



Stockholm 24 November 2021

The Executive Committee of the International Fencing Federation, FIE
Copy to the Legal Commission of the FIE
Via e-mail

The treatment of the proposal from the Swedish Fencing Federation to the FIE Congress 2021 concerning the regulation of certain aspects of the qualification in the FIE Rules

The Swedish Fencing Federation has made a proposal to be put on the agenda for decision by the FIE Congress in Lausanne 26 November 2021. We note that

- 1) The proposal was not sent out to the relevant Commissions to be analysed by them during the Commission Meetings in June, as described in the FIE Statutes.
- 2) The Swedish Fencing Federation was only informed after the Commission meetings, by a letter from the FIE Secretary General, that the FIE refuses to present the proposal to the Congress to be voted on by the member federations.
- 3) The Swedish Fencing Federation, so far, has not received an official decision in writing from the Executive Committee concerning the treatment of its proposal, only letters and meetings with individuals. It is not clear to us if, and when, a clear decision was taken at a meeting of the Executive Committee to refuse our proposal and on what grounds this decision was taken.
- 4) The bye-law 14 of rule 44 in the Olympic Charter states that for team sports the number of teams shall not be less than eight, unless the Executive Committee of the International Olympic Committee decides otherwise.

We have been informed by representatives of the FIE, that the Executive Committee has consulted with representatives of the International Olympic Committee about the Swedish proposal. According to representatives of the FIE, the International Olympic Committee has declared that the Swedish proposal is a violation of the Olympic Charter and therefore cannot be presented. However, no documentation of these consultations and the IOC declaration has been presented.

It is not entirely clear if fencing is to be considered a team sport or an individual sport and the only way to know if the Executive Committee of the International Olympic Committee would agree to less than eight teams in the fencing team events would be to make a formal application. The conclusion that it can be seen as a violation of the Olympic Charter to submit a proposal to reduce the number of teams to the FIE Congress seems questionable and a clearer documentation of the IOC ruling on this subject is needed.

- 5) Representatives of the Executive Committee have stated that it is not possible for the FIE Congress to take a decision on the qualification system for fencing to the Olympic Games, the reason being that it is the International Olympic Committee who decides on the qualification system. The Swedish Fencing Federation finds these arguments unconvincing since the FIE Congress has taken decisions on the qualification system to the Olympic Games several times before. Also, the Olympic Charter states that it is the International Federation who decides on the qualification system but that it has to be approved by the Executive Committee of the IOC (bye-law 1 to rule 40 in the Olympic Charter). It seems clear that the FIE Congress, according to article 3.1 a) of the FIE Statutes, is expected to take a decision on which qualification system should be used. This should thereafter be submitted to the IOC Executive Committee for approval.

- 6) The Executive Committee and the Legal Commission have put forward the argument that it is not possible to make any proposals to the rules of the FIE concerning Olympic matters since it is the International Olympic Committee who decides on the participation in the Olympic Games. The proposals for rule changes made by the Swedish Fencing Federation are not of the character to challenge in any way what is stipulated in the Olympic Charter. The Olympic Charter merely states that there cannot be *more* participants per event per NOC at the Olympic Games than what is the case at the World Championships. Thus, the limitation proposed as a change to o.65 to one fencer per event per NOC should not present any problem. The proposed change in o.53 is merely repeating exactly the wording of the bye-law 1 to rule 40 in the Olympic Charter.

Our opinion is that the handling of our proposal is not in accordance with the democratic rights of each member federation of the FIE.

The Statutes leave no possibility for the Executive Committee to avoid presenting proposals to the Congress or to omit sending them to the relevant Commissions for study, provided they meet the formal requirements. Further, it is for the FIE Congress to decide on Olympic issues and matters, including the qualification system to the Olympic Games and the negotiation mandate, within which boundaries the Executive Committee shall carry out its discussions and negotiations with the IOC.

Yours sincerely,



Otto Drakenberg
President

Annexed

Letter to President Alisher Usmanov 18 Jan 2021

Letter to President Alisher Usmanov 8 Feb 2021 signed by 24 member federations

Answer by President Usmanov 19 Feb 2021

Letter 6 July 2021 from Mr Emanuel Katsiadakis to Mr. Otto Drakenberg

Letter 20 July 2021 from Mr. Otto Drakenberg to Mr. Emanuel Katsiadakis

Letter 10 September 2021 from the Swedish Fencing Federation

Resolution from the FIE Legal Commission communicated 19 Nov 2021

10 February 2021

Mr. Alisher Usmanov

The President of the International Fencing
Federation

Via e-mail

Olympic qualification rules for Paris 2024

Dear Mr President,

We hope that this letter finds you well and wish to convey all our best wishes for the new year 2021 to you personally, Mr. President, and also to the Fencing Family. Hopefully, this year will be the time for all things to get back to normal after the pandemic.

We are contacting you on a matter that is important to us and we hope you share our opinion. We know how difficult it was for fencing to achieve the twelve gold medals in the Olympic Games and appreciate the role you played personally in this endeavour which met with success a couple of years ago. The fact that fencers of all weapons can now compete for the Olympic medals, individual and team, in every Olympic Games is very important for everyone in fencing and also for the image of fencing in the world. Still, we believe that we cannot rest until another important problem has been resolved, the Olympic qualification process for fencing.

We understand that you share our concern for the future of fencing as a global sport as the long-term consequences of the current qualification system become more and more clear:

- The current system results in only a very small number of fencing federations being involved with the Olympic Games, and the divide between these countries and the large number of countries who have no participant whatsoever is constantly increasing.
- The team qualification absorbs such a large part of the total quota that some of the highest ranked athletes in the world in each weapon are prevented from participating in the individual competitions, making the individual competitions less prestigious and also treating world-class athletes unfairly.

Please find attached data which illustrates the problems that are associated with organizing six individual events and six team events with a total quota of 212 athletes.

We believe that the optimal solutions could be found in discussions with the IOC Sports Department and we would urge you to initiate such discussions now with the object of making changes ready for the qualification for the Olympic Games in Paris 2024.

Possible solutions to raise with the IOC, to balance the participation better between those qualified by teams and those qualified in individual qualification, could be the discussion concerning transferable accreditations, which were used at the Youth Winter Olympic Games in Lausanne, thus implying a changing standpoint of the IOC. Another solution might be to raise the possibility of changing the status of the P-accredited athletes to increase the total quota of fencers at the Olympic Games.

Mr. President, it is our conviction that this is an appropriate time to raise these questions with the IOC and we hope you share our view. We remain at your disposal for any assistance you might require from us in this matter.

Yours sincerely

Letter signed by the following national federations:

Fencing Federation of Argentina

Victor Sergio Groupierre
President

Austrian Fencing Federation

Markus Mareich
President

Fencing Federation of Bolivