

INTERPRETATION 003-22

REQUEST FOR INTERPRETATION FROM THE IKA FORMULA KITE CLASS SECRETARY GENERAL

Question

The request is for clarification on nationality and citizenship, and how to prove either, in order to determine acceptable entries for an Olympic Class World Championship.

Also, whether there is a difference between a passport and a certificate of citizenship.

Answer

There is no formal definition of National or Citizen in either the Olympic Charter or the World Sailing Regulations.

In both Rule 40 and Rule 41 of the Olympic Charter and World Sailing Regulation 19, the term used is nationality not citizenship. However, in International Law, the two phrases are generally interchangeable. Nationality is obtained not merely by inheritance or birth, and it can also be acquired through residence, marriage, purchase etc.

The Class are seeking clarification on how a competitor proves they are eligible to compete for the country which has entered them for an Olympic Class World Championship.

Regulations 19.8 to 19.18 apply only to the world, continental and regional championships of the Olympic Classes and to World Sailing Events.

Regulation 19.9 provides "A competitor shall be **a national of the country he represents.**"

In order to prove nationality, the acceptable proof is usually a passport, however a certificate of citizenship would also suffice.

A competitor who resides in another country is also covered in Regulation 19.11

"A competitor who is a resident of a country in which he is not a national, shall be regarded as a national of that country, for the purposes of this Regulation, if he holds a residency certificate issued by the Chief Executive Officer."

This would be required if there was no passport or certificate of citizenship.

Under Regulation 19.12 "The Chief Executive Officer may issue a residency certificate upon application from a competitor if all the following conditions are satisfied in the opinion of the Chief Executive Officer:

- (a) **the competitor has been ordinarily resident in the country for more than three consecutive years;**
- (b) **the competitor has been a member of the Member National Authority of that country (or a club or organization affiliated to that Member National Authority) for more than three consecutive years; and**

- (c) *the competitor has not represented another country within the last three years* (the Board may reduce this period)."

(Highlighted and underlined text World Sailing emphasis)

In order to obtain a residency certificate, the acceptable proof would be passport showing entry and exit stamps or residents visa, proof of identity, proof of address, proof of length of time at the address, bills sent to that address etc, letter from employer in that country, letter from GP, etc but that documentation will need to go back three years. The UK government provides this guidance for nationality applications [Annex A: documentary evidence of continuous residence in the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/annex-a-documentary-evidence-of-continuous-residence-in-the-uk) this is indicative but not exhaustive and also note that World Sailing processes are not as onerous as the UK government.

The Member National Authority (MNA) is responsible for securing proof of eligibility of the athlete before submitting the entry, not the Class because the MNA must establish 'World Sailing Eligibility' under Regulation 19.4:

- "(a) *membership of his/her Member National Authority by (i) being a national or ordinarily a resident; or (ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership; and*
- (b) *he/she is registered as a 'World Sailing Sailor' on the World Sailing Website."*

The Regulation also makes provision for change of nationality, dual nationality and for exceptional circumstances and/or disputes to be addressed by the World Sailing Board.

In the circumstance where a sailor has both a passport and a certificate of citizenship from different countries, World Sailing would consider that sailor to have dual nationality.

Both documents would be sufficient to establish entry for that country provided that the relevant sailor has not competed, as an adult, for the other country within 3 years.

Regulations 19. 13 provides:

- "(a) *a competitor who is a national of two or more countries at the same time may represent either one of them as he may elect (this election may be made once only); and*
- (b) *after representing one country, a competitor shall not represent another country."*

Regulation 19.14 provides:

"A competitor shall not be regarded as having represented a country unless he is at least 16 years of age at the time."

Regulation 19.15 provides

"A competitor who has represented one country and who has another nationality, has changed his nationality, or has acquired a new nationality shall not represent his new country unless:

- (a) *he has not represented his old country within the last three years; and*
- (b) *at least three years has passed since such change or acquisition.*

The World Sailing Board may, after taking into account the circumstances of each case and with the agreement of the Member National Authorities concerned, reduce or cancel the three-year periods referred to in (a) and (b) above."

For ease the 2022 World Sailing Regulations can be found on the World Sailing website:

<https://www.sailing.org/inside-world-sailing/rules-regulations/constitution-regulations/>

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Chairman Constitution Committee



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