

UIAA- Commission Regulations (revision 2019-2020)

“Asking the right questions, in ways that frame key issues cogently, is far more important than having all the answers.” – Robert Kaplan

AGENDA ITEM or RFD NUMBER:

DATE: March 10 2020 February 18, 2020 January 10 2020

REVISION DATES:

1. August 14 2019,
2. October 31 2019,
3. January 10 2020 (this cover memo only- added reasons for change),
4. February 18, 2020
5. March 10, 2020
6. **September 15, 2020**

SUBJECT TITLE: Revision of Committee Regulations

SUBMITTED BY: Peter Muir

STRATEGIC PRIORITY or PROGRAM AREA: Governance

SECONDARY STRATEGIC PRIORITY or PROGRAM AREA: Commissions

ISSUE:

Consideration of changes to meeting locations, numbers of full committee members, limitations of numbers of votes for each member country.

ATTACHED:

These versions were attached to the February 28, 2020 agenda:

- A. Tracked copy of revised regulation v20200218 which includes as comments in the margin
 - a. MountComm’s Oct 5 2019
 - b. my responses to MountComm Oct 5 2019
 - c. my other explanatory notes or additional comments
- B. Copy of MountComm Oct 5 2019 comments
- C. Clean copy of the revised regulations v20200218.

Update March 10, 2020

- A. version 20200310 being a tracked copy of changes to 20200218
- B. clean copy of version 20200310.

Update September 15 2020

- A. version 20200915, clean except for marginal commentary for the assistance of the reader.

ARTICLE, BY-LAW, RULES and POLICIES AFFECTED:

(Attach excerpts and reference by schedule number)

Commission Regulations

PRESENT SITUATION:

(Attach additional sheets if required, reference by schedule number)

January 10, 2020:

Discussions begun in 2017 to consider changing the commission regulations to encourage commission attendance at MC or GA location by holding concurrent meetings, reducing committee members numbers and realigning vote distribution to insure no one member or country can control any given commission.

The reasons for the changes include:

1. correcting grammar
2. addressing some internal inconsistencies,
3. clarifying some sections, such as making it clear that the president and vice president are appointed by the management committee while general active members are selected by the committee,
4. dealing with a concern about single-member control of a commission (historical – ice climbing in particular),
5. an intention to encourage/mandate commissions to hold their meetings in conjunction with management committee meetings or general assemblies in order to:
 - a. foster a sense of community and shared knowledge among the governance levels by cross socialization of commissions among themselves and with UIAA management and members, and
 - b. for financial responsibility by perhaps creating an opportunity to save UIAA expense, for example, savings on executive Board member attendances to commission meetings).

EB (me) members and staff made a number of suggestions for change. The changes were discussed by the EB and MC over a number of meetings. At MC Malta 2019, it was agreed that the final changes should be completed over the summer of 2019 and the proposed draft regulations sent to all commission presidents for comment so that the amendments could be approved by the MC at MC Cyprus 2019.

The staff and I refined the proposed revisions as requested at MC Malta 2019 resulting a draft version of the regulations saved by me as version 20190814.

I send the revised document (version "20190814") was sent to the commission presidents on August 19, 2019. No comments were received until October 5 2019; too late for me to make changes before GA Cyprus 2019.

Version 20190814 was distributed in the MC materials for MC Cyprus 2019.

In the meantime, comments were received from the Mountaineering Commission on October 5 2019. The Mountaineering Commission comments are attachment B and are inserted as marginal comments into the attached revision versions of the commission regulations marked 20200218, see attachment A.

In light of the late receipt of Mountain commission comments, MC Cyprus 2019 referred further consideration of the regulations, and the suggestions thereon by Mountaineering Commission, back to the EB for preparation of further revisions thereon and presentation for approval at MC Skopje 2020.

Following MC Cyprus 2019, I began to consider the suggestions of the mountaineering commission and methods by which we could address their concerns if we thought appropriate. Unfortunately through December I was interrupted by an intense litigation project at work.

I presented to you the mountaineering commission position along with my comments on each mountaineering position as marginal notes in the attachment A of the request for decision presented to the EB meeting January 10, 2020 online.

At Helene's request the reasons for the changes were inserted and the request for decision was recirculated on January 10, 2000.

I was looking for your suggestions and reactions to both the mountaineering commission comments and my reactions thereto so that I could prepare a further draft regulation for your approval to forward to the commission presidents for comments, further revision and presentation to the management committee at MC Skopje 2020.

February 18 2020:

I received no comments from the EB on the January 10, 2020 document. As my timeline is tight to have this prepared for distribution to the management committee, I proceeded to make changes I think are necessary taking into account the comments of the mountaineering commission, the comments of the management committee in Cyprus, the assistance of staff and my own review of the regulations. The updated version is 20200218 and is attachment A.

March 10, 2020:

The executive could not discuss the regulation amendments within the time ultimately allotted to the topic meeting on February 28.

A meeting to deal only with the regulations was scheduled for March 5, 2020 but was unable to proceed as certain members could not attend. The regulations were put over to the March 13, 2020 executive agenda.

In the meantime, I reviewed the comments from Helene and Lode.

