

ISAF EQUIPMENT SELECTION - RS:X / KITEBOARD
Technical Opinion in Favor of a New Vote

EXECUTIVE SUMMARY

KEY POINTS

1. **Wrong Trials:** The Kiteboarding Format Trials that took place in Santander were designed to evaluate the feasibility of adding Kiteboarding to ISAF events, not to select Olympic equipment.
2. **Incomplete Evaluation:** The Evaluation Report that resulted from those trials should have included the RS:X.
3. **Wrong Criteria:** The evaluation team failed to use the correct set of evaluation criteria in its reports.
4. **Unchecked Bias:** The publication of the reports was too close to the Mid-Year Meeting to allow anyone to fully understand the bias in those reports and analyze the consequences.
5. **No Contract:** The equipment contracts between ISAF, the Kiteboarding Class and Kiteboarding manufacturers were not in place in time to satisfy ISAF Regulations.

CONCLUSION

The net result of those observations is that the formal equipment evaluation required under Article 23.1.3(c) of ISAF Regulations was not completed. In addition, we believe that the time-frame imposed by Article 23.1.6 for equipment contracts was not respected.

The conditions necessary for the ISAF Council to vote on May 5, 2012 between the RS:X and Kiteboarding were therefore not fulfilled, and the results of that vote are invalid.

RECOMMENDATION

The ISAF Council has an opportunity to remedy this situation and proceed with this equipment selection at its Annual Meeting in November 2012. Since this would constitute an initial equipment selection and not a change to a previously selected equipment, and since the November 2012 deadline has not passed, the provisions of Article 23.1.7 (the "75% motion") do not apply, and the vote would only require a simple 50% majority.

ISAF EQUIPMENT SELECTION - RS:X / KITEBOARD Technical Opinion in Favor of a New Vote

Introduction

In order to facilitate decisions related to Olympic event and/or equipment, the ISAF Council has, upon recommendation from the ISAF Olympic Commission in 2010, adopted a detailed selection protocol for future Olympic Games, starting with the 2016 Games in Rio. That protocol constitutes Article 23 of ISAF's current Regulations. The vote that took place at the 2012 ISAF Mid-Year Meeting to select between the RS:X and Kiteboard equipment options for the 2016 Olympic competition ("The Vote") is the most recent decision in a chain of events at ISAF that started two years earlier. We are of the opinion that **as a result of a number of irregularities over that time period, the conditions necessary for "The Vote" to take place were not fulfilled on May 5, 2012 and that the outcome of that vote is therefore invalid.**

In order to understand those irregularities, it is first important to understand the chronology of decisions at ISAF that led to "The Vote."

Chronology

May
2010

- ISAF Council defers making a decision on Olympic events for 2016 until it has had a chance to review the recommendations of the Olympic Commission

Nov.
2010

Upon recommendation by Olympic Commission and Executive Committee:

- ISAF Council approves event/equipment decision protocol (Sub. 096-10). In particular for the 2016 Olympic Competition,
 - ✓ events are to be selected by Nov 2010
 - ✓ equipment selection criteria is to be agreed upon by Nov 2010
 - ✓ equipment evaluations are to be conducted before Nov 2012
 - ✓ equipment for each event is to be finalized by Nov 2012
- ISAF Council approves a one-time exception to that protocol in order to allow for the slate of events to be finalized in May of 2011 rather than Nov 2010 (Sub. 096-10)
- ISAF Council approves preliminary slate of events for 2016 Games (Sub. 097-10)

May
2011

- ISAF Council adopts a slate of events for 2016 (Sub. M10-11). That slate includes the following events:
 - ✓ Men's Board and/or Kiteboard
 - ✓ Women's Board and/or Kiteboard
- for those two events, the prescribed equipment is: (RS:X/Kiteboard) evaluation

Nov.
2011

Upon recommendation by Events Committee,

- ISAF Council approves a plan to evaluate format and event management implications for the possible inclusion of Kiteboarding within ISAF events

