

Mr. Winston Thomas
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Dear Mr Secretary, dear Winston,

The representatives from the Nordic Associations, from Denmark, Sweden, Norway, Iceland and Finland, read the WMA draft constitution. Please find our comments and questions about the draft listed below.

We ask WMA to fill in the missing parts, revise the text and let it be translated into English, and to give an argument to all changes and additions compared to the existing constitution with a cross-reference between the two texts.

The revised proposal should then be submitted to the Members not later than 1st April 2012.

Our work was done in a purely constructive spirit and we hope that our comments help WMA to process the Constitution draft further.

Helsinki 31.1.2012

On behalf of den Nordiska Veterankommittén

Yours sincerely,

Pia Kemppainen-Kajola
SVU - Suomen Veteraaniurheiluliitto ry
president

Finland

Comments to draft constitution, by-laws and rules of competition
(the text was prepared by the groups in Sweden and Finland)

General

At the General Assembly (GA) in Sacramento we were promised a more complete version of the draft constitution and bye-laws. The Law and Legislation Committee should fill in the blanks after consulting lawyers in Monaco and also check the text for inconsistencies.

We have not seen any new version as yet and therefore all comments refer to the draft presented at the GA.

The pronoun “he” refers to both genders in the text.

Constitution

A.2. Purpose

The regional associations are mentioned in the Constitution text in A.7.2 (Council) Composition, but not defined anywhere. We would add an item,

A.2.7. Co-operation with the Regional Associations

and move the definition of Regions from the Bye-laws E.22. here.

A.4 Membership

Membership fees. WMA President⁷⁰ promised that this section was only introduced to adjust to Monegasque law and that the fee will be nominal (eg. 1 USD) and that members will not be asked to pay the fee.

We haven't seen the final text yet.

Can we be sure that a later elected Council won't find this as a mean to finance WMA?

GA is supposed to decide the size of the membership fee by 2/3 majority which might be enough to guard the interests of the members.

A.4 Membership

A member may be disqualified from being a member.

No procedures are listed.

In the present Constitution Council may suspend a member but must bring the issue to the GA, which can expel members.

B.6 General Assembly

6.1 Powers

It seems that some powers are transferred from GA to Council.

In the present Constitution GA can decide about amendments to Constitution, Bye-laws and Competition Rules.

In the draft Constitution GA can decide on modification of Constitution and ratify Competition Rules. No mentioning of Bye-laws.

6.3 Proposals and Calling

The draft says “the GA details shall be conveyed at least 45 days prior to the meeting, in writing and stating the agenda and procedures.”

We would like the text to point out specifically that at least 45 days prior to the meeting all delegates should get any proposed amendments to the Constitution, Bye-Laws and the Rules of Competition and the nominations of the candidates for office.

This corresponds to the present Constitution.

B.7 Council

7.1 Powers

We are not quite sure of the meaning of 7. Issue of Bye-laws and Rules.

Does it mean that the Council will just inform members about Bye-laws and Rules and that GA is reduced to only ratify new Competition Rules and not to take decisions about Bye-laws?

The present Constitution says: “The Council may amend the Bye-Laws and the Rules of Competition on its own initiative provided that, in so doing, it does not negate a decision of the General Assembly”. But at least in the present Constitution GA has the right to take decisions on amendments to Bye-laws and Rules.

We can understand that Council in cooperation with the Competition Director might need the possibilities to make deviations from Competition Rules at a particular championship for specific reasons (already covered in Rules of Competition, E.3 Modification of Rules) but if this should be valid for future championships we mean that it must be decided upon by the GA.

7.2 Composition

We agree to the reduction of the size of the Council to make it more efficient and less expensive.

We don't however see the need for a special Council membership for the Women's Representative just as we don't have that any longer in the EVAA Council.

According to the suggested Bye-Laws her main task in Council should be to assist the Secretary with social functions during championships and any other cooperation with the LOC as decided by the Council. Can't see how this will further the interest of the women in WMA: We would prefer a rule in 7.4 that states a minimum female representation of x% of the Council ordinary elected members.

Until then, since WMA does not (yet) have a strategy in which equality work would be an item, we suggest to keep the Women's representative in the council. We would also like to comment that we do not know what the status of equality is in other Regions than Europe. To follow the development within WMA and its Members, statistics need to be collected.

7.5. Term of office

The process of dismissing a Council Member. We suggest that only the GA has the power to elect, suspend and expel a Council Member. A Council Member may, voluntarily and of his own reasons, leave the Council during the the term of office. If so, the Council may entrust another Council Member with the duties of the leaving member until the election of a new Member at the next General Assembly.

7.6 Meetings

The council is allowed to arrange meetings using email, video conferencing, telephone conferencing and web chat programs (Skype).

C. General provisions

C.9 Accounting period

Does the change of rotation of WMA events have an effect on the accounting period?

C.13. Settlement of Disputes

We wondered, if it is appropriate to rule that all disputes arising shall be finally settled under the Rules of Conciliation and Arbitration of the International Chamber of Commerce, and by such a rule ignore the competence and expertise of CAS.

