

(Proposal made by Noureddine Tabbane FIDE General Secretary)

To change article 8.2.(J)
of FIDE Statutes

Concern: CONSTITUTIONAL COUNCIL

ANALYZE AND REASONS OF THE MODIFICATION:

1) My experience as FIDE General Secretary-general, since more than seven years, shows me that FIDE infringed, several times, its regulations and statutes.

A lot of decisions taken in this period are illegal.

Currently the only way open to national federations or players is to resort to the services of the International Court of the Sports (Lausanne).

This situation does not seem correct to me. We must offer the possibility of a preliminary recourse within FIDE before our problems are published in the press or the Web.

2) FIDE statutes don't envisage a FIDE body tasked to control the good course of the elections.

In practice, despite the fact they are, in the same time, candidates for a new nomination, the President and the secretariat, ensure the organization and the administration of the elections. The administration of the elections should be entrusted to an independent body non-concerned by the results.

3) The control of the legality and the regularity of the General Assembly and the Executive Board meetings have to be entrusted to an independent body not implied in the current businesses of FIDE.

4) The FIDE Handbook published on the FIDE Web site was never updated since the year 2000.

In spite of the fact that several lawful texts were approved meanwhile by the General Assembly and the Executive Board, the Web site continues, to date, publishing the FIDE Handbook in the form of its ultimate edition released in 2000.

It is necessary to give to the federations and to the world chess the possibility to consult the FIDE Handbook in its legal, into force, form. **The Constitutional Council will be entrusted with this spot.**

The minutes of the General Assembly and the Executive Board meetings must be certified by the Constitutional Council and translated in all languages recognized by FIDE.

5) FIDE statutes don't fix the number of members of this Committee nor the elective procedure

6) FIDE statutes don't fix any rule concerning the meetings quorum for this Committee.

The rules (5) and (6) must be clearly defined by the FIDE statutes.

7) Members of this council must be entirely independent from FIDE activity and management. It is thus necessary to fix the incompatibilities with all the other tasks or functions that members of this Council could exert within FIDE.

Members of this Council cannot accept any other task or be allowed to fulfil any other office in FIDE.

8) This proposal will change the Constitutional Committee into a **Constitutional Council** which will be entirely independent from all FIDE administrative and political bodies. This Council will have the responsibility to assume four essential tasks, which currently makes cruelly defect.

A/ To be, the legal adviser of any person or organization belonging to the World Chess.

B/ To manage and control the good course of the elections in FIDE.

C/ To control the regularity of the General Assembly and the Executive Board meetings and to certify the minutes of these meetings.

D/ To release and update the FIDE Hand book in all the languages recognized by FIDE.

The acceptance of this proposal needs the amendment of the article 8.2 of FIDE Statutes.

Actual Article 8.2:

(J) : Constitutional Committee - responsible for reviewing any Statutes changes and reporting the legality of such to the General Assembly. Their advice and counsel will be non-partisan. This Committee will be elected by the General Assembly.

Proposed New Article 8.2. (J) :

8.2. (J) – 1 : The Constitutional Council is responsible for reviewing any changes of FIDE statutes, Financial regulations, Electoral regulations, Chess rules and FIDE events regulations.

The Constitutional Council report to the General Assembly about the legality of such changes and no amendment of FIDE legislation can be decided by the General Assembly in case of absence of this report.

The Constitutional Council gives an opinion on any problem raised by a FIDE Official, a chess player or a FIDE member federation, which is relating to the legality of a document, an action or a decision taken by FIDE officials.

Report of the Constitutional Council consists on advices and counsels that don't bind the decisions of the Presidential Board, the Executive Board or the General Assembly, which is the highest authority of FIDE.

8.2. (J) – 2 : The Constitutional Council ensures with the help of FIDE Secretariat, the organisation of FIDE elections. He is responsible for controlling the validity of the candidatures and the legality of any part of the elections. The Constitutional Council announces the elections results and the closing of the elections.