May
2012

- Kiteboard Evaluation Report and Kiteboard Technical Report are submitted to ISAF Council
- Events Committee recommends to:
 - ✓ include Kiteboarding into ISAF events
 - ✓ postpone the decision between RS:X and Kiteboard until Nov 2012
 - ✓ select RS:X if Council decides to vote on the matter now
- Against Events Committee recommendation, ISAF Council puts the Olympic equipment question to a vote and selects Kiteboarding

What this Opinion does not Challenge

The May 2011 decision to combine Windsurfing and Kiteboarding into a single 'Board and/or Kiteboard' event, both for Men and for Women, has been and continues to be criticized in the Sailing community. Windsurfing and Kiteboarding are very different disciplines, and we share the community's sentiment that the decision to combine them into a single event, and make the decision between them a question of equipment selection, is the root cause of a lot of the problems facing us today.

However, we do not at this time see an immediate regulatory issue with that particular decision. This doesn't mean that it shouldn't be re-examined on different grounds, but the focus of the present opinion being on regulatory problems, we do not challenge it.

New Event vs. Retained Event

Are "Men's Board and/or Kiteboard" and "Women's Board and/or Kiteboard" new events or retained events for the 2016 Olympic Sailing Competition?

- They can be considered New Events simply because no event thus labeled exists at the 2012 Olympic Games.
- On the other hand, if the RS:X had been selected at "The Vote," or were to be selected in the future, the Men's and Women's Board and/or Kiteboard events for the 2016 Olympic Games could be substantially similar to the windsurfing events at the 2012 Games. In that context, they can be considered Retained Events.

Whether those events are New or Retained, the selection of equipment for those events falls under ISAF Regulation 23.1.3(c):

23.1.3(c) - New Equipment shall only be selected following Equipment trials or other evaluation against the specified criteria, and shall be decided no later than November of the year four years before the Olympic Games.

ISAF Regulations

[http://www.sailing.org/tools/documents/2012RegulationsWebsite-\[12337\].pdf](http://www.sailing.org/tools/documents/2012RegulationsWebsite-[12337].pdf)

We argue that the above-referenced “Equipment trials or other evaluation against the specified criteria” did not take place. We base this opinion on five distinct reasons:

1. **Wrong Trials:** The Kiteboarding Format Trials that took place in Santander were designed to evaluate the feasibility of adding Kiteboarding to ISAF events, not to select Olympic equipment.
2. **Incomplete Evaluation:** The Evaluation Report that resulted from those trials should have included the RS:X.
3. **Wrong Criteria:** The evaluation team failed to use the correct set of evaluation criteria in its reports.
4. **Unchecked Bias:** The publication of the reports was too close to the Mid-Year Meeting to allow anyone to fully understand the bias in those reports and analyze the consequences.
5. **No Contract:** The equipment contracts between ISAF, the Kiteboarding Class and Kiteboarding manufacturers were not in place in time to satisfy ISAF Regulations.

Reason #1: Wrong Trials

The Kiteboarding Trials that took place in Santander in March 2012, and the Reports that were submitted to the ISAF Events Committee and the ISAF Council as a result of those trials, do not constitute satisfactory “Equipment trials or other evaluation against the specified criteria.”

Those trials were designed to examine racing formats and event management issues for Kiteboarding, with the narrow objective of determining whether Kiteboarding could be added at ISAF events, more precisely at the ISAF World Cup and ISAF Sailing World Championships. This is illustrated by the following decisions and recommendations:

Nov. 2011: *The Events Committee also recommends that ISAF should appoint a small and specialist evaluation team to look at the format and event management implications for including kiteboarding within ISAF events.*

Minutes of the ISAF Events Committee at the 2011 Annual Meeting
[http://www.sailing.org/tools/documents/2011EC0911-\[11743\].pdf](http://www.sailing.org/tools/documents/2011EC0911-[11743].pdf) (p. 6)

Nov. 2011: *On a proposal from Chris Atkins, seconded by Pablo Masseroni, Council approved the recommendation from the Events Committee that a small and specialist evaluation team be appointed to look at the format and event management implications for kiteboarding (1 reject, 1 abstain, 35 approve - 37 participated).*

Minutes of the ISAF Council at the 2011 Annual Meeting
[http://www.sailing.org/tools/documents/MINCO1011-\[12394\].pdf](http://www.sailing.org/tools/documents/MINCO1011-[12394].pdf) (p. 46)