Bye-Laws

C.4 President

We would prefer a text saying that the Council shall elect the Chairs of the WMA Committees other than those chaired by the Vice-President and the Competition Director.

We would also prefer a text saying that the Council shall appoint the members of the Committees in cooperation with the elected Chairs.

C.5 Vice-President

“Drafting and of contracts” - Word missing after ‘and’ ? We would add an item to the task list: Pre-bid evaluation of bidding candidates (venues, facilities)

C.6 Competition Director

“Chairing of Committee for evaluation of proposed rules of competition changes”

Will there be a special committee for this task?

According to 14.3 and 15.3 this task will be handled by the Stadia and the Non-stadia Committees. The Competition Director is the chairperson for these Committees.

This line in the portfolio parameters of the Competition Director can be eliminated to simplify the text.

Periodic updating of Age Grading Tables - could be changed to ‘Initiate periodic updating of Age Grading Tables’ as we suppose that the actual work will not be carried out by the Competition Director.

C.9 Women’s Representative

This text can be removed according to our suggestion to the composition of Council.

D.13 General Rules for Committees

13.1 Conditions to be elected in Committees

If there should be any reference to the Constitution it ought to be changed to 7.4

Which part of Constitution 7.4 is applicable here? This must be clarified.

Members of Committees are not elected. Shall they actually be proposed in writing by their national organisation?

Does it refer to that 'no more than two Committee members may come from the same national association?

13.2 Reference (if any) should be to 7.5 in the Constitution, but should Committee members really be elected for four years? It should be possible for the elected President and Council to have the right to form the committees after each GA.

13.3 - 13.6 Reference (if any) should be to 7.6 - 7.9 in the Constitution.

D.14 Stadia Committee and 15. Non-stadia Committee

We strongly suggest that the Competition Director has got access to a vice chairperson of the Stadia and the Non-stadia Committees.

The vice chairperson should be able to ensure the interests of WMA and the master athletes on behalf of the Competition Director at the world championships in much the same way as the present Vice-President, Stadia and Vice-President, Non-stadia have worked up to now. The Competition Director is in charge of the overall dealings with the LOC, is chairing the daily team managers meetings, takes part in the Organisational Advisory Committee during the championships. It would be impossible to demand that the Competition Director also should be active at both the Stadia and Non-stadia competitions to the same extent as the Vice-Presidents have done.

These tasks cannot be handed over to the LOC Technical Manager for Stadia and Non-stadia events. Past history has shown the need to handle WMA interests vs. LOC.

We also suggest to be considered that the two committees be combined into a single committee, which has 7-9 members.

D.15 Non-Stadia Committee

The Stadia Committee has the 6 Regional Technical Managers as members.

The Non-Stadia Committee has only three members elected through the Regions.

Why this difference?

Is this because there are not Regional Managers of Non-Stadia in all the Regions?

Could we manage with fewer members also in the Stadia Committee?

If not all Regions are represented than the Regions should elect the members. Procedure for this election?

D.16.2 Composition

We suggest that the Chairman be an individual among the Council's rank, and of the six additional members of the Anti-doping and Medical committee, at least two (2) have either medical or legal experience.

D.17 Therapeutic Use Exemption Committee

Seems to be a good idea to have a special sub-committee to handle TUEs instead of being dependant on only one physician.

17.3 Operation

The IAAF Standard for Therapeutic Use Exemptions is a necessary and sufficient reference for the WMA. The text “may be modified by the WMA” should be removed.

The retroactive TUE is a highly questionable idea. Its consequences should be carefully analyzed before making the decision of allowing it, particularly the work load on the committee and the speed of the TUE process. A retroactive TUE may also be prone to disagreement between an athlete and the TUE committee.

D.19 Records Committee

19.3 Operations

Last sentence should be changed to

“Records are to be posted on the website at least 4 times per year and circulated to the Council.”

20 D.23 Women’s Committee

Why D.23? Should be D.21.

Proposal to new text in accordance with our suggestion in 5. (7.2 Council Composition).

21. Women’s Committee

21.1 Powers

The Women’s Committee shall represent the interests of Woman Athletes.

21.2 Composition

The Women’s Committee shall consist of seven (7) members.

- Women’s Representative as Chairperson, preferably, but not necessarily, an individual woman amongst the Council’s ranks.
- Six (6) further members as delegates for each of the six WMA Regions.

Each of the Regions shall have the right to designate one delegate as members to this Committee. If any Region does not designate a delegate, the Chairperson can then nominate a person to the Committee.

The Women’s Representative in cooperation with the Committee shall ensure that due consideration is given at all times to the particular interests of female athletes.

The Women’s Representative will be an ex-officio member of the WMA Anti-Doping and Medical Committee.

The Committee will have the right to give its comments to proposed amendments to the Competition Rules. These comments will be input to the Stadia and/or Non-Stadia Committees review of proposed amendments to the Competitions Rules.

Championship Rules

B.3.2 Identification of Potential Bid Candidates

Is it a reasonable demand that each Regional···is obligated to identify annually at least one (1) potential bid candidate that can meet the venue, organisational and financial requirements for hosting a world masters' championship?

It might desirable but hardly possible for each Region and why introduce rules that can't be followed?

