**Briefing Paper**

**FIA Presidential Election System - Eligibility Requirements Compared**

1. **Election systems used in 2009 and 2013**

The 2013 presidential election system has the highest eligibility threshold in the history of the FIA. Although the list has been reduced in size since the last election this has been offset by a new requirement for support nominations from 26 clubs. The extra hurdle a candidate must now clear to qualify for the FIA presidential election is shown by the following comparison of the 2009 and 2013 election rules:

**2009 (Jean Todt vs Ari Vatanen)**

List comprising: the President, Deputy President for Sport, Deputy President for Mobility, Senate President, 7 Vice Presidents for Sport, 7 Vice Presidents for Mobility, and 5 Senate members.

**23 in total**

**2013 (Jean Todt vs David Ward)**

List comprising: the President, Deputy President for Sport, Deputy President for Mobility, Senate President, 7 Vice Presidents for Sport from six regions (Middle East, Africa, North America, South America, Asia Pacific and two from Europe) and 26 supporting clubs from the three membership categories (9 ACNs, 10 Mobility, and 7 ASNs)[[1]](#footnote-1).

**37 in total**

1. **Proposals to reduce the election eligibility requirements**

There have been three different attempts to reduce the size of the FIA Presidential list. The first was submitted to the FIA General Assembly in 2007 by the AAA[[2]](#footnote-2), the ADAC and the ANWB and consisted of a ‘short’ list of just the four most senior FIA office holders. They argued that their proposal would lead to “a more democratic and open election procedure”[[3]](#footnote-3). It was debated but not put to a vote as the then FIA President, Max Mosley, proposed to establish a Statutes Working Group (SWG). The SWG then prepared a compromise ‘shorter’ list of 14 which was narrowly lost by just one vote at the 2008 FIA General Assembly.

Now FIA clubs have again tabled a new proposal for a ‘short’ list and nomination requirement of just seven. This is on the agenda of the 2013 General Assembly and will also be discussed by the FIA World Councils[[4]](#footnote-4). A comparison of these reform different reform proposals is as follows:

**2007 Reform Proposal 1 – Not Voted**

List comprising a President, Deputy President for Sport, Deputy President for Mobility, and Senate President.

**4 in total**

**2008 Reform Proposal 2 – Lost by One Vote**

List comprising: a President, Deputy President for Sport, Deputy President for Mobility, Senate President, 5 Vice Presidents for Sport, 5 Vice Presidents for Mobility.

**14 in total**

**2013 Reform Proposal 3 – for Debate at 2013 General Assembly**

List comprising: a President, Deputy President for Sport, Deputy President for Mobility, Senate President, and 3 supporting clubs (one from each membership category).

**7 in total**

What unites these three proposals is the consistent interest demonstrated by FIA member clubs to try to reduce the size of the FIA’s presidential list in order to promote democratic choice and accountability.

1. **Problems with the 2013 FIA election system**

The FIA’s current highly complex election system is already causing confusion. This was recently acknowledged by the FIA Administration (letter to the clubs dated 21st October 2013) after it emerged that there is a conflict between Article 9 of the Statutes and Article 6 of the Internal Regulations. The inconsistency concerns whether or not Vice Presidents for Mobility have to be included on a candidate’s list. To overcome this embarrassing mistake a change to the election rules will now have to be voted at the 2013 General Assembly.

Unfortunately this year’s election also reveals other significant weaknesses which together contribute to a growing democratic deficit in the FIA. These include:

* **Deterrence of new candidates**

An eligibility requirement of 37 is a very large threshold for candidates to reach. It gives a significant advantage to the incumbent and discourages others from running at all. This is due to the relative ease with which any President can interact with clubs and those individuals wishing to be Vice Presidents for Sport. A system that deters candidates from coming forward undermines democracy and conflicts with the International Olympic Committee’s Basic Universal Principles of Good Governance[[5]](#footnote-5). This states, inter alia, that, “Access for new candidates should be encouraged”.

* **Democratic imbalance between FIA Mobility and Sport Pillars**

Retaining Vice Presidents for Sport on the list creates a democratic imbalance between the FIA’s twin pillars of sport and mobility. The Vice Presidents for Mobility are elected with their own personal mandates whereas the Vice Presidents for Sport are automatically elected simply as a result of being on the successful presidential list. Why should mobility club regions elect their own Vice Presidents but sport club regions be denied the same right?

As regards the Presidential election, however, sport regions now have a greater degree of influence than their mobility counterparts. For the first time ever in the 2013 election the seven Vice Presidents for Sport must be included on a candidate’s list from six regions (the Middle East, Africa, North America, South America, Asia Pacific and two from Europe). This has the effect of giving ACNs and ASNs greater power to determine who will become FIA President than the mobility clubs. If just one sport region decides together to support a single candidate than there cannot be a contested election at all regardless of the preferences of mobility or sport clubs in the other world regions combined.

These disturbing anomalies invite the question why can’t the FIA have a balanced and symmetrical system of governance for sport and mobility?

* **Weak democratic accountability of Vice Presidents for Sport to their regions**

Currently the Vice Presidents for Sport only hold office if they are on the successful presidential list. This curtails their independence making them dependent on the patronage of the President. If, like the Vice Presidents for Mobility, they were directly elected, the Vice Presidents for Sport would have their own independent mandates and be directly accountable to the regions electing them.