The accidental omission in the Nov. 2011 Council minutes of the last few words: *within ISAF events*, does not change the fact that the focus of that evaluation was ISAF events, not the Olympic competition. This is further confirmed by the following conclusions:

- May 2012:
- a) *Kiteboarding is ready to be included as an ISAF event for both men and women.*
 - b) *By introducing Kiteboarding to ISAF events both ISAF and the IKA can work to promote a new discipline of sailing, finalise safety, equipment & competition rules, look to develop new formats & spectator opportunities and align NKAs with ISAF MNAs.*
 - c) *Kiteboarding can add new interest to the ISAF Sailing World Cup and ISAF Sailing World Championships by helping to promote sailing to the media and the IOC. Effectively Kiteboarding can provide a real opportunity to help promote sailing.*
 - d) *Safety issues are slightly different for Kiteboarding and it would be essential to have a well-trained team on the racing area (size of committee boats, tangled ropes, cutting the kites, jumping).*

ISAF Kiteboarding Format Trials – Evaluation Report, May 2012

[http://www.sailing.org/tools/documents/EC8bKiteboardingEvaluationReport-\[12443\].pdf](http://www.sailing.org/tools/documents/EC8bKiteboardingEvaluationReport-[12443].pdf)

(p. 2)

The above statements are evidence that the evaluation that took place was not designed or run to serve as an equipment evaluation for the 2016 Olympic Sailing competition, and cannot therefore be construed as substitution for it.

Reason #2: Incomplete Evaluation

If the trials that took place in Santander were in fact designed to select equipment for the 2016 Olympic competition, an argument can be made that the RS:X equipment should have been part of those trials. After all, if the objective is to decide between two options, then it would seem logical that both options be represented. That argument can be countered by suggesting that the RS:X, as an existing Olympic class, is a known entity, and that testing it in Santander was not going to provide more insights regarding its on-the-water performance.

Regardless of whether or not we agree with that position, we argue that the Evaluation Report itself should have included the RS:X. Two separate reports were produced after the trials: a Technical Report, and an Evaluation Report. Since Kiteboarding was the only equipment present at the trials, it makes sense that the Technical Report would focus solely on Kiteboarding. But the Evaluation Report, on the other hand, should have synthesized those findings with what was known of the RS:X, and offered a comparative analysis between the two options.

The notion that a proper equipment evaluation should have included the RS:X is further validated by the following statement, from the Executive Committee, based on recommendation from the Olympic Commission:

Nov. 2010: *Because it is innovative, the Commission believes it is essential that board-sailing at the Olympics is kept up-to-date, and ISAF should evaluate, through demonstration events or otherwise:*

a) whether windsurfing equipment still provides the best Olympic Event, or whether kiteboarding would be the better equipment for the Olympics by 2016;

b) the format of competition that will best display the sport of board-sailing.

Submission 097-10 from the Executive Committee

<http://www.sailing.org/tools/documents/09710EventandEquipment2016Olympics-%5B9390%5D.pdf> (p.4)

The necessity of a side-by-side comparison between the RS:X and Kiteboarding is a logical argument, obviously, but it is also supported by the following precedents:

- A. The 2012 Women's Skiff and the Multihull evaluations that were run concurrently in Santander included all the equipment options under consideration and painstakingly compared the performance of each option against that of the others. The outcome was an objective assessment of the various equipment options. The difference in professionalism between those evaluations and the Kiteboarding reports is striking.
- B. The 2004 Trials that led to the selection of the RS:X as Olympic windsurfing equipment included sailors who were active at the time on the existing Olympic board, the Mistral One Design (IMCO), and were therefore intimately familiar with its performance characteristics. They were able to precisely rank the merits of each contender against those of the IMCO equipment. The outcome was an objective assessment of the various equipment options. By contrast, the kiteboard racers present at the trials in Santander had no intimate familiarity with the RS:X equipment, with the exception of Mr. Gebhardt, who has distanced himself from Olympic windsurfing and hasn't competed internationally on the RS:X in the past five years.