As there is little time between March 13 and April 4 I was concerned that there would be no time to obtain any commission input before the April 4 deadline for distributing materials to the management committee for its Skopje meeting. So I forwarded the materials again to two committee chairs I was confident could respond in a timely manner - Peter Farkas of the mountaineering commission and Amit Chowdhury of the safety commission. Both responded promptly.

I also discussed the question of meeting location with Nils.

Taking into account the constructive comments of Helene, Lode, Nils, Peter F and Amit I have made changes to the regulations which are now tracked in v20200310 and incorporated into v20200310.

The significant changes are:

1. Refinements to sections 1.1, 1.2, 2.3, suggested by Amit all of which made sense to me for consistency
2. An addition of a section 4.5 recommended by Amit to account for the safety commission plenary to allow votes by safety label holders and accredited laboratories in that meeting. So far as I know the safety committee is the only committee which holds a planetary which includes third parties. Amit explains "*Manufacturers and Labs attend and vote at Commission Meetings and these have major policy implications and may affect affect certain groups adversely. For example a type of product may be voted out of a UIAA Standard. From a legal stand-point, it may be a good idea to add this to the Commission Regs.*"
3. Based on the comments from Helene, Lode, Peter F and Nils, I believe I overstated the requirement for commissions to hold their meetings in conjunction with the management committee and or the Gen. assembly. Certainly there would be advantages to that however there are disadvantages including increased and possibly prohibitive logistics especially for local organizers, a loss of flexibility for the commissions to meet in their member countries and for specific reasons. You will be able to think of others. As a result I have changed the meeting location paragraphs so that commissions meeting at the same time and place as an MC or GA meeting is suggested but not mandatory. I am confident that the increased requirements for budget contribution will allow us to better plan the finances of commission meetings and therefore a suggestion rather than a compulsion is a better option.

September 15, 2020

The attached version was prepared based on further comments received from the Mountain Protection Commission and the Ice Climbing Commission.

I have not tracked changes because, as Helene has expressed from time to time and I was finding myself, the number of track changes was becoming overwhelming. This document should be read on its own merits; anything it owes to previous versions whether accepted by the MC or through the course of the evolution of this version is historical and helpful but not determinative. The current version must be able to stand on its own.

Of course, like all governing documents, it is not static but is expected to evolve.

To take the place of track changes I have made marginal notes for the reader where I felt there was marginal notes were important.

I took the opportunity presented by the Covid crisis and at the request of Rob to attend a zoom meeting of Ice Comm to explain the conflict of interest document and its application to the day-to-day workings of their commission. I also participated in as much of the meeting as I could and learned a lot about the internal workings of that commission. Attending commission meetings when the opportunity presents itself is a practice I recommend to the EB and MC as I found it very instructive. Online provides the opportunity to attend.

Following the ice climbing meeting I met directly with Carlos and Rob to discuss the changes to the proposed regulations.

I hoped to attend this summer's MPC online meeting but was unable to attend. Nevertheless, I received extensive written comments from the Mountain Protection Commission. In common with other comments received, MPC's input was cause for careful consideration as they were both well thought out and clearly described.

I hope that I have been fair in my assessments and in incorporation, or not, of the comments and suggestions received. I sincerely thank all for their participation and help.

But the final decision on the current form is that of the management committee if the executive committee is prepared to recommend it to the MC.

All of which is respectfully submitted, Peter.

SPECIFIC DECISIONS REQUESTED (including a draft motion if applicable):

For EB Jan 10 2020 online, I am seeking only comments from the EB on the direction on the mountaineering commission comments so that I can prepare a revised commission regulation for the EB's consideration at its February 28 online meeting.

For EB Feb 28 2020 online

For EB September 18, 2020 online:

Motion:

To approve commission regulations version 202000915 for distribution to the Management Committee.

Motion:

To recommend to the Management Committee approval and adoption of Commission Regulations 202000915 at MC Online 2020.

BUDGET REQUIREMENTS (change if any) – this year: none
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ADVANTAGES

1. clarity to the regulations
2. clarity on voting rights and an avoidance of a single federation/country's control of commissions
3. removal of a vote from a commission member who is an event organizer and thereby in most instances has an apparent and real conflict of interest in deciding on their own and competing events
4. clarity on the obligations to reach quorum
5. clarity on the obligation to submit timely budgets
6. clarity on the dates and times of meetings concurrent with management committee or general assemblies or a process by which a commission can apply to the management committee to meet otherwise
7. such as the advantages as are seen by the executive Board of the management committee

POSSIBLE OBJECTIONS / POTENTIAL AFFECTED PARTIES

1. the voting process requires a commission to be self-governing and apply the vote threshold in its meetings
2. the question of control a commission by a single federation/country is really a function only of one commission the ice commission which determines the competition schedule for ice climbing. All other commissions are essentially committees of the management committee and the final decision on many of their initiatives rests with the management committee particularly when those initiatives involve committing the UI AA to projects, expenses and other obligations
3. the complication raised by the mountaineering commission - that being that concurrent meetings potentially create a further obligation on members sponsoring either the management committee or general assembly meetings should not be underestimated. Also, such change probably requires an update to the meeting guidelines - which frankly require update already.
4. Some members of commissions - in particular event organizers in ice climbing- may protest their change from full members to either corresponding members or advisors, both without vote.

ALTERNATIVES

To be determined

Completion Date (insert once finalize resolution to issue determined)