REPORT

FINA APPOINTED TASK FORCE

PART 2 – OPEN WATER SWIMMING IN FINA

1. INTRODUCTION

Open Water Swimming in FINA is governed by the following FINA Rules and Regulations:

- The FINA Handbook, covering Open Water Swimming Rules, The By Laws 12 and the Medical Rules.
- The FINA Open Water Swimming Manual.
- The Rules and Regulations of the FINA 10 km Marathon Swimming World Cup.
- The Rules and Regulations of the FINA Open Water Swimming Grand Prix on distances over 10 km.

In this part the Task Force will analyse the application of the Rules and Regulations at the World Cup in Fujairah.

2. RULES AND REGULATIONS GOVERNING OPEN WATER SWIMMING

The Open Water Swimming events are governed by the following documents.

2.1. FINA Handbook

The FINA Handbook is the basic governing handbook. The current Handbook was issued at the end of 2009 and covers the 2009-2013 period.

The FINA Handbook includes the Constitution, the General Rules, the By Laws, the Technical Rules for the five FINA disciplines, the Facilities Rules, the Medical Rules and the Doping Control Rules.

Open Water Swimming in the FINA Handbook is covered in the FINA Open Water Swimming Rules, in the By Laws 12 and in the FINA Medical Rules.

A. FINA Open Water Swimming Rules

The Open Water Swimming Rules are the basic Rules governing Open Water Swimming and are included in the FINA Handbook on pages 167 to 177. They are given in Appendix 01.

The last amendments took place in 2009 in Rome (Italy). The amendments proposed by the Technical Open Water Swimming Committee (TOWSC) and approved by the FINA Bureau in 2009 are given in Appendix 02.

B. FINA By Law 12

By Laws 12 covers the requirements with regard to Order, Safety and Security at World Championships and FINA Competitions (and Continental and Regional Championships/Games) and is given on pages 143 to 147 and in Appendix 03.

C. FINA Medical Rules

The Medical Rules are given on pages 382 to 387 in the FINA Handbook as well as in Appendix 04.

2.2. FINA Open Water Swimming Manual

In 2006, FINA released an Open Water Swimming Manual (see Appendix 05). The manual is intended to assist the management committees of organising Federations in the successful staging of FINA Open Water Swimming Events.

2.3. Rules and Regulations - FINA 10km Marathon Swimming World Cup 2010-2013

FINA issued in 2010 the Rules and Regulations for Marathon Swimming World Cup 2010-2013. The Rules are given in Appendix 06.

3. AGREEMENT BETWEEN FINA AND THE HOST FEDERATION

After having submitted bids to organise FINA World Swimming Championships (25m), FINA World Swimming Championships, Open Water Swimming 10km World Cup and FINA Open Water Swimming Grand Prix the FINA Bureau awarded the 10km Marathon Swimming World Cup (“series”) 2010 – 2013 to the UAE and an undated agreement was signed between FINA and UAE without mentioning the place where the competitions would take place. The Agreement is given in Appendix 07.

4. THE VENUE

Initially the World Cup event was planned to be held in Dubai one of the Emirates of UAE. Because of financial problems in Dubai the World Cup had to be relocated and the UAE Swimming Association therefore firstly contacted the Emirates of Abu Dhabi, and secondly the Emirate of Sharjah.

The Federation was confident to obtain the support of Sharjah, and issued an invitation some months before the World Cup event 23 October 2010. The invitation contained information as well as necessary entry forms to be completed by the competitors and returned to the Organising Committee (see Appendices 08 and 09).

The location of the World Cup event to Sharjah was apparently confirmed by the FINA Office. The UAE World Cup event 2009 had been held there.

A few days before 23 October 2010 UAE Swimming Association received the message from His Highness Sheikh Mohammed Bin Hamad Al Sharqi, Crown Prince of the Emirate of Fujairah, that he was interested to host the World Cup event in the City of Fujairah and that he was willing to assist the Organising Committee both financially and logistically. The offer was so good that it was decided to move the event from Sharjah to Fujairah.

FINA was informed about the change of venue by e-mail to the FINA Office at 11:32hrs on 21 October 2010, less than 48 hours before the start of the event. No confirmation seems to have been sent by FINA.

5. ANALYSIS OF FINA OPEN WATER EVENT RULES

The FINA Open Water Swimming Rules 2009-2013 (see Appendix 01) are the basic Rules governing Open Water Swimming.