2004 - ISAF Windsurfer Evaluation Trials – Report for Council

http://www2.sailing.org/meetings/2004november/papers/CO_2cii.pdf

Reason #3: Wrong Criteria

We further argue that the wrong set of criteria was used to perform that evaluation.

The set of criteria that was used is as follows:

In the Technical Report:

Race Management Feasibility
Equipment Cost and Availability
Boat Speed
Upwind Angles
Media and Spectator Appeal
Universality and Sponsorship
Athlete Body Characteristics
Calendar of Planned Competitions
Competition Format Feasibility
Possibility of Nationality Branding

In the Evaluation Report:

Race Management Feasibility
Event Management Feasibility
Competition Format Feasibility

The set of criteria prescribed by ISAF in Regulation 23.1.2 is summarized below. Next to each criterion, we show whether it was used at the Trials in Santander, based on our analysis of the Technical and Evaluation Reports. Please note that we're not analyzing how well Kiteboarding performed at the trials against those criteria, but rather whether those criteria were used at all.

<u>Per ISAF Regulation 23.1.2:</u>	<u>Was Criteria Used at Trials?</u>
Ensure that each Event at the Olympic Sailing Competition is, and will be likely to remain, the pinnacle Event for that discipline or area of sailing;	NO
a) demonstrate the diversity of skills required to race various types of small boats, and minimise the overlap between Events;	NO
b) place an emphasis on athlete skill rather than equipment development, and limit the impact of equipment on performance;	NO
c) demand a high level of athletic ability as well as excellent sailing skills;	NO
d) be attractive and accessible to young athletes from all continents, and of different size and weight, with a clear pathway from ISAF Youth to Olympic Events and Equipment;	NO
e) maximise the participation of the world's best sailors and showcase the diversity of the sport;	NO
f) provide an effective platform for promotion of the sport, and elite sailors, between Olympics;	YES
g) progress towards an equal number of Events for men and women to participate in;	NO
h) avoid unnecessary or excessive equipment costs, development costs, measurement costs, coaching costs, race organisation and race official costs, and television and other media costs;	YES
i) offer continuity of Events and evolution of Equipment to give MNAs and sailors a dependable pathway into Olympic competition with continuity of investment;	NO
j) provide suitable Events and Equipment for Regional Games and other regattas;	YES
k) minimise environmental impact.	NO

ISAF Regulations – Article 23.1.2

[http://www.sailing.org/tools/documents/2012RegulationsWebsite-\[12337\].pdf](http://www.sailing.org/tools/documents/2012RegulationsWebsite-[12337].pdf)

It is worth noting that the criteria above are designed to apply to the sport of Sailing as a whole, all Olympic Events and Equipment taken together, not to each individual event. It is thus conceivable that this set of criteria is not in fact the “specified criteria” described in Regulation 23.1.3(c).

A second possibility is that the “specified criteria” may be found at the end of Submission 097-10:

<u>Per Submission 097-10:</u>	<u>Was Criteria Used at Trials?</u>
○ low cost (purchase, running and transportation costs, development costs, measurement costs)	YES
○ consistency of manufacture delivering fair and reliable equipment	NO
○ out-of-the-box one design	NO
○ challenging to sail fast – likely to reward high sailing skills, athleticism and fitness	NO
○ good global spread, or for new equipment, expectation of fast global spread covering all continents	YES
○ visually appealing, and incorporating country flags on sails	YES
○ representative of equipment used for that event outside the Olympics today	YES
○ supported by lower cost “sailor development” alternatives for building grass roots sailing	NO
○ low level of difficulty enforcing rule 42	NO

Submission 097-10 from the Executive Committee

<http://www.sailing.org/tools/documents/09710EventandEquipment2016Olympics-%5B9390%5D.pdf>

In either case, the evaluation failed to measure Kiteboarding fully against the “specified criteria.”

