



USA Weightlifting
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Monday April 19, 2021

The Interim President and Members of The Executive Board
International Weightlifting Federation
Maison du Sport International
Av. De Rhodanie 54 Switzerland-1007,
Lausanne
Switzerland

Dear Dr Irani and Executive Board Members,

Reform and Governance Commission (“RGC”)

We the undersigned, demand the immediate re-instatement of the RGC independent members, in order they may complete their valuable work in aid of reform in the IWF.

We refer to the official IWF press release issued by IWF on 1 April 2021 referring to “*key outcomes of recent decisions*” taken by the IWF Executive Board (“the Executive Board”).

Some of those decisions related to the issue of governance reform.

According to the press release, with respect to the issue of governance reform “...30 June has been set as the date for the rescheduled IWF Constitutional Congress. It will be held online. With the closing date for Member Federation feedback on the proposed draft constitution now passed.”

No mention is made in the press release of the abolition of the Reform and Governance Commission (“the RGC”). However, we understand from an article appearing on the website [www.insidethegames.biz](https://www.insidethegames.biz/articles/1106291/iwf-disbands-reform-commission-early) at <https://www.insidethegames.biz/articles/1106291/iwf-disbands-reform-commission-early> and indeed from independent members of the RGC themselves that the work of the RGC with respect to governance reform has been halted and the Commission disbanded.

We understand that the Executive Board has decided to create a new constitutional taskforce and that the independent experts on the RGC have been informed that their services are no longer required at the end of their existing mandate date. We also understand that, as a result, the final version of the Constitution to be presented to the IWF Congress will be approved by the IWF Board with no further input from the independent specialists who were appointed to create it, in particular from the RGC, Mr. Darren Kane (Australia).



We do welcome that we understand an athlete will form part of this task



Member, U.S. Olympic Committee



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force, and compliment this thought, which formed part of the original RGC Terms of Reference agreed in June 2020, while the original independent selections included a prominent Athlete with experience on the WADA Athlete Committee together with two leading legal minds.

This in itself is a very questionable decision, given their expertise on the issues in question, and once again puts our sport in a negative perception publicly, while not taking advantage of the independent expertise that the Executive Board itself recognized.

What is more mystifying is the fact that the independent members of the RGC, and hence the RGC itself, had not completed their work. As you are aware, the independent members were collating various comments and proposals on the draft Constitution received from the IWF Members. These comments and proposals were due to be considered and presented to the full RGC, with the result that further amendments were likely to be made to the draft Constitution created by the independent members and subsequently approved by the RGC itself. The independent members of the RGC have expressed their surprise and disappointment that they could not complete this important work, and rightly so.

We share that surprise and disappointment and question the rationale for the decision by the Executive Board.

The work of the RGC

The RGC was established by the Executive Board in June 2020. The composition of the RGC maintained all of the members of the previous Oversight and Integrity Commission (OIC) and added representation from all continents. On 22 October 2020 the IWF appointed the three (3) Independent Members referred to above to the RGC.

The very purpose of the RGC was to consider governance reforms with the overall mandate of conducting a comprehensive review of the IWF's governance structures, practices, policies, and procedures (including all decision-making positions and bodies) and identify what changes are required to ensure that the IWF governance framework complies with the highest standards of good governance in international sport.

To accomplish this said purpose, the Executive Board of the IWF approved Terms of Reference (TOR) establishing among other items its composition, mandate and operations of the RGC. The TOR were later amended by the Executive Board on 20 November 2020 upon the request of the independent RGC members.

In accordance with its mandate and the TOR, the independent members of the RGC have undertaken detailed research and consultation with various stakeholder groups within the sport of weightlifting, including without limitation members of the Executive Board, representatives of national federations, athletes and athletes support personnel. The RGC has also undertaken a detailed review of available documents and policies, including the current IWF statutes, materials supplied by the IWF,





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materials supplied by the Association of Summer Olympic International Federations (ASOIF) and otherwise.

