



Proposal to amend the IACA Constitution

author : Charles Bueche
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review : Denis Brendel, IACA committee
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Introduction

Our Constitution needs an update. There are some important aspects needing our attention.

The problems

1. legal existence of the IACA

In the audit of the IACA finances 2020, the IACA auditor Denis Brendel mentioned two issues :

- *No article determines its attachment to a local law, therefore no court could decide an internal conflict.*
- *The article indicating that the head office is located with the IACA President is first, a source of difficulties because of the ephemeral nature of the function and second, does not found the right (laws) to which the association could be (is) attached.*

2. location of the IACA finances

During the online WGM 2021, we duly elected Karol Kwiatkowski as IACA Treasurer. Karol lives in Poland. I tried to provide Karol with the appropriate access to the Raiffeisen bank account so he could do his duties as treasurer and succeed Philippe Muyzers.

However, despite the ok given before the WGM, the Raiffeisen bank started commanding more and more documents, until they finally decided that having no Raiffeisen agency in Poland makes it impossible for them to accept Karol as a treasurer. When the war in Ukraine started, the pressure augmented, I got phone calls asking me to change this situation. Basically, the bank will keep IACA as customer only if the association is (1) located in Switzerland and (2) has Switzerland-based treasurer(s).

Considered approaches

After the phone calls with Raiffeisen Bank, I considered the options we have.

1. Finding a different bank to host the IACA funds, in Switzerland or elsewhere.
2. Delegating the IACA finances to the SACA - Swiss A-Class Association.
3. Creating a new non-profit organization in Switzerland, to whom IACA would delegate its finances.
4. Acknowledging the Raiffeisen Bank proposal by locating the IACA in Switzerland and naming Swiss-based treasurers.

It should be reminded that IACA has no permanent office, no named and paid office personal, and despite its remarkable financial assets is not a “rich association” like the International Olympic Committee or the FIFA. As such, we need to keep our organization simple and effective, and limit recurring costs.

Approaches 1, 2 and 3 above might be possible, but only solve the problem “2”, e.g. the location of the IACA finances. Approach 4 seems to be the most practical way of solving both issues, hence this is what I develop below.

Proposal

Legal existence and location of the organisation

Purpose : modify the IACA Constitution to solve both problems described above (legal existence of the IACA, location of the IACA finances).

Original version (2014)	New version
3. HEADQUARTERS The headquarters of the Association shall be located at the address of the I.A.C.A. President or his office, respectively.	3. Headquarters and applicable laws 3.1 The I.A.C.A is an association subject to Swiss law, in particular Art. 60-79 of the Swiss Civil Code. 3.2 The headquarters of the Association is located at the address of Swiss Sailing.

Administrative changes

General aspect : the ISAF was renamed World Sailing a few years ago. This shall be changed through the document.

Championships and International Events : §13.1 is contradictory with Championships Rules 1.1. Change the Constitution to reflect the Championships Rules accepted in 2017.

Original version (2014)	New version
The I.A.C.A. shall arrange for the organisation of World and Continental Championships of the A-Division as may be required.	The I.A.C.A. shall arrange for the organisation of World and Continental Championships of the A-Division as may be required.
The WGM will attribute, by simple majority of the given votes, to which nation the World or Continental Championships will be attributed.	The attribution process is defined in the Championship Rules.