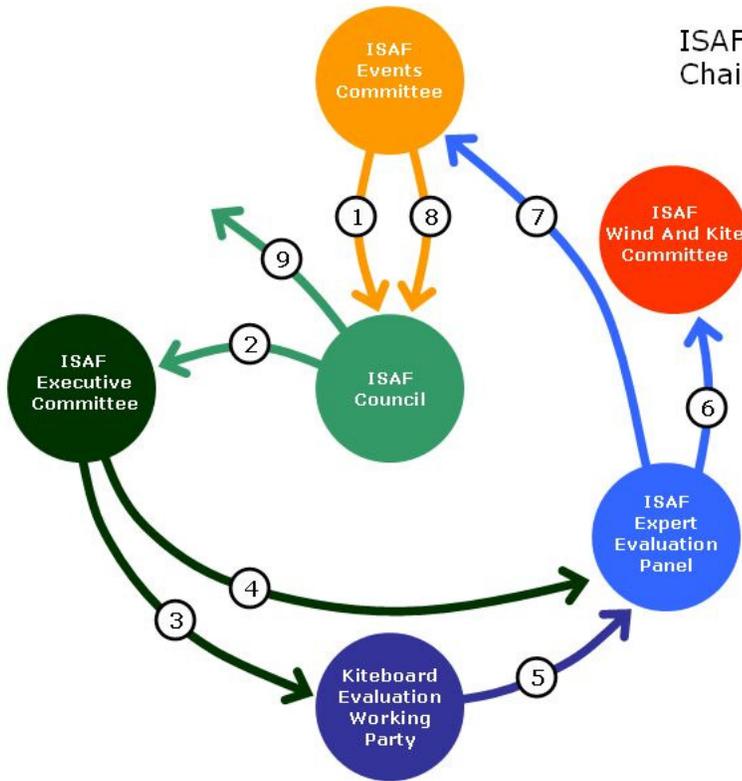
Reason #4: Unchecked Bias

The claims made by the Technical Report are biased and at a minimum needed to be checked and confirmed before reaching the ISAF Council.

A step by step analysis of the claims made in the Technical Report is the object of a separate paper. Our focus here is to establish that considering the composition of the Working Party, the bias in that report was predictable, and to demonstrate that various Panels and Committees along the way made an effort to interpret that report and limit the scope of its conclusions.

There was, however, no time for a full investigation, and as a result that misleading Technical Report was allowed to reach the ISAF Council untouched. To better understand how this unfolded, it is critical to first visualize the chain of events from the time that the trials were recommended by the Events Committee in November 2011 all the way to “The Vote:”

ISAF Kiteboarding Format Trials Chain of Events



- Nov. 2011
1. Recommends Trials
 2. Approves Trials
- Feb. 2012
3. Appoints Working Party
 4. Appoints Evaluation Panel
- Apr 20, 2012
5. Produces Technical Report
 6. Produces Evaluation Report
 7. Forwards Evaluation Report
- May 5, 2012
8. Makes Strategic Recommendations
 9. Selects Kiteboarding

At The Trials

The trials were run March 17-25, 2012 in Santander. They were called the “ISAF Kiteboarding Format Trials” and if we accept that they were designed to showcase Kiteboarding, and Kiteboarding only, for a possible inclusion at ISAF events as a learning experience, then we might be able to justify the composition of the evaluation team chosen for that task. But if those trials were to be taken as an evaluation of the merits of Kiteboarding against those of the RS:X for immediate Olympic selection, then the composition of the evaluation team assembled by the Executive Committee ought to be scrutinized.

The Kiteboard Evaluation Working Party was as follows:

- Kamen Fillyov - Chairman of the ISAF Windsurfing & Kiteboarding Committee
- Markus Schwendtner - Executive Secretary, International Kiteboarding Association (IKA)
- Bruno de Wannemaeker - ISAF Equipment Committee
Mr. de Wannemaeker, past President of the International Funboard Class Association (IFCA), is currently sitting on the Executive Committee of the IKA
- Michael Gebhardt – Former Olympic Windsurfer and Professional Kiteboarder
Mr. Gebhardt is a professional Kiteboarding coach and has been a fervent supporter of Kiteboarding for the past 10 years

The team itself made no secret that it was selected for its expertise in Kiteboarding:

The evaluation team has been selected for their in depth Kiteboarding knowledge and is made up of representatives from both ISAF and the IKA

ISAF Kiteboarding Format Trials – Technical Report
[http://www.sailing.org/tools/documents/2012EC0512-\[12547\].pdf](http://www.sailing.org/tools/documents/2012EC0512-[12547].pdf) (p.1)

Before any vote, and especially in those instances where time is short, Council members shouldn't have to spend time cross-checking the validity of claims put forth before them. They should be able to expect unbiased reports from the Working Parties they commission. Yet, with so much at stake, the trials in Santander were conducted by individuals with vested interest in the outcome.

