

SPORTING LICENCES AND NATIONAL REPRESENTATION IN FAI

BACKGROUND

- The current rules in the General Section (GS 8.1.3.6.) make no clear distinction between the holding of a FAI Sporting Licence and National Team membership. Implicitly, a person who holds a Sporting Licence from a certain country is assumed to represent that country in any FAI sporting activity in which he participates.
- The rationale for the “3 year rule”, which prohibits a person from representing a new country in 1st Category competitions for a period of 3 years after representing his original country, is unclear. Also, the method used to calculate the 3-year period is not made explicit in the rules and is a matter for controversy.
- The existing rules discriminate unfairly against persons with dual nationality, treating them less favourably than someone with only one passport who merely resides in a country of which he is not a citizen.

AIM

The aim of this paper is to provide a basis for CASI to make decisions on how the General Section rules may be revised in such a way that the shortcomings listed above are eliminated.

DISCUSSION

Issue of Sporting Licences

The FAI Sporting Licence is the document that allows FAI to maintain control over international air sport. It is therefore vitally important. No person should be permitted to hold two or more licences from different countries simultaneously.

Citizenship should take priority over place of residence. If a person possesses a valid passport, he should be entitled to hold a Sporting Licence from the country that issued the passport, regardless of where he lives.

However, there must also be provision for a person who lives in a country of which he is not a citizen to hold a Sporting Licence from that country (having first surrendered the Licence from his country of citizenship), if he so wishes.

Representation

The mere fact that someone holds a Sporting Licence should not necessarily mean that he is considered to be a member of the National Team of the country concerned whenever he participates in a FAI air sport activity.

Two examples:

- a) There are several hundred 2nd category international competitions on the FAI Sporting Calendar every year. In the great majority of cases, anybody with a valid FAI Sporting Licence may enter these competitions. The entrants usually participate as individuals at their own expense, and are not subject to any process of team selection by their national federation.
- b) Several hundred world record attempts take place annually purely on the initiative of individuals. A Sporting Licence is rightly necessary for such attempts to be ratified, but in no real sense can the persons who attempt these records be said to be truly representing their country when they make the attempt (although of course the country may bathe in reflected glory if the attempt is successful). This is particularly the case when an international team sets a record (e.g. Largest Formation in parachuting; International Space Station records in Astronautics).

The relevant current rule (GS 3.7.2.1.) states: “In international sporting events, a competitor represents the NAC that issued his FAI Sporting Licence, unless he belongs to an international team.” This rule makes no mention of world records, and fails to differentiate between 1st and 2nd Category sporting events (competitions), notwithstanding the fact that GS 3.10 clearly distinguishes between the two types of event in terms of the involvement of NACs. (It is only entry applications for 1st Category events that have to be made through NACs; individuals can apply directly to enter 2nd Category events). There is no rule anywhere else in the GS stating who world record-breakers represent.

The criterion for a FAI Sporting Licence holder to be considered to be “representing his country” should surely be that his NAC (or affiliated national federation) has selected him to be a member of the National Team. This is why 1st Category event organisers are required only to accept entries from NACs and not from individuals (GS 3.10). If CASI Members agree, the General Section should make quite clear that FAI Sporting Licence holders only represent their country when competing in FAI 1st Category competitions.

However, the NAC that issues a Sporting Licence naturally remains responsible for ensuring that the holder respects the provisions of the FAI Sporting Code, regardless of the status of the sporting activity in which he participates. Also, the appropriate NAC should of course remain responsible for ratifying as National Records the performances made by their own sporting licence holders (GS 6.4.1.).

The 3-Year Rule

The reason for the “3-year rule” is not made explicit in FAI rules, but probably has to do with the wish to prevent “sports tourism” and “flags of convenience”. It would bring the FAI into disrepute if we allowed top competitors who were dropped from their national teams immediately to start representing another country by establishing a residence there. However, not all international federations have this rule. Some – even Olympic - international federations require only a one-year period of quarantine. Three years is a very long time in the career of elite sportsmen. It is for consideration whether the period could be shortened without significant disadvantage to any parties (FAI, NACs or competitors), perhaps by relating it more closely to the intervals between World Championships (generally 2 years), and writing the rule in such a way that a competitor cannot represent different countries in 2 consecutive World Championships.

For the avoidance of controversy, the calendar year could be used as the basis for calculation of the banned period. For example, the rule could be written in such a way that, if a competitor represented Country “A” at any 1st Category competition that took place in (or partly in) the calendar year 2005, he would be totally banned from participation in 1st Category competitions as a National Team member of Country “B” in the calendar year(s) 2006 (and 2007, 2008..., depending on the length of period selected).

Dual Citizenship

If a person is a citizen of two or more countries, it seems reasonable that he should be permitted to hold a Sporting Licence from the country of citizenship of his choice, and represent that country in 1st Category events, regardless of where he lives. Furthermore, if he wishes to change to another of his countries of citizenship, he should be permitted to do so (perhaps once only) without any residency requirements being imposed. However, in these circumstances the “3-Year rule” (or whatever revised limitations are decided on for non-citizen residents) should also apply, unless the change of state of sporting licence issue is linked to a change of residency. (Example: A person holds both Swiss and Austrian passports and lives in Switzerland. He decides to change from a Swiss to an Austrian Sporting Licence, but remain resident in Switzerland. The “3-Year rule” will apply. However, if the change is associated with a move of house to Austria the “3-Year rule” will not apply.)

CONCLUSION

Current FAI rules on Sporting Licence issue and national representation are confusing, unclear and in some respects unfair and unnecessarily harsh. They need to be substantially revised. The principles on which the revision is based should be:

1. A clear distinction between holding a Sporting Licence and National Team membership.
2. An uncontroversial method for defining the period during which a person is banned from representing a new country.
3. Consideration of shortening the banned period from 3 years to 1 or 2 (calendar) years.
4. Dual citizens to be treated fairly and the rules to be made more explicit.

RECOMMENDATIONS

At Annex A is a suggested re-draft of the rules in GS 3.7.2.1. and 8.1.3.6., based on the above principles.

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