

ISAF Regulation 19

Nationality Criteria

A submission from the Executive Committee

Purpose or Objective

To simplify and clarify the rules concerning nationality representation

Proposal

With effect from 1 January 2017, delete Regulations 19.8 through to 19.13 and replace as follows (and renumber the remainder of the Regulation):

Nationality Criteria

~~19.8 When participating in an ISAF Event, a competitor must be a national of the Member National Authority that enters him or that he represents as determined under the guidelines set out in 19.12 below. However, the Notice of Race may specify that Regulation 19.8 does not apply to crew substitutes.~~

~~19.9 The following wording shall be included in the notice of race and sailing instructions:~~

~~“Any competitor in the championship must be a national of the country of the Member National Authority which is entering him/her or which he represents.”~~

~~19.10 All applications or disputes relating to the determination of the country that a competitor may represent in the championship shall be determined by the Executive Committee.~~

~~19.11 The requirements of Regulation 19.8 shall not apply to competitors participating in the ISAF Open Match World Racing Championship, ISAF Women’s Match Racing World Championship or the ISAF Offshore Team World Championship.~~

19.8 Regulations 19.8 to 19.19 apply only to the world, continental and regional championships of the Olympic Classes and to ISAF Events, except:

(a) ISAF Open, Women’s and Youth Match Racing World Championships;

(b) ISAF Team Racing World Championship; and

(c) ISAF Offshore Team World Championship.

19.9 A competitor shall be a national of the country he represents but this does not apply to crew substitutes if the notice of race so specifies.

19.10 For the purpose of Regulation 19, the country a competitor represents is either the country of:

(a) if applicable, the Member National Authority that entered the competitor into the event; or

(b) if Regulation 19.10(a) does not apply, the national letters of the sail number of the boat that he races on at an event to which Regulation 19.8 applies.

~~19.12 On application, the Executive Committee may grant exemptions to Regulation 19.8 in case of a competitor being a permanent resident of the country he wishes to represent. The following conditions will apply:~~

- ~~(a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;~~
- ~~(b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;~~
- ~~(c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (ISAF), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.~~

Residents in other countries

19.12 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.

19.13 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 Executive Committee may reduce this period).**

Nationality Criteria Guidelines

~~19.13 Based on the criteria used by the IOC for the Olympic Games and ISAF policy, the following guidelines shall be used by the Executive Committee in assessing an application or dispute:~~

- ~~(a) A competitor who is a national of two or more countries at the same time may represent either one of them, as he/she may elect. However, after having represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships recognized by the ISAF, he may not represent another country unless he/she meets the conditions set forth in Regulation 19.12 that apply to persons who have changed their nationality or acquired a new nationality.~~
 - ~~(b) A competitor who has represented one country in the Olympic Games, in ISAF events, in continental or regional games or in world or regional championships~~
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~~recognized by the ISAF, and who has changed his nationality or acquired a new nationality, shall not participate in any of the events referred to above in this paragraph to represent his new country until three years after such change or acquisition. The Executive Committee may after taking into account the circumstances of each case, and with the agreement of the Member National Authorities concerned, reduce or cancel this period.~~

- ~~(e) If a part of an existing country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country recognized by the IOC, Regulations 19.12(a) and (b) shall not apply and a competitor may:~~
 - ~~(i) continue to represent the former country if he remains a national of that country; or~~
 - ~~(ii) represent the new country of the country into which the newly independent territory has been incorporated provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country; and~~
 - ~~(iii) the choice provided for in this paragraph may only be made once in respect of such change in national status.~~
- ~~(d) In all cases not expressly addressed in these Regulations, in particular those cases in which a competitor would be in a position to represent a country other than that of which he/she is a national, or to have a choice as to the country which he/she intends to represent, the Executive Committee may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the competitors, including the duration of any waiting period.~~
- ~~(e) In the instance of applications that need to be decided in haste, possibly shortly before the start of a championship, the Executive Committee shall nominate two individuals to determine applications/disputes on its behalf for the specific championships only.~~

Dual nationality and nationality changes

19.14 Unless Regulations 19.15 to 19.18 apply:

- (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.**

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

19.16 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 have passed since such change or acquisition.**
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The ISAF Executive Committee 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.

19.17 If a part of an existing country (such as an associated state, province or overseas department, country or colony) acquires independence and becomes a new country, or is incorporated into or is associated with another country, a competitor may:

- (a) continue to represent the former country if he remains a national of that country; or
- (b) represent the new country provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country.

The choice provided for in this Regulation may only be made once in respect of such change in national status (subject to Regulation 19.16) and shall be notified to the Chief Executive Officer. The country a competitor represents must be recognised by the International Olympic Committee.

19.18 In exceptional circumstances, the ISAF Executive Committee may make decision(s) of a general or individual nature concerning any question of nationality (including authorising a change of nationality not otherwise permitted), and in particular may issue specific requirements relating to nationality, citizenship, domicile or residence, and any applicable waiting periods.

Determination of nationality and disputes

19.19 All applications or disputes under Regulations 19.8 to 19.18 shall be determined by the ISAF Executive Committee. An alleged breach of Regulations 19.8 to 19.18 shall not be grounds for a protest and RRS 63.1 does not apply. The penalty for a breach shall be at the discretion of the Committee. The Committee may delegate authority to make decisions to a panel consisting of the Chief Executive Officer and at least one Vice President.

Current Position

Current Regulation 19

Reasons

1. The Executive Committee has seen an increased number of nationality applications and disputes which it believes can be resolved by clarifying and re-wording the current nationality rules.
 2. Nationality issues for Olympic classes should be determined by reference to participation in Olympic classes only and ISAF events (e.g. a FRA Olympic 470 sailor who may sail aboard an ITA sail numbered Melges 32 should not encounter a nationality issue).
 3. For non-Olympic classes, ISAF should not impose any nationality rules except for its own events (i.e. the ISAF Youth Sailing World Championships). The nationality rules applying to
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competitions at non-Olympic level should be left to organizing authorities and classes to determine for their own events through notices of race.

4. The rules on changing nationality should not take into account a competitor's racing history whilst under 16 years old. The focus should be on allowing young competitors to compete and not placing barriers in their way. However, once a competitor reaches 16 years old, he or she should be expected to commit to a certain country.
 5. ISAF has consulted with the IOC in preparation of this submission.
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