The following rules are of interest for the Francis Crippen case:

OPEN WATER SWIMMING RULE 2: OFFICIALS

The following officials shall be appointed at Open Water Swimming competitions:

FINA RULE	SITUATION IN FUJAIRAH
• A Chief Referee (one per race)	• Mr Abdulla Mubarak Al-Zahmi from the UAE was appointed Chief Referee. He has an extensive experience and is a FINA accredited Referee (list 8). He acted as Chief Referee, Male Race Referee and Chief Judge.
• Referees	• Mr Abdulla Mubarak Al-Zahmi from the UAE was appointed Chief Referee. He acted as Chief Referee, Male Race Referee and Chief Judge. • Mr Mohamed Faraj Suleiman Al-Alili from the UAE was appointed Female Race Referee. He is a UAE accredited Referee (not FINA status).
• Chief Judge	• Mr Abdulla Mubarak Al-Zahmi from the UAE acted as Chief Referee, Male Race Referee and Chief Judge (see above).
• Chief Timekeeper plus 2 Timekeepers	• National accredited Timekeepers and Finish Judges were appointed.
• Chief Finish Judge plus 2 Finish Judges	• National accredited Timekeepers and Finish Judges were appointed.
• Safety Officer	• Mr Osama Nabil El-Shazly from Egypt was appointed as the Safety Officer. He has extensive experience in Open Water Swimming since 2000, is a FINA accredited Referee

	(list 5) and is a Certified Lifeguard (Egyptian Life Saving Federation). He was appointed as the Safety Officer and as the Course Officer. • Mr Tamer Ahmed Moustafa from Egypt was appointed Deputy Safety Officer. He is a UAE Referee and has no lifeguard certification.
• Medical Officer	• No Medical Officer was appointed by the Organising Committee.
• Course Officer	• Mr Ayman Saad (Egypt), Executive Director of the UAE Swimming Federation and Head of the Organising Committee acted as Course Officer and was assisted by: • Mr Osama Nabil El-Shazly from Egypt was appointed as the Safety Officer and Course Officer (see above).
• Clerk of the Course	• Sufficient national accredited Clerks were appointed.
• Race Judges	• The UAE appointed many UAE accredited Race Judges at the event.
• Turn Judges (one per alteration of Course	• Per turn, two UAE accredited Turn Judges were appointed. They were located at the turning buoy in a boat.
• Starter	• Mr Abdulla Mubarak Al-Zahmi from the UAE was appointed Male Race Referee and was also the Starter of the Male race (see above). • Mr Mohamed Faraj Suleiman Al-Alili from the UAE was appointed Female Race Referee and was also the Starter for the Female race (see above).
• Announcer • Recorder	• Mrs Sarah Marks (expatriate from Australia living in the UAE) was the appointed announcer and recorder.

OTHER OPEN WATER SWIMMING RULES

FINA issued several rules related to Open Water Swimming. The Task Force analysed all Open Water Swimming rules and is of the opinion that the following rules could have been better addressed in Fujairah:

> **OWS 3.1** The Chief Referee shall enforce all the Rules and decisions of FINA and shall decide all questions relating to the actual conduct of the competition, the final settlement of which is not otherwise covered by these Rules.
> **OWS 3.2** The Chief Referee shall have authority to intervene in the competition at any stage to ensure that FINA Rules are observed.
> **OWS 3.7** ensure that all necessary officials for the conduct of the competition are at their respective posts.
> **OWS 3.25** Each Race Judge shall ensure at all times that the Rules of competition are complied with, violations being recorded in writing and reported to a Referee at the earliest opportunity.
> **OWS 3.33.** The Safety Officer shall be responsible for ensuring that sufficient powered safety craft are available during the competition so as to provide full safety backup to the escort safety craft.
> **OWS 5.3** A certificate of suitability for use of the venue shall be issued by the appropriate local health and safety authorities. In general terms the certification must relate to water purity and to physical safety from other considerations.

> **OWS 6.7** With the exception of 6.6 above swimmers shall not receive support from any fixed or floating object and shall not intentionally touch or be touched by their escort safety craft or crew therein.
> **OWS 7.6** A member of the medical team should inspect the swimmers as they leave the water. A chair, in which the swimmer can sit while an assessment is made, should be provided.
> **OWS 7.7** Once cleared by the medical member, swimmers should be given access to refreshment.

Comments of the Task Force

The Task Force is of the opinion that the above given rules were not properly addressed in Fujairah. Based on the evidence received, the Task Force consider that the rules that are not included in the above and below lists seemed to be properly addressed by the Organising Committee to the normal standard of World Cup Events.

The Task Force feels that the FINA Open Water Swimming Rules are rather general and should be revised to keep up with the evolution of the sport and to provide more guidance to the Organising Committee. It should be observed that the OWS Rules are established for Open Water Swimming in open waters or rivers but not in closed venues like rowing basins, not allowing one escort safety craft per competitor. Special focus on safety should therefore be directed at such events.

