 Attendance of Observers. Observers may attend Commission Plenary meetings subject to the availability of room and the permission of the Commission President, ~~which should normally be given unless there are good reasons to the contrary. Observers may be experts in one or more of the matters relevant to the Commission or be persons from other FAI bodies who express an interest in Commission proceedings.~~ Observers have no vote and may only speak to the meeting with the permission of the Commission President."

The SWG agrees that the status of observers is not covered and that it should be. It is recommended that the following additional By-Law be inserted as 5.3.7 and that the present 5.3.7 to 5.3.9 be renumbered as 5.3.8 to 5.3.10:

5.3.7. *Observers may attend Commission meetings subject to the availability of room and the permission of the Commission President. Observers have no vote and may only speak to the meeting with the permission of the Commission President."*

The SWG therefore:

- *Does recommend adoption of the modified proposal above.*
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B.9 Chapter 12. Awards. Many awards are named after distinguished individuals. The "History" paragraph for some awards has a brief description and dates of the individual's achievement. However, in several cases this is not done and it is proposed that it should be, to preserve the memory of the achievement of the distinguished individual concerned. This is both for reasons of standard presentation and also because an individual famous in one discipline may not be as well known to the general sport aviation community, or to the general public. It is proposed that the ASCs concerned should be asked to draft not more than 50 words describing the individual's main achievements and relevant dates, so that these words can be added to the History para for the award in due course. If agreed by Conference, it is suggested that the FAI Secretariat would ask the appropriate ASCs and co-ordinate the wording for the next edition of By-laws, subject to Executive Board approval.

The SWG believes that this is not a regulatory matter and does not have to find its place in the By-Laws. Should the GC wish to have a "History" paragraph for each award, then the SWG would recommend that the FAI secretariat create a separate document to this effect.

The SWG therefore:

- *Does not recommend adoption of this proposal.*
-