Based on the above work, and as is clearly evident from the Governance Report to the RGC dated 9 February 2021, the independent members of the RGC, and the RGC itself, have worked hard over the last few months to produce a number of reform proposals which are contained in the new draft Constitution. Whilst the new draft Constitution is not necessarily perfect in our view, it is a big positive step forward for the IWF and has been widely endorsed by the IWF Members.

If in fact the reports are true that the work of the independent members of the RGC, and the RGC itself, has been abandoned (or their mandate simply not extended) at this stage such that they cannot complete their work - and there is no obvious reason to doubt these reports given that they have been verified by the independent members - then in our view such a decision would be not only wholly inappropriate and irrational in the circumstances, it would be unconstitutional. The reasons for our conclusions in this regard are set out below.

Failure to Act in Accordance with the IWF Statutes

(a) The Constitution and By-laws

According to Article 1.1.3 of the IWF Constitution ("the Constitution"):

"The IWF may adhere to or cooperate with institutions and organisations sharing similar values and goals as those of the IWF described herein."

These include the values and goals of the IOC, the concerns of which have been set out in a recent letter to IWF (referred to further below).

Article 2.1.1 of the Constitution states that:

"The objective of the IWF is to govern the sport of weightlifting throughout the world, in accordance with the principles of democracy, good governance and transparency."

In the same vein, Article 2.1.2(n) of the Constitution requires that, to achieve its objectives, IWF must:

"...represent the sport of weightlifting and protect its interests within the Olympic Movement and the international sport community."

Article 2.2.1 of the Constitution requires that:

"Through its activities, the IWF complies with the fundamental principles of Olympism."





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and Article 2.2.3 of the Constitution requires the IWF to “safeguard common interests”
“ensure mutual respect” between the IWF and its members.

Article 3.9.1 of the Constitution provides rights (and concomitant obligations) on the part of the Executive Board as follows:

“Apart from the measures and sanctions provided in this Constitution, the Executive Board may take any appropriate decisions for the protection of the sport of weightlifting, including suspension of Full, Provisional and Associate Members, if the constitution, law or any other regulations in force in the country concerned, or any act by any governmental or other body causes the activity of the member or the making or expression of its will to be hampered.” (our emphasis)

Article 6.3 of the Constitution states that: *“Commissions shall work as required by their assigned tasks; by form of meeting(s) in person and/or by electronic means.”*

By-law 4.2 to the Constitution in turn imposes a positive duty on the Executive Board to act in the best interests of the sport:

“The Executive Board decides on all matters concerning the sport of weightlifting and its organisation, including financial matters, in the best interest of the sport.”

In taking a decision which prevents the independent members of the RGC, and the RGC itself from completing its important work, the Executive Board has acted contrary to its own Constitution and By-laws and hence unconstitutionally, for the following reasons:

- It has not acted *“in accordance with the principles of democracy, good governance and transparency”*;
- It has not acted in a manner which will *“represent the sport of weightlifting and protect its interests within the Olympic Movement and the international sport community”*;
- It has not acted in a manner which is compliant or consistent with the values and goals of the IOC;
- It has not acted in accordance with the *“fundamental principles of Olympism”*;
- By failing to allow the RGC to properly consider and incorporate the views and proposals of the IWF Members in providing a further draft of the Constitution, it is not safeguarding common interests or acting in a manner which is respectful to the IWF Members, as required;
- It has not taken *“appropriate decisions”* to protect the interests of the sport; indeed, we submit that such a decision is wholly inappropriate in the circumstances;
- It is not allowing the RGC to complete its assigned task, as required by Article 6.3 of the Constitution; and
- It is not fulfilling its duty to *“act in the best interests of the sport”*.

The above is exacerbated because of the very importance of the work being conducted by the RGC. Without doubt, such critical work goes to the root of the ability of the IWF to function effectively, and as importantly retain our place on the Paris 2024 programme.





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Moreover, By-law 12 of the Constitution sets out various ethical principles which support the IWF Code of Ethics and by which the Executive Board members are bound. These include, but are not limited to, the following:

“Fairness: Operating within the spirit of the rules, never taking an unfair advantage and making informed and honourable decisions at all times.

Respect: Recognizing the contribution which people make to sport, treating them with dignity and consideration, as well as caring for the property and equipment they use.