OWS Rule 2 lists officials that need to be present at an Open Water Swimming Event but it does however not state if persons can take up more than one position. In Fujairah, key people like the Chief Referee held up to three positions.

The Rules should be amended taking into consideration that the 10 km event has evolved into an Olympic Event and that changes relating to pontoons, handling and safety need to be appropriately updated and addressed. The Rules should be constantly regulated and reviewed to ensure that all Open Water Swimming events and distances receive the appropriate safety attention.

The Rules should include, but not limited to, the mandatory insurance cover, the presence of a Risk Management Plan, a Medical Action Plan and a Safety Plan.

There is no mention made of the minimum required qualification of the Safety Officer and personnel, their experience or their certification requirements. Such recommendations should be added in future rules.

6. ANALYSIS OF FINA BY LAWS 12

The FINA BL 12: The requirements with regard to order, safety and security at World Championships and FINA Competitions (and Continental and Regional Championships/ Games) are given in the FINA Handbook on pages 143 to 147 and are given in Appendix 03. These requirements cover all FINA sporting events.

The following extracts are of interest for the Francis Crippen case and could have been better addressed in Fujairah:

> **BL 12.3.1** The Organising Federation, Organising Committee or Club in charge of the organisation of the championships/competition must in cooperation with the competent

local authorities appoint a Security Officer, who will be in overall command of all order, safety and security matters related to the championships / competition. Persons individually in charge of order, safety, security, medical care and fire service must be similarly appointed.
BL 12.4.1 The Organiser shall provide office(s) for the Security Officer, in which Security Meetings will be held whenever needed. Persons attending regular Security Meetings shall be those responsible for order, safety, security, medical care and fire service. On special call also other persons such as the FINA Delegate(s), Federation or Club officials, venue authorities and the local police shall attend Security Meetings.
BL 12.4.2 In the event of serious emergency situation all persons identified in BL 12.4.1 on a special signal broadcast over the public address system must immediately attend an Emergency Meeting.
BL 12.4.3 Presentation of the Security Officer and persons in charge of order, safety and security, medical care and fire service shall be done at the Technical Meeting(s) before the opening of the championships/competition. At the same time information about order, safety, security, medical care and fire service at the venue(s) shall be given by the Security Officer.
BL 12.14 The venue(s) shall have adequate and fully equipped first-aid treatment facilities for competitors and officials and the public. These facilities together with the number and qualifications of assistants, who will administer treatment, shall be approved by the local authorities concerned. Ambulance(s) shall be stationed on site during the whole championships/competition.

Comments of the Task Force

The FINA By Laws 12 gives more emphasis on event security and nearly no emphasis on safety of competitors during events. The By Law is merely produced for swimming pool events and less for open water events.

The Task Force is of the opinion that there were rules which were overlooked or inadequately fulfilled by the UAE Organising Committee. The Task Force also is of the opinion that the FINA By Laws inadequately address safety, and particularly as an issue separate from security.

7. ANALYSIS OF FINA MEDICAL RULES

The FINA Medical Rules are given in the FINA Handbook on pages 382 to 387 and are reprinted in Appendix 04.

The following extracts are of interest for the Francis Crippen case and could have been better addressed in Fujairah:

1.1 Athletes are entitled to the same fundamental rights as all patients in their relationships with physicians and health care providers, in particular the right to respect for: a. their human dignity; b. their physical and mental integrity; c. the protection of their health and safety; d. their self-determination; and e. their privacy and confidentiality.
4.1 All information about an athlete's health status, diagnosis, prognosis, treatment, rehabilitation measures and all other personal information must be kept confidential, even after the death of the athlete.
7.2 In each sports discipline, minimal safety requirements must be defined and applied with a view to protecting the health of the athletes and the public during training and competition. Depending on the sport and the level of competition, specific rules should be adopted regarding the sports venues, the safe environmental conditions, the sports equipment authorised or prohibited, and the training and competition programmes. The specific needs of each athlete category must be respected.

9.2 In the case of a serious incident occurring during training or competition, there should be procedures to provide the necessary support to those injured, by evacuating them to the competent medical services when needed. The athletes, coaches and persons associated with the sports activity should be informed of those procedures and receive the necessary training for their implementation.

Comments of the Task Force

The FINA Medical Rules are merely focussed on general procedures. It should also be noticed that in the FINA Rules there is no clear statement supporting the mandatory implementation of a Medical Action Plan, explaining strategy, method and responsibility of actions in case of emergency. Moreover, the medical clearance of athletes before competition is not considered mandatory, and no medical certification was required. The Task Force suggests that with the experience of the Francis Crippen accident these points should be properly amended.