In the Hands of the ISAF Expert Evaluation Panel

The ISAF Expert Evaluation Panel was as follows:

- Tomasz Chamera - ISAF Events Committee
- Ilker Bayindir - ISAF Windsurfing & Kiteboarding Committee
- Bruno de Wannemaeker - ISAF Equipment Committee
- Alastair Fox - ISAF Events Manager

That Expert Panel did not have time to question the validity of the claims made by the Kiteboard Evaluation Working Party, but it was at least careful to frame its recommendations in the context of Kiteboarding's possible inclusion at ISAF Events, not at the Olympic Sailing Regatta. There is a stark contrast between the overly enthusiastic and almost reckless tone of the Technical Report, and the more measured conclusions of the Evaluation Report.

In the Hands of the Windsurfing and Kiteboarding Committee

Both the Technical Report and the Evaluation Report were released April 20, 2012, less than two weeks before the ISAF Mid-Year Meeting was to begin on May 3, 2012 in Italy. As a result of those time constraints, the Windsurfing and Kiteboarding Committee made no formal recommendation to the Events Committee, as evidenced by the Minutes of the Events Committee at that meeting:

There was a discussion on the option of delaying the Kiteboarding and windsurfing decision until November. Whilst this focused on the opportunity for ISAF to raise the issue with the IOC, with a view to securing additional medals for Kiteboarding, as reflected in the Recommendation to Council, concern was also expressed that the meeting did not have a recommendation from the Windsurfing and Kiteboarding Committee on the issue.

Events Committee Minutes – May 2012

[http://www.sailing.org/tools/documents/2012EC0512-\[12547\].pdf](http://www.sailing.org/tools/documents/2012EC0512-[12547].pdf) (p.4)

In the Hands of the Events Committee

The Events Committee did its best to absorb the findings of the trials and translate them into a formal recommendation to the Council. It was evident by then that many of the claims made by the Technical Report were unsubstantiated. The Athletes Commission had raised a number of flags and asked for clarifications that nobody had the time and resources to provide. As a result, the Events Committee took a measured approach and proceeded with the following recommendations:

- a) The Events Committee recommends to include Kiteboarding into ISAF events. Vote: for: 14; against: 3; abstain: 2.*
- b) The Events Committee recommends that no decision should be made on the RS:X and/or Kiteboarding event until November after a direct approach has been made by ISAF to the IOC for additional medals for Men's Kiteboarding and Women's Kiteboarding events. Vote: for: 13; against: 5; abstain: 0.*

c) *If Council decides to make the decision on the RS:X and/or Kiteboarding event then the Events Committee recommends the RS:X is selected.*

Vote (Men's Event): RS:X: 14; Kiteboarding: 2; Abstain: 3.

Vote (Women's Event): RS:X: 15; Kiteboarding: 2; Abstain: 2.

Minutes of the ISAF Events Committee at the 2012 Mid-Year Meeting
[http://www.sailing.org/tools/documents/2012EC0512-\[12547\].pdf](http://www.sailing.org/tools/documents/2012EC0512-[12547].pdf) (p. 4-5)

Those recommendations are a clear indication not just of the Committee's near unanimous preference for the RS:X as Olympic equipment, but also that the trials in Santander were inconclusive, and that more research and fact-checking was warranted. The role of the Events Committee was to interpret the findings of the trials and spell out their implications for the benefit of the Council. That interpretation was instrumental, because the Council is composed of members who, we postulate:

- a) have less direct knowledge of the discipline of Kiteboarding;
- b) were not privy to the details of the Kiteboarding trials;
- c) may not have had the time to read through the Reports coming out of those trials;
- d) did not have enough time to check the validity of the claims in those reports.

At the ISAF Council

It is our opinion that many Council delegates were unaware of the extreme bias of the Technical Report when they convened for the Mid-Year Meeting, and that the rush to make a decision made it impossible for them to fully analyze that report's shortcomings.

