

Minutes of Constitutional Commission

Friday/Saturday, 3/4 June 2011, Al Ain, UAE

Present:

Chairman Casto Abundo (PHI), Francois Strydom (RSA), Willy Iclicki (MNC), Edward Thompson (GHA)

The Chairman opened the meeting and thanked all members for their support for him to continue as Chairman of the Commission.

The Commission elected Francois Strydom as Secretary.

The meeting worked through the Statutes, Standing Orders and Electoral Regulations with the Chairman providing a historical perspective and the rationale for many of the provisions.

The meeting listed issues for further discussion and consideration and tasks to be performed.

The Commission proposes the following amendments to the Statutes for adoption at the 2012 Istanbul General Assembly.

1. Proposed Amendment to Statute 8C. Constitutional Commission

Current wording “1. Objectives – 1.1 To review any statutes changes.”

To reword to “1. Objectives – 1.1 To make and review proposals for statutes changes.”

Items 1.2 and 1.3 remain unchanged.

Add new items 1.4, 1.5 and 1.6

1.4 To decide disputes regarding the interpretation or application of the Statutes referred to the Commission by member federations or the FIDE Presidential Board or Executive Board.

1.5 To decide disputes within a federation regarding recognition as a member of FIDE and the right to vote at General Assembly.

1.6 To maintain and update the FIDE Statutes, Standing Orders and Electoral Regulations.

2. Proposed Amendment to Chapter 14 – Final Settlement of Disputes at the Court of Arbitration for Sport

Current wording: “14.1 Notwithstanding any provisions to the contrary in this Statute, FIDE hereby subscribes to the final settlement of any dispute ... to be sent to the Court of Arbitration for Sport in Lausanne ...”

14.1 Delete phrase “Notwithstanding any provisions to the contrary in this Statute,” and replace with “Subject to compliance with Article 14.2 below”

Insert new 14.2 “In all instances of disputes in the interpretation or application of the Statutes, member federations are obliged to have first recourse to the Constitutional Commission for a decision of the dispute before exercising their rights under this chapter.”

Renumber existing 14.2, 14.3, 14.4 and 14.5 as 14.3, 14.4, 14.5 and 14.6 respectively.

3. To implement the decision of disputes referred to it (in 1.4 and 1.5 above) the Constitutional Commission shall draft procedural regulations which shall include a requirement for the member federations who files the case to pay a filing fee of 1,000 Euros to cover expenses of the Commission. In the event a decision is required before the next regular meeting of the Commission, a filing fee of 10,000 Euros shall be payable at the time of the submission of the dispute to cover meeting costs.
4. To settle disputes within a federation regarding recognition as a member of FIDE and the right to vote at the General Assembly, the Constitutional Commission recommends that all member federations lodge with FIDE electronic copies of their Statutes, Constitution and by-laws to assist the Commission in settling the dispute.
5. The proposal of Continental President Jorge Vega in his letter of 30th November 2010 shall be dealt with in the manner contemplated in 4 above.
6. The Constitutional Commission recommends that FIDE create an independent Electoral Commission as suggested by CAS in 2010. In the alternative, the Constitutional Commission could act as the ad-hoc Electoral Commission. In either case, this will entail amendments to Chapter 8.


Casto Abundo
Chairman