According to the President of the Senate Mr Nick Craw, “the idea of electing Sport VPs democratically is not practical”. However, the FIA’s sister organisation, the Federation International de Motorcylisme (FIM) directly elects Presidents from its six continental unions. Moreover the FIM’s regional structure is very similar to the geographical areas used by the FIA to nominate Vice Presidents for Sport to a candidate’s list. Given the parallel sporting roles of the FIA and the FIM it is hard to understand why greater democracy is practical in the FIM but not in the FIA.

The fact that successive FIA leaderships have wanted to keep Vice Presidents for Sport on a ‘top down’ list rather than allow them to be elected ‘bottom up’ is not surprising as it increases their scope for political control. But this centralises power at the expense of regional autonomy. Vice Presidents elected with their own mandate will enjoy greater independence as their authority would come from the region they represent rather than being on the Presidential list.

* **Unnecessarily long election process**

The new requirement in the 2013 presidential election to obtain 26 support nominations from clubs has the effect of dividing the election into two distinct phases. The first - from 6th September when the election period began to the closing date for nominations on 15th November - has become a kind of ‘primary’ election before the final stage ending on 6th December. In most countries general elections are completed in a matter of weeks rather than months. In contrast the FIA’s 2013 election lasts for three months which is unnecessarily long and costly for everyone involved.

* **Undermines the integrity of the secret ballot**

The FIA’s internal regulations require that, “Voting in elections and appointments shall be by secret ballot” (Article 7). It is, therefore, an essential element of the FIA’s democratic system that its clubs should not be required to make public declarations regarding their voting intentions. Even if there is no obligation for a club to vote for a candidate that it has nominated, it is, nevertheless, a reasonable expectation that they will. So whilst a minimal nomination requirement of one per membership category may be justified to certify that a candidate has credibility, the current number of 26 is unnecessary, excessive, and undermines the purpose of the secret ballot.

* **Makes the role of pre-election support agreements highly questionable**

It has been common in previous elections for clubs to issue statements of support for candidates. In some cases entire regions have done this. However, as mentioned above, for the first time ever the seven Vice Presidents for Sport on a candidate’s list have to be chosen from pre-determined regions. This has meant that prior support agreements such as those obtained by Jean Todt in March in the Americas and in Asia Pacific[[6]](#footnote-6) have the effect of making it far harder for a potential candidate to find individuals in a region willing to go against such public declarations of support. They also make it possible for a single sport region to effectively block the possibility of a contested election at all.

1. **A New Opportunity to Overcome the FIA’s Democratic Deficit**

It is likely that the FIA leadership will oppose a vote on the new 2013 reform proposals and try to refer the matter for internal discussion in the Statutes Review Commission (SRC)[[7]](#footnote-7). That is what happened to the 2007 reform proposal when it was referred to the SWG. The compromise ‘shorter list’ option was then narrowly lost in 2008 because a key supporter was absent from the vote and also the FIA leadership remained neutral on the issue. This shows how hard it is to achieve the change needed to overcome the democratic deficit in the FIA’s election system.

Hopefully the new 2013 reform proposals will not be blocked by the World Councils but debated and voted on by the General Assembly. Whilst the World Councils are fully entitled to make recommendations on statute changes tabled by clubs, they should not be allowed to block them. To do so would abrogate the sovereign authority of the General Assembly.

Rather than wait for more internal review the FIA membership has the opportunity to vote for change now. If approved the 2013 reform proposals will reinvigorate the FIA’s democratic system making it less complex and time consuming but crucially also more accountable and fair.

1. As defined by Articles 3.1, 3.2 and 3.3 of the FIA Statutes. [↑](#footnote-ref-1)
2. The American Automobile Association (AAA) subsequently withdrew from the FIA on March 29th 2010 citing, inter alia, “longstanding concerns relative to the governance of the federation”. [↑](#footnote-ref-2)
3. See Explanatory Memorandum accompanying the proposed Statute amendments submitted by the AAA, ADAC and the ANWB dated 31st August 2007. [↑](#footnote-ref-3)
4. A recent amendment to the FIA Statutes requires the World Councils “to approve proposals for amendments to the Statutes”; a regrettable change which appears to challenge the sovereignty of the General Assembly. [↑](#footnote-ref-4)
5. <http://www.olympic.org/Documents/Commissions_PDFfiles/Ethics/code-ethique-interactif_en_2013.pdf>. See: IOC’s ‘Basic Universal Principles of Good Government of the Olympic and Sports Movement’ - Article 2.9 on Election or renewal of office-bearers on a regular basis’ [↑](#footnote-ref-5)
6. Specifically the support agreements adopted by clubs from the FIA Americas meeting in Montevideo on March 3rd and the similar agreement adopted at the Asia Pacific Region Sport Forum in Bangkok April 19th-20th. [↑](#footnote-ref-6)
7. The SRC has done important work but lacks input from independent sports and corporate governance experts. In 2009 Jean Todt proposed to the clubs that the SRC be assisted “by an independent authority to compare the FIA Statutes and decision-making procedures with best practice in both corporate and sporting governance” (letter 20/8/2009). Subsequently the President of the ANWB and member of the SRC, Guido van Woerkom, suggested inviting an “external, independent party to review the existing FIA structure of governance against the usual, modern principles of good governance” (letter to Mr Todt 26/1/2010). Ignoring his previous commitment President Todt replied that “my feeling is that you, the clubs of the FIA, are the best equipped to know the strengths and weaknesses of our Statutes and that an independent consultant would result in little more than additional expense” (letter to Mr van Woerkom 26/1/2010). [↑](#footnote-ref-7)