

Statement

Unfounded allegations regarding TSE Consulting

Over the last few months, I have been the subject of a complaint brought by Group B World Sailing Council Member, Gyorgy Wossala (“**Complaint**”). The Complaint relates to a consultancy services contract World Sailing entered into with a Swiss Public Relations Agency by the name of TSE Consulting SA and alleged irregularities in its execution. On 29 October 2020, the Ethics Officer appointed by the Ethics Commission in relation to the Complaint issued her report (“**Report**”).

Unfortunately, at some point thereafter, various individuals involved have inexplicably breached the Confidentiality Order in respect of this matter by disclosing confidential aspects of this matter to the public, including the contents and outcome of the Report. As you would now be aware, the Report recommends that I am charged with breaching three provisions of the World Sailing Code of Ethics.

In light of the fact that various individuals involved have seen fit to put the Report in the public domain, it is clear that due to their actions the Confidentiality Order in this matter no longer applies. By making this statement I am therefore exercising my right of reply. In that regard, I categorically maintain that these allegations are not only vague, but also unsubstantiated, entirely without merit and are simply completely false.

It is important to clarify that, contrary to some misleading and inaccurate reports in the press, the matter is still ongoing and the charges have not been heard and I have not yet even been provided with an opportunity to respond to the Report, let alone defend the charges. As such, it was entirely inappropriate for these individuals to have disclosed any information to the public. This breach of the Confidentiality Order was clearly done for political purposes in light of the recent Presidential election, and as noted below has unfortunately been a constant theme over the last few months.

A series of groundless and politically motivated complaints against me

As members of the World Sailing community, it is important for you to be aware of the blatant disregard for due process and the principles of natural justice with which the World Sailing Ethics Commission (certain members in particular) functions – in not only this case, but also two other baseless Ethics complaints against me in the last 18 month period.

As I have explained below, 3 complaints were raised against me during the last 18 months, all entirely groundless and highly politicized in order to tarnish my reputation and influence the outcome of the World Sailing elections.

Case One.

The first of these cases was a complaint by the same complainant in Case 3 - Mr Gyorgy Wossala (along with another). An independent Ethics Officer was appointed through Sport Resolutions UK, who concluded that all of the allegations against me were entirely baseless and there was no further action to take. It is noteworthy that this procedure was initiated under a different Ethics Commission Chair John Faire, who clearly followed the procedures and regulations of World Sailing.

Case Two

The second case was a complaint by former Vice-Presidents Mr Scott Perry (who is supporting Mr Wossala in the most recent complaint) and Mr Gary Jobson. Despite the appointed Ethics Officer being clearly conflicted (and therefore not independent) and the numerous procedural violations committed by certain members of the Ethics Commission in that case (which were confirmed by the World Sailing Constitution Committee), I was issued with a warning (i.e. the lowest possible sanction which could not even be appealed) with no further action taken.

In this case, the Ethics Commission rendered a decision despite having insufficient members on the Commission (as 3 members had resigned in protest of the improper and political manner in which the Commission was being run), so the decision was *ultra vires* (not valid). Additionally, an independent witness statement was provided which clearly confirmed that the appointed Ethics Officer (Mr Josep Pla) and indeed one of the Commission members (Mr Ser Miang Ng) were conflicted and not independent. Despite my repeated complaints, the witness statement was inexplicably ignored by the Chair of the Ethics Commission, resulting the matter being overseen by individuals who had clear conflicts of interest. It is noteworthy that the Ethics Commission also breached the Confidentiality Order in this case, by releasing Mr Pla's report to the public before even the World Sailing Council or Board had been notified.

Case Three

For the sake of clarity, World Sailing's agreement with TSE Consulting ("**TSE Agreement**") was not a 'contract' pursuant to which World Sailing agreed to pay TSE a fixed sum. It was an agreement to avail their services as and when required by World Sailing, within an estimated 50-60 hours per month. Therefore, it would have been impossible to ascertain at the outset, how much the TSE Agreement was worth. TSE invoiced World Sailing for work done based on hours actually incurred, on a bi-monthly basis. This of course varied, depending on the nature and quantum of work. Invoices were approved in accordance with ruling procedures.

According to the TSE Agreement, the scope of the 'Services' provided to World Sailing was broadly defined as:

- a) Communication services (including with MNAs, media and social media);
- b) International Relations (including strategy and strategic messaging and coordination of international commitments and meetings);
- c) Strategy & Projects.

The agreement ended up running for 27 months covering two positions (EA for the President and CEO and IR manager) as agreed at the Board meeting held in Dubai on 10-11 December 2016. Later the services also covered:

- a) A questionnaire to identify strategic issues for the development of sailing and satisfaction among all MNAs (approx. 140 of them);

- b) Recovery of money owed by Gazprom, pursuant to a contract entered into by the previous World Sailing Board; and
- c) Further resources/competencies to assist the CEO, President and other functions within World Sailing in fulfilling their duties.

Each of these items fell within the meaning of 'Services' above, with the intention to outsource them to TSE, which was eventually the case.

Contrary to various reports in the press, I have never personally benefitted from the TSE Agreement and I demonstrated in detail to the Ethics Officer how the TSE Agreement was solely for the benefit of World Sailing. As such, I am at a loss to understand how the Ethics Officer has come to the conclusions that she has.

I am naturally very disappointed that the Ethics Officer has recommended that charges should be brought in this case. Nevertheless, I will be strongly defending these charges before the Ethics Commission, and likely eventually before the Judicial Board because, for the reasons set out in this statement, I have lost all faith in the Ethics Commission under its current leadership. In particular, it is remarkable that the members of the Ethics Commission who I have filed ethics complaints against continue to be involved in the determination of this matter, despite the obvious conflicts of interest and against the principles of natural justice and due process. All I am asking for is for these matters to be dealt with by an independent and unbiased Ethics Commission, which has unfortunately not occurred thus far in Case Two and Case Three.

Conclusion

Clearly, and unfortunately so, there are some within World Sailing who are intent on using the Ethics Commission as a political football and likewise, some on the Ethics Commission who are willing to oblige and 'play ball'. This will only tarnish the credibility and reputation of World Sailing as an international federation.

The non-conflicted members of the Board were recently asked by the Council to investigate the conduct of the Ethics Commission as many of its actions were not in compliance with the World Sailing Constitution Committee's guidance and directions. These Board members have also been asked to investigate why 3 members from the Ethics Commission chose to resign with reference to malpractices and conflicts of interest by the Commission (a fourth member has also since resigned). An independent officer has investigated proceedings by the Ethics Chair and has confirmed various malpractices (including the Commission acting *ultra vires*, ignoring conflicts of interest and breaching confidentiality), resulting in a suspension of all Ethics proceedings and a handing over to the new Board of World Sailing to take action.

I have also issued my own ethics complaint against certain members of the Commission, ironically, in respect of their unethical behaviour and procedural malpractice. After more than a month, the Commission is still to appoint an Ethics Officer to investigate those Commission members' actions.

While I consider the appropriate next steps in light of the Ethics Officer's report in Case Three, I wish to emphasise to all members of the World Sailing community that I have always sought to discharge my duties as President with utmost integrity, to the highest standard and entirely for the benefit of World Sailing.

Kim Andersen