Integrity: Comprising the personal inner sense of “totality” deriving from honesty and consistent respectability of character.

Equity: Practicing fairness and applying social justice to all situations and decision making processes. Ensuring that all individuals are respected, have equal opportunities and have their rights protected.

Transparency: This is a fundamental principle of any form of modern governance.”

(our emphasis)

Article 1.3.2 of By-law 12 states that:

“The Parties shall use due care and diligence in fulfilling their mission. They shall, on all occasions and to the best of their ability, serve the interests of weightlifting and IWF. They shall refrain from any behaviour which might jeopardize weightlifting, and they must not act in any manner likely to tarnish the reputation of IWF.” (our emphasis)

(b) **EDC Interim Rules**

In addition to the above, the Executive Board has failed to act in accordance with the EDC Interim Rules which form part of the IWF governing statutes and which took effect on 8 February 2021.

Article 111 of the EDC Interim Rules requires that those bound by such rules, which include the members of the Executive Board, must comply with, and implement, the governance principles of:

“(a) Democracy; (b) Transparency; (c) Accountability; (d) Fair play; (e) Sportsmanship; and (f) Clean sport.” (“the Governance Principles”)





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Article 114 of the EDC Interim Rules states that:

“114. Any person or organization bound by this Ethics and Disciplinary Code of Ethics must at all times:

(a) comply with all applicable rules, including – but not limited to – the Governance Principles and the fundamental principles of Olympism;”

(c) not engage in any conduct which is detrimental to, brings into disrepute or is materially inconsistent with the best interests or welfare of the Federation, the Sport, the Olympic Movement, the members of the Federation as a collective or the person or organization concerned;”

Clause 118 of the EDC Interim Rules requires that:

“118. Conflicts of interests : Officials shall not perform their duties in case of an existing or potential conflict of interest. A conflict of interest arises if a person bound by the Ethics and Disciplinary Code has, or appears to have, secondary interests that could influence his ability to perform his duties in an independent manner. Secondary interests include, but are not limited to, gaining any advantage for the persons bound by this Code themselves or other, related parties. Conflicts of interest shall be immediately disclosed and notified to the organisation for which the person bound by the Ethics and Disciplinary Code performs his duties.

... They must use due care and diligence in fulfilling their functions of office.”

Article 120 of the EDC Interim Rules requires that:

“Persons bound by the Ethics and Disciplinary Code shall not abuse their position in any way, especially to take advantage of their position for private aims or gains. Officials bound by the Ethics and Disciplinary Code shall never attempt to improperly influence the outcome of any official Decision.”

In taking a decision to prevent the RGC from completing its important work, in particular by failing to allow the RGC the opportunity to properly consider and incorporate the views of IWF Members in producing a further revised draft of the new Constitution, the members of the Executive Board have failed to act in accordance with By-law 12 of the Constitution and the EDC Interim Rules, for the following reasons:

- they have not made a fair and honourable decision;
- they have not treated the members of the RGC, particularly the independent members of the RGC with respect, dignity and consideration as required;
- they have not acted consistently (indeed have acted irrationally) from a process point of view;
 - they have not afforded IWF Members an equitable opportunity to have their views properly considered by the RGC and incorporated into the new Constitution;



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- they have not served the greater interests of weightlifting as required;
- they have not acted in accordance with democratic principles;
- they have failed to act in accordance with “the fundamental principles of Olympism”
- they have engaged in conduct which is “*detrimental to, brings into disrepute or is materially inconsistent with the best interests or welfare of the Federation*” and the sport of weightlifting;
- given that there are persons on the Executive Board who stood to be personally and detrimentally affected by certain provisions in the proposed new Constitution (and some of the proposed changes to the new Constitution), and given that we very much doubt that these persons did not either (a) declare their interest in taking this decision or (b) refrain from voting with respect to the decision, we suspect that a breach of By-law 12 and Articles 118 and 120 has also occurred.

Accordingly, by copy of this letter, in accordance with Article 38 of the EDC Interim Rules we hereby lodge a complaint to the EDC Secretariat and ask them to lodge an investigation into “*actual or suspected breaches or violations of any of the provisions of the Ethics and Disciplinary Code*” and the principles set out in By-law 12 to the IWF Constitution.