8. ANALYSIS OF THE FINA OPEN WATER SWIMMING MANUAL

The FINA Open Water Swimming Manual is intended to assist the management committees of organising Federations in the successful staging of FINA Open Water Swimming Events and is given in Appendix 05. The Manual contains guidelines and operational aspects without having the intention to be strict rules.

The Task Force however, is of the opinion that the Manual has been written not as a Rule, but more as a manual of recommendations and best practice. However, due to the wording of the signed contract between FINA and the Host Federation, the FINA Open Water Swimming Manual is also to be considered as a Rule and not solely as a Recommendation.

The following extracts, which have not been covered above, are of interest for the Francis Crippen case and were not properly addressed in Fujairah:

- **Medical Personnel**: The recruitment of suitable medical personnel is vital. Before the event the organiser must ensure the availability of sufficient medical personnel and the local hospitals' emergency departments must be advised. This is compulsory for sea swims. There should be sufficient people to cope with a worst-case scenario particularly if the event is a sea swim or cold water swim. It is recommended that a minimum ratio of 1 first aid professional to every 80 competitors be maintained.
- Consideration should also be given to providing a fast response boat with medical facilities.
- Safety craft and/or canoes must be provided. Personnel assigned to water safety should be to the ratio of 1 to 20 competitors. Emergency exit points should be marked for swimmers to leave the water.
- In addition to canoes, motorised safety craft should be employed with full warning, first aid and warming facilities.
- Swimmers in obvious distress and those deemed to be incapable of continuing for a variety of reasons should be removed expeditiously from the water and assessed with appropriate urgency by a doctor. Rendering assistance to swimmers in such situations should always supersede official rules of disqualification through "…intentional contact…" with a swimmer (OWS 6.3.1).
- No one should undertake any competitive open water event unless physically fit, in excellent health, and fully expected to finish. It is advisable for any person undertaking any athletic event to be checked by a qualified medical expert. This is especially important in distance swimming.

- Coaches having a basic knowledge of 'pool' training programs will need to apply additional training techniques to prepare swimmers for open water swimming. There are also specific health and safety concerns associated with open water training and competition of which the coach must be aware.
- In the past many swimmers have not relied to a great extent on their handlers. These swimmers have been successful in their efforts due to their ability to organise and understand their own requirements. However, events with stronger competition, longer distances and more open water bring added need for the best support for the swimmer.
- The following facilities/equipment are to be provided in addition to those given for the Start and Finish areas:
  - Safety boats as required, having regard to the course.
  - In addition to the Rules, the Safety Officer briefs swimmers, handlers, Race Judges and boat crews on all or any potential safety hazards and the action to be taken should any happen.
  - 15 minutes prior to the start confirms to the Referee that, in their opinion, all safety requirements have been met.
  - Inspects the swimmers' escort craft as being suitable for the purpose intended. Depending upon conditions appertaining to a particular course, the type of boat used will vary. In general terms the following criteria should apply.

Comments of the Task Force

The Manual includes many items that are appropriate and that were not properly implemented in Fujairah, most probably because the Manual was not considered by the Organising Committee to be understood as Rules, but merely as guidelines.

While it states in the agreement signed between the Host and FINA that the manual is to be included in the consideration of rules to be followed, the Manual itself is not written in such a manner to be directly applicable as rules. The Task Force believes that the Manual extensively covers the issues and regulations pertaining to safety and consideration should be given to integrate these aspects into the formal Rules and Regulations.

A full chapter of advice is given relating to hypothermia (low body temperature), nothing however is outlined in relation to hyperthermia (high body temperature).

The Manual includes a basic check list which can be the basis for the creation of a final check list.

The Task Force believes that the points given in the medical plan should be organised systematically in a mandatory Medical Action Plan, as outlined in the final recommendations.

9. ANALYSIS OF THE RULES AND REGULATIONS – FINA 10KM MARATHON SWIMMING WORLD CUP 2010-2013

The FINA Rules and Regulations – FINA 10 km Marathon Swimming World Cup 2010-2013 is given in Appendix 06.

