

Arbitration: World Croquet Federation (WCF) 2009 / 002
Rutger Beijderwellen (RB) v World Croquet Federation (WCF)

7th May 2009.

Panel:

David Openshaw - President - Chairman
Charles Jones (QSM JP)
Carole Jackson
Rhys Thomas
Keith Aiton
Brian Storey
Rutger Beijderwellen (RB) (part)

Change of sport nationality

Representation of players at WCF Singles Championships

Statelessness

Non-member players

Interpretation of the requirements of WCF Statute: Article 303, relating to: "qualified".

Findings:

By a unanimous decision, the WCF Appeal Panel has decided that, following the request by RB for clarification of his representative status he is classed as Dutch and will represent the Netherlands in the 12th WCF World AC Championship 2009, thereafter normal qualification rules will apply.

By a unanimous decision, the WCF Appeal Panel has decided that, except in the most exceptional circumstances, no player shall be classed as "Stateless".

By a majority, the WCF Appeal Panel has decided that players do represent their relevant country in any WCF Singles event.

By a majority, the WCF Appeal Panel has decided that players from non-member countries do represent that relevant non-member country in any WCF Singles event.

The Facts

1. A situation had developed regarding the qualification status of player Rutger Beijderwellen (RB) and how WCF treats players that may otherwise have no previous declared allegiance to a country.
2. The circumstances are that RB has made himself available to play for England in the forthcoming "Home Internationals" Tournament. It is an International event controlled by a participating National Governing Body, played annually between England, Scotland, Wales and Ireland. The event is scheduled to take place in June 2009. The current WCF World Championship concludes on 17th May 2009. RB would be tied to any country he represented in the WCF World Championship for a period of 13 months from that date. Such representation would therefore have an effect upon his eligibility to play for any other country until that 13 month period had elapsed unless renewed by subsequent representation in that period.

3. RB was born in the Netherlands to Dutch parents and has lived in England for the last 8 years. By WCF Statute he is qualified to play for Netherlands by birth and parentage and for England as he has been a permanent resident of that country for a period of 12 months immediately prior to the WCF World Championship.
4. In relation to the WCF World Championship, RB was specifically invited to play in the event by WCF as at that time as he could not be nominated by a member association for direct entry or wild card consideration as either he was “stateless” or fundamentally a Dutch national from previous indication given by him to WCF in 2005. However, the Netherlands does not have a member association affiliated to the WCF.
5. The Meeting heard from RB that he wished to be classed as “stateless” for the 2009 World Championship. If that was not possible, he wished to represent the Netherlands despite them not having a member association.

At this point RB left the meeting

6. The meeting then considered the following questions:
7. Are these circumstances “unusual” within the meaning of WCF Statute 303.4 and hence capable of resolution within the terms of that Article?;
8. What effect, if any, would there be if, or is it desirable that, any player is classed as “stateless”?
9. In single WCF events, does a player represent a country or themselves?
10. Can a player represent a country in a WCF or International event that does not have a member association affiliated to WCF?

Unusual

11. The meeting considered that the matter was unusual within the meaning of WCF Statutes in that it was peculiar to only one player who may otherwise may be disadvantaged in the future should his qualification and representation not be clarified.

Stateless

12. The meeting heard that in 1991, Reg Bamford had been assessed as “stateless” for the purposes of the 1991 WCF World AC Championship due to him being a representative of South Africa, which at that time was governed by an apartheid regime which was generally classed as unacceptable within the wider world sporting community.
13. In 2008 Mike Jenner who was born in England but who had lived in the USA for a number of years, and had played for them, wished to play in the 2008 WCF World AC Championship. The USCA was willing to nominate him for direct entry but Jenner has subsequently moved his permanent residence to Australia but he had been a permanent resident there for less than 12 months. (At that time, the WCF Statute requirement was to be a permanent resident for three years). Jenner indicated he wished to qualify for representation of Australia in the future.
14. He had played for USA in the 2005 World Championship ending on 14th August 2005 and was subsequently tied to that country for three years from that date. The 2008 event was due to start on 2nd February 2008.

15. As a consequence Jenner was qualified to play for England due to birth and parentage, was not qualified to play for USA as he had not been a permanent resident there for a period three years prior to 2nd February 2008 and was not qualified to play for Australia for similar reasons. It was also known that the time limit of three years was to be debated to be reduced to 12 months at the WCF Council Meeting on 6th February 2008 where it was genuinely expected that it would pass. (It was so adopted at that meeting).
16. In effect Jenner could only represent England, a country to which he had no affiliation for a number of years. On that basis he would be denied entry to the event.
17. The WCF had considered that the matter was unfair to Jenner taking into account all the circumstances. As he was also a strength player who would enhance the WCF World Championship he was offered and he took up a "stateless" position in the event. He actually later withdrew prior to the commencement of the event due to injury.
18. In discussion it was agreed that the instances of a "Stateless" position were small and limited to the individual circumstances of cases. They would be rare occurrences. However it was also agreed that it was not desirable to allow such a position where it was apparent that a player could represent a country legitimately or there was no perceived unfairness either to the relevant player or a member association.

Singles events

19. The meeting confirmed the long standing arrangement that players in WCF singles events do represent a country subject to their qualification for that country and that they do not represent themselves. The meeting were conscious that a proposal has been made to alter the process of nominations for such events and that this position may be reversed by the WCF Council.

WCF Membership affiliation, qualification and representation

20. The meeting heard that there was a body of thought that was uncomfortable with a position where a player could represent a country that did not have a croquet association affiliated to WCF.
21. In discussion, the majority nevertheless felt and the committee confirmed that non membership of WCF was not a bar to representation for that country.