

IOC INTERSESSIONAL FINANCIAL ADVISORY GROUP (IFAG) – 2021-2022

WORKING NOTE 2

Revision of the IOC Rules of Procedure

By Resolution A-31/2, adopted during its 31st session in 2021, the Assembly requested

“the IOC Executive Secretary to prepare, in consultation with the UNESCO Legal Advisor and IFAG, a preliminary proposal for the revised separate sets of Rules of Procedure for the IOC Assembly and Rules of Procedure for the IOC Executive Council, making the necessary clarifications and aligning language versions, for review and adoption by these two bodies.”¹

Accordingly, the Secretariat, in consultation with UNESCO Legal Office, identified a competent legal consultant to provide the initial analysis of the feasibility and potential complications of drafting separate sets of Rules of Procedure for the IOC Assembly and Rules of Procedure for the IOC Executive Council. This analysis was presented to the IOC Officers during their annual meeting, 17-21 January 2022.

The main conclusion is that while the preparation of such separate sets of Rules of Procedure does not seem to be barred by obstacles rendering it unfeasible, it however constitutes a more challenging exercise than would appear *prima facie*. First, the separation process must be assessed as against statutory constraints (1). Secondly, it entails a careful consideration of the existing provisions of the Rules of Procedure, which do not evenly apply to the Assembly and Executive Council (2). Thirdly, the analysis concurs that the current Commission’s Rules of Procedure evidently suffer from a defective alignment of the language versions, as pointed out in the Report of the IFAG Chair to the 31st session of the Assembly. There are obvious discrepancies between the English and French versions of the current Rules, which may lead to significant difficulties in interpreting and implementing the relevant provisions.

1. Statutory constraints

According to Article 6.B.3 of the IOC Revised Statutes, adopted by the UNESCO General Conference on 16 November 1999 in its Resolution 30 C/Resolution 22, “[t]he Assembly shall determine the Commission’s Rules of Procedure.” If considered as against the request by the Assembly to the IOC Executive Secretary to prepare two “separate sets of Rules of Procedure for the IOC Assembly and Rules of Procedure for the IOC Executive Council, [...] for review and adoption by these two bodies”, this provision in the Statutes raises two difficulties:

¹ See IOC/A-31/ Decisions, 12 January 2022, p. 33.

(i) the Statutes only consider one single set of Rules of Procedure for the Commission;

(ii) the competence to determine – and arguably adopt – the Rules of Procedure exclusively belongs to the Assembly, and not to the Executive Council.

2. Categorization of current rules

As they currently stand, the Commission's Rules of Procedure consist in a set of 56 rules, encompassing provisions of a different character:

- Some have a general purpose, such as those dealing with issues of representation, the Secretariat or the use of official and working languages;
- Some are applicable to both the Assembly and the Executive Council, such as those dealing with the establishment of Committees and subsidiary bodies, conduct of business and meetings;
- Other provisions specifically cover the functioning of the Assembly (see especially Sections II to IV) or the Executive Council (see especially Section VI).

Separating the current Rules of Procedure into two sets of rules respectively applicable to the Assembly and the Executive Council is only feasible on the basis of a clear identification of the object and purpose of existing provisions.

PROVISIONAL RECOMMENDATIONS

For the reasons given above, the initial recommendation presented for consideration is to:

- Refrain from engaging in a procedure of amendment of the IOC Statutes;
- In conformity with Article 6.B.3 of the Statutes, maintain a single set of the Commission's Rules of Procedure, to be formally determined by the Assembly;
- Revise the current Rules of Procedure on the basis of a distinction among general rules, rules applicable to the Assembly and the Executive Council, and rules applicable only to one of these organs;
- Amend Rules 55 and 56 in order to acknowledge and specify the competence of the Executive Council to amend or suspend rules relating to its organization and functioning.