8.2. (J) – 3 : The Constitutional Council is responsible for controlling the legality of the General Assembly and the Executive Board meetings. It will examine the quorum and verify the legality of proxies presented for the General Assembly.

The minutes of the General Assembly and the Executive Board meetings must be certified by the Constitutional Council and translated in all languages recognized by FIDE.

8.2. (J) – 4 : The Constitutional Council is responsible for the publication on the official FIDE web-site of all FIDE legislations, regulations and rules contained in the FIDE Hand-book.

The update of these documents must be done and released on the official FIDE web-site, no later than three months after their approval by the General Assembly or the Executive Board.

The Handbook must be translated in all language recognised by FIDE

8.2. (J) – 5 : Members of The Constitutional Council are fully independent and act only under the authority of their Chairman. Their advices and counsels will be non-partisan.

8.2.(J) – 6 : The Constitutional Council consists of four (4) members elected for one four (4) year's period by the Continental General Assemblies of Africa, America, Asia and Europe at a rate of one per continent. After election this four member will nominate among themselves the Constitutional Council Chairman.

A candidate to the Constitutional Council must have a perfect knowledge of Chess Rules and Fide regulations. He needs to be graduated from a university of law or have exercised in the past as member of FIDE Executive Board or the office of President or General Secretary of his chess national federation for at least three (3) years.

8.2.(J) – 7 : Election for Constitutional Council membership will be held in a General Assembly, which is not concerned by the election of the Presidential Board and the Executive Board.

Candidatures to be Member of the Constitutional Council reach FIDE secretariat three (3) months before the date of the opening of the elective general assembly. The federation of the candidate shall send the letter of candidature to FIDE Secretariat by fax, email or registered mail. FIDE secretariat shall confirm receipt of this letter.

In case of absence of candidature or failure of the election, the Continental assembly is authorized to reopen the register of the candidatures or to authorize the new continental president to nominate the representative of the continent at the Constitutional Council.

To be elected or nominated, the candidates must have the written and prior agreement of their national federation. This agreement must be recorded by the FIDE secretariat before the election or the appointment of the candidate and is not required if the candidate has previously been member of FIDE presidential Board.

8.2.(J) – 8 : The election procedure for the Constitutional Council members will be the same as described under article 15 (AO4) of FIDE Electoral regulations

FIDE Secretariat ensured the election of Constitutional Council members, under the authority of the FIDE President who is responsible for controlling the validity of the candidatures and the legality of any part of the election. FIDE President will announce the elections results and the closing of the elections.

The regularity and the validity of the election or the nomination of one candidate is controlled by the FIDE President who will take the appropriate decision about confirmation or cancellation of the contested election or nomination.

8.2.(J) – 9 : In order to guarantee the inexistence of any conflict of interests members of the Constitutional Council cannot be in charge of any other function or mission in FIDE. They cannot be members of the Executive Board nor nominated as member of any other FIDE Commission or Committee. They cannot be nominated as member of any FIDE event appeal Committee.

8.2.(J) – 10 : In the event of any vacancy is occurring on the Constitutional Council, the Continental President shall nominate the new representative of the continent for the remaining period.

8.2.(J) – 11 : To be valid the Constitutional Council meeting needs a quorum of 51 %. Members of the Constitutional Council meet, as many times as it is necessary, upon convocation of the Chairman of this Council, which shall inform FIDE Treasurer.

Between their meetings, it is recommended to Constitutional Council members to consult each other by fax, email or telephone in order to avoid the useless travelling expenses. The expenses inherent to these meetings will be refunded by FIDE if FIDE President or FIDE General Secretary has approved them before the meeting.

An annual meeting will took place at least sixty (60) days before the meeting of the General Assembly or that of the Executive Board.

The final annual report of this Council must reach FIDE Secretariat at least, fifty (50) days, before the opening of the General Assembly or the opening of the Executive Board meeting.