Non-compliance with IOC imperatives

We refer to the letter dated 24 February 2021 from the Director-General of the IOC with respect to various anti-doping and governance reforms.

As you and the Executive Board members are already aware, the IOC is already greatly concerned by the lack of good governance that IWF has shown in recent times. Indeed, this is a matter of public record.

In that letter, with respect to the issue of governance the IOC goes so far as to remind IWF of its “*strong concerns around the clear lack of change in IWF culture and transparency*”.

The IOC concludes by stating in its letter as follows:

“Based on these considerations, the IOC Executive Board recognised that there have been no significant changes to the culture and leadership of the IWF and no reason to reduce the strong concerns of the Board.

If the above-mentioned concerns are not addressed in a satisfactory and timely way, the IOC Executive Board confirmed it will have to review the place of weightlifting on the programme of the Olympic Games Paris 2024 and future Olympic Games.

Additionally, the IOC Executive Board may reduce the quota of IWF officials present at the Olympic Games Tokyo 2020.”





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With respect, the views of the IOC are clear for all to see.

In the context of this letter, the actions of the Executive Board in preventing the RGC from completing its important work on governance reform is all the more astonishing.

This decision will not be viewed favorably by the IOC. On the contrary, it will only serve to increase its existing levels of concern, thereby placing the already tenuous future of the IWF on the Olympic programme, in greater doubt.

Accordingly, the decision of the Executive Board is contrary to the greater interests of the sport, the IWF, its members and athletes worldwide. It places the IWF further into disrepute.

Moreover, with references to the various ethical rules set out in the IWF Statutes referring to Olympism, it amounts to a direct breach of those principles.

We ask the EDC Secretariat to consider the alleged breaches of By-law 12 and Code of Ethics in the context of the letter from the IOC, the contents of which are undoubtedly material given their significance.

Swiss law

Notwithstanding the alleged ethical violations which need to be examined by suitably independent members of the EDC, the Executive Board's lack of compliance with the provisions of its own statutes in taking this decision, as described above, is a violation of Swiss law.

Sports governing bodies are bound to comply with their own statutes under Swiss law.

In particular, the actions of the IWF Executive Board are subject to the provisions set out in Article 60-79 of the Swiss Civil Code (SSC). Article 75 of the SCC, which cannot be overridden by the association's own rules, grants members the right to submit decisions of the association's bodies to an independent and impartial judicial authority.

Actions required of IWF

Given the grave concerns that we have as regards the decision apparently taken by the Executive Board on or about 1 April 2021, in accordance with Article 6.3 of the Constitution we require the following information from IWF:

1. Details of the recent decision that was taken by the Executive Board as regards the work and status of the RGC with respect to governance reform;
2. Details of when this decision was made;
3. Details of how this decision was made;
4. Minutes of the meeting at which the decision was made; and
5. Reasons in writing for the decision that was made.





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Given both the importance and time-critical nature of this decision, and its consequent impact on the IWF, its governance, its Olympic status and the sport of weightlifting in general, we require the above information by no later than close of business Swiss time on **26 April 2021**.

In the light of the above, we urge the Executive Board to reconsider its decision as soon as possible and reinstate Mr. Kane and his fellow independents. As is already evident from the article on www.insidethegames.biz, such decision has ostensibly already placed IWF in a poor light, at a time when it needs to be seen to be significantly improving its governance. Moreover, it is a matter of great irony that the IWF, in attempting to address significant issues of governance, has abandoned the work of the independent governance experts appointed to assist it with the very governance reforms that need to be made. This will not be lost on the IOC.

We ask that the Executive Board will allow the RGC to complete its work, so that the important reforms can be properly considered and implemented for the betterment of the sport. In the interim, we feel obliged to record that all our rights, including our rights to approach the Swiss courts on an urgent basis for appropriate relief, are strictly and expressly reserved.

Yours in Sport

The Weightlifting Federations of:

United States of America

Canada

Great Britain

Germany

Yours Sincerely,



Member, U.S. Olympic Committee



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