The following extracts, which have not been covered above, are of interest for the Francis Crippen case and were not properly addressed in Fujairah:

2. The Host Member Federation (HMF) shall comply with and conduct the Event in accordance with the FINA Constitution and all FINA Rules and Regulations, handbooks and guideline manuals ("FINA Rules"), the instructions and directions of the FINA Technical Delegate, including those instructions related to security, accommodation, transportation, accreditation, doping control, competition facilities, marketing, television, media, medical, hospitality and protocol and, to submit all arrangements for the Event to FINA no later than 4 months before the Event for FINA's approval.
4.2. Training venue: free use of a suitable swimming pool or open water training venue shall be made available for three (3) days prior to the Event.
4.3. Facilities: The following facilities are to be provided in addition to those given for the Start and Finish areas:

- a suitable boat for the Race Referee to be used and directed entirely at the Referee's discretion;
- safety boats as required, having regard to the course;
- spare boats to be available in order to substitute should one in service become inoperable; and

4.9. Insurance: The HMF/OC shall secure and maintain, at its cost, an adequate general liability insurance with a recognised and financially secure insurance company, covering the risks required by FINA relating to the hosting and staging of the Event. FINA has a right to approve such insurance and to be a co-insured party on the relevant policy.
5.2. Each National Federation that has entered one or more swimmers in an Event must also have at least one representative (e.g. team leader, coach) present.
6.2 Technical Delegate: The Technical Delegate's shall

- Ensure that the FINA Rules and Regulations are applied and respected;
- Meet with the HMF/OC at least one day prior to the Managers/Representatives meeting to ensure arrangements are in accordance with the Rules and Regulations, and event guidelines
- Chair the Managers/Representatives Meeting and advise the athletes of the FINA rules to be applied in case of presenting a protest (FINA Rule GR9.2) and jury of appeal (FINA Rule GR9.3).
- Ensure that the HMF/OC send the complete results by fax and email to the FINA Office immediately after each Event race.

12.3. The overall annual winners will be decided by the male and female swimmers respectively, who have accumulated the most points at Events in that year, provided that they have participated and finished within the time limits, in a minimum of 6 Events in that year, including the final Event of the season.

Comments of the Task Force

The agreement is very vague in relation to safety and security aspects. The Rules and Regulations state that the host shall stage the event in accordance with all FINA Rules, including the Series Rules. No mention is made about the safety of competitors during events.

The Task Force is of the opinion that the role of the FINA Technical Delegate needs to be clearly defined and adhered to. The Technical Delegate did not fully respect the duties requested.

Several participants at the Fujairah event, including Francis Crippen, did not have an accompanying team leader or personal coach present.

The invitation to the World Cup event in UAE did not include the venue in Fujairah.

Rule 12.3. request athletes like Francis Crippen to participate in the last event if they want to secure their overall position in the final ranking of the World Cup.

The only statement related to the safety is that the Organising Committee has to provide safety boats as required, having regard to the course. No mention is made on the quantity of boats, the requirements of the people that are handling the boats and their lifesaving/lifeguarding certification.

10. ANALYSIS OF THE AGREEMENT FOR THE HOSTING AND STAGING OF AN ANNUAL EVENT OF THE FINA 10 KM MARATHON SWIMMING WORLD CUP 2010-2013

The FINA Agreement for the hosting and staging of an annual event of the FINA 10 km Marathon Swimming World Cup 2010-2013 is given in Appendix 07.

The following extracts, which have not been covered above, are of interest for the Francis Crippen case and were not properly addressed in Fujairah:

> FINA grants the Host Member Federation (HMF) the right to host the Event subject to the HMF agreeing that:
> 1.1.2. it shall comply fully with the FINA constitution and all FINA Rules and Regulations, handbooks and manuals ("FINA Rules") as may be amended from time to time. Where any amendments materially prejudice the HMF under this agreement, FINA shall discuss the issue in good faith with the HMF.
> 1.1.4. The HMF and the OC shall be jointly and severally liable for all commitments entered into by any or all of them for the Event.
> 2.1. The Host Member Federation (HMF) and Organising Committee (OC) shall ensure that the Event is hosted and staged in accordance with all FINA Rules, including the Series Rules and Regulations relating to accommodation, transportation, media, television, accreditation, doping control, competition facilities, security, hospitality and protocol, which may be updated by FINA from time to time. The HMF and OC shall also ensure that all arrangements for the Event are submitted to FINA for approval no later than three (3) months before the Event.

Comments of the Task Force

The agreement states that the host shall stage the event in accordance with all FINA Rules, including the Series Rules. It is apparent to the Task Force that the Organising Committee did not fully comply with the Agreement, nor was the agreement adequately enforced by the FINA Technical Delegate in attendance.

11. ANALYSIS OF THE OFFICIAL INVITATION TO PARTICIPATE IN THE FINA 10KM MARATHON SWIMMING WORLD CUP ISSUED BY THE UAE SWIMMING ASSOCIATION

The Official invitation to participate in the FINA 10km Marathon Swimming World Cup issued by the UAE Swimming Association is given in Appendix 08.