B.5.1 Election of candidate at General Assembly

Could be added:

“Bid City shall be awarded WMA World Outdoor Championships at the GA 4 years ahead of the championships and WMA World Indoor Championships at the GA 3 years ahead of the championships.”

C.7 Minimum Performance Standard

We are strongly opposed to give the WMA Council the right to introduce minimum performance standards for registration and/or medal awards.

C.8 Nationality/citizenship

The section handles athletes holding dual citizenship.

To avoid doubts the section could begin with:

“Athletes must always compete for the country of his/her citizenship irrespective of the athlete's country of residence.”

Or, since there are athletes having a dual nationality/citizenship, as well as athletes being permanent residents in another country, to cover all different cases by one rule, knowing that the National Associations have rules to qualify an athlete, we suggest that an athlete should represent the nation of his National Association, and if there are several such associations, then the one that has approved him most recently. Thus, if an athlete moves to another country, he'll be eligible to represent that country once he has been approved by the National Association.

D.12 Sanctions and Notifications

Second paragraph: “The Secretary, within fifteen (15) days of his receipt of the Law & Legislation Committee's findings shall inform the accused and the Council accordingly.”

Is the decision taken by the Committee or will Council take the decision based on the findings by the Committee?

No mentioning of informing the member and the IAAF of the decision.

It seems that the fourth paragraph specifically cover athletes suspended by a member.

In that case it would be better to start the fourth paragraph with last sentence of the third paragraph: “WMA shall observe any suspension imposed by a member.” and then continue “Any athlete suspended by a member·····”.

F. General Provisions

F.5 Settlement of disputes

We wondered, if it is appropriate to rule that all disputes arising shall be finally settled under the Rules of Conciliation and Arbitration of the International Chamber of Commerce, and by such a rule ignore the competence and expertise of CAS.

Rules of Competition

B.3.1.1 and 3.1.2

The events offered at Non-Stadia and World Winter Championships need to be corrected according to decisions at the GA in Sacramento.

B. Rule 240.7.3 Non-stadia races

“...the WMA Non-Stadia and Stadia Vice Presidents...” should be changed to
“...the WMA Competition Director...”

D. Rule 261 Events for which World Records are Recognized

261.2.1 “These records will include an event by event listing of the actual performance and the actual distances run and the implements used.”

It is also important that wind velocity is included.

E.4 Amendment of Rules

The procedure to amend Rules of Competition will go through decisions at the Regional General Assembly with the exception for amendments proposed by Council and no proposed change of the same rule shall be submitted to a Regional or WMA General Assembly within a four year period. No amendment proposals will reach the GA without review by the Stadia and/or Non-Stadia Committee and recommendation from Council. All these procedures are good measures to reduce the many changes of Competition Rules and ensures that amendments should be well studied before decisions.

In this section one should include our suggestion that the Women’s Committee should have the right to give their views from a female perspective to proposed Rules of Competition.

With all this said why do we still need to have the following paragraph:

“The only proposals that will be discussed on the floor of the GA are those which have been specifically requested in writing to the WMA General Secretary by Affiliates within the specified 90 days preceding the GA.”

1. Will proposals sent to the WMA General Secretary only be discussed at the GA but will then have to go through the procedure as mentioned above? This means that a decision can only take place at the following GA. Otherwise this might be a loophole to avoid the long formal procedure?
2. Will the Chair not allow any discussion on the floor of the GA on a proposed amendment that has gone through the formal procedures? Will the GA only have the possibility to accept or reject the recommendations of Council?

Comments on text and schedules
(the text was prepared by the Danish group)

Comments to be submitted WMA CONSTITUTION PROPOSAL

It appears that the proposal has been drafted by an individual whose mother tongue is not English. Several of the sentences are not easily understood which makes it difficult to formulate an objective appraisal of the proposal in its entirety.

As an example the following three paragraphs taken from page 3 are not written in acceptable English:

A Member may be disqualified from being a Member, if it violates the Constitution, the By-laws or any WMA Rules; does not respect the resolutions and directives of the bodies of the association; or takes measures which offend against the interests of the association; or act contrary to the association otherwise. Any federation disqualified by the IAAF shall automatically be disqualified from WMA with also any separate Masters Association.

The General Assembly is the supreme body of WMA. It has the powers which have been granted to it by law or by the Constitution and which are not forcibly granted to another body of WMA, in particular:

Appointment of Honorary Members, Honorary Life Members (consisting of former office bearers), and Honorary Life Presidents (consisting of former presidents).

The Danish Veteran Committee therefore suggests that the submitted proposal be sent to an interpreter in order that it be rewritten in correct English.

The revised proposal should then be submitted to the committees of all member countries not later than 1. April 2012. The committees should then be given six months to work out any possible adjustments or improvements, i.e. until 1. October 2012.

The final proposal could then be issued by WMA by 31. January 2013 for discussion and possible approval in Porto Alegre.

The Danish committee appreciates the work and effort that the author has put into his proposal, and the above comments should not be considered as a criticism of its contents.

Best regards from
Aase & Carl Friedrichsen
Danish Veterans Athletic Federation

(Received 31-02-2012)