

CASI Meeting 2011 - Annex 5

Election of CASI Bureau

To: Stephane Desprez, FAI Sec Gen; Henk Meertens, President of CASI

FAI 2011 Statute 5.2.3.2.7 (2010 By-Law (BL) 5.2.1) provides that the FAI General Air Sport Commission (CASI) consists of Ten Active Members, represented by a principal representative and, if desired, an alternate representative, and the Presidents, or an appointed representative, of the (other) Air Sport Commissions (ASC).

Statute 5.2.3.2.9 (2010 BL 5.2.3) provides that CASI shall have a Bureau, consisting of the officials described in 2011 BL 3.2.1 (2010 BL 5.4.) These officials are elected annually "in accordance with the procedures set forth below". These procedures are those set out in 2011 BL 3.2 (2010 BL 5.4.)

2011 BL 3.1.1 (2010 BL 5.3.1) provides that an Active member may appoint one Delegate and one to Alternate Delegate to each ASC, **other than** the CASI.

Looking at Statute 5.2.3.2.7 (2010 BL 5.2.1) and 2011 BL 3.1.1 (2010 BL 5.3.1) together, it is clear that CASI does not consist of Delegates and Alternates, but only of representatives.

2011 BL 3.2 (2010 BL 5.4) provides that the ASC Bureau officials, including those of CASI, are elected from among its approved Delegates and therein lies the difficulty for CASI, as it has no Delegates or Alternates, as provided for in 2011 BL 3.1.1 (2010 BL 5.3.1.)

One might be able to conclude that the representative of the ten Active members is a "Delegate", but that stretches By-Law wording interpretation to a limit that would be unsustainable in any legal forum.

The Presidents of ASCs are not Delegates under any interpretation, as 2011 BL 3.2.6.5 (2010 BL 5.4.6.5) specifically provides that they no longer represent an Active member.

The conclusion that one reaches from this analysis is that the current Statutes and BLs are deficient, when dealing with the election of the Bureau of CASI and those officials have, in fact, no legal standing under the Statutes and By-Laws of FAI.

A solution (for what is the point of constructive criticism without a solution) would be to change the wording of 2011 Statute 5.2.3.2.9 (2010 BL 5.2.3) to:

"The officials of the CASI Bureau, as described in 2011 BL 3.2.1 shall be elected annually from among its representative members, described in 5.2.3.2.7, using the provisions of 2011 BL 3.2, mutatis mutandis. The Secretary, however, need not be a representative member and if that is the case, agreement is required from the Active Member of the country in which the Secretary resides"

I trust that you will find this commentary constructive and I look forward to you implementing the suggested solution.

Best wishes

Buzz Bennett
CASI Delegate, Canada