During the Mid-Year Meeting in May 2012, an early amendment is particularly revealing. Regarding the Events Committee's first recommendation to include Kiteboarding at ISAF events, the ISAF Council acknowledged that it was not fully prepared to make a decision and voted to amend it as follows:

- from: a) *The Events Committee recommends to include kiteboarding into ISAF events.*
- to: a) *The Events Committee recommends to include kiteboarding into ISAF events and/or the Windsurfing and Kiteboarding Committee to prepare a recommendation for how and when this should be achieved and report to Council in November 2012.*

ISAF Council Minutes, May 2012
[http://www.sailing.org/tools/documents/MINCO201205-\[12543\].pdf](http://www.sailing.org/tools/documents/MINCO201205-[12543].pdf) (p. 12)

This nearly unanimous amendment (0 reject, 1 abstain, 37 approve) is further evidence that important elements were missing at the time. If the 'when' and more importantly the 'how' were still unclear with respect to ISAF events, it is hard to imagine that they were clear with respect to the Olympic Sailing Competition.

Yet, the Council proceeded with "The Vote."

Reason #5: No Contract

Per ISAF Regulation,

Olympic Equipment contracts shall be agreed between ISAF and the appropriate Classes and / or manufacturers by May 1st in the year four years before the Olympic Sailing Competition. The contract shall require the Class to be an ISAF Class at the first opportunity thereafter, and, in any event, prior to the Olympic Games, and to remain an ISAF Class while it remains Olympic Equipment. In the event that ISAF is unable to agree the contract for particular Equipment, Council shall decide alternative Equipment in November of the year four years before the Olympic Sailing Competition from a list of Equipment options provided by the ISAF Executive.

ISAF Regulations 23.1.6

[http://www.sailing.org/tools/documents/2012RegulationsWebsite-\[12337\].pdf](http://www.sailing.org/tools/documents/2012RegulationsWebsite-[12337].pdf)

The decision between the RS:X and Kiteboarding was technically an Equipment decision. The ISAF Council had until November 2012 to make that decision, but at the very least, equipment contracts needed to be in place by May 1st, 2012. We're not aware that any such equipment-related contract has been signed between ISAF and the IKA Class. "The Vote" didn't even occur until May 5, 2012, four days after that deadline.

Beyond that technical argument brought about by the existence of the two odd "Board and/or Kiteboard" events, the spirit of Article 23.1.6 is clearly to have all serious manufacturers vying to supply an Olympic event declare the business conditions under which they would produce their equipment. This is absolutely essential, because it allows ISAF to develop a fully informed opinion regarding each equipment contender before making a decision. Again, we're not aware that any equipment contract was signed, by May 1st, between ISAF and the many Kiteboarding manufacturers aiming to supply Olympic equipment.

If it is confirmed that those contracts did not exist, per Article 23.1.6, "The Vote" ought to be deemed invalid and Council shall decide alternate Equipment in November 2012.

CONCLUSION

Not only was the formal equipment evaluation required under Article 23.1.3(c) of ISAF Regulations not completed, but we believe that the time-frame imposed by Article 23.1.6 for equipment contracts was not respected either. It is our technical opinion that every single one of the five key reasons outlined in this paper demonstrates that the conditions necessary for "The Vote" to take place were not fulfilled. Any one of those reasons would be sufficient, but their combined logic makes that conclusion even more compelling.

As a result, the outcome of "The Vote" is invalid.

RECOMMENDATION

The ISAF Council has an opportunity to remedy this situation and proceed with this equipment selection at its Annual Meeting in November 2012. Since this would constitute an initial equipment selection and not a change to a previously selected equipment, and since the November 2012 deadline has not passed, the provisions of Article 23.1.7 (the "75% motion") do not apply, and the vote would only require a simple 50% majority.

ACKNOWLEDGMENTS

We want to commend ISAF for the thoroughness of its documentation and for making many of its policy documents freely available on the internet. None of the above analysis would have been possible without such transparency. This is the sign of an organization that has nothing to hide and, we hope, will be eager to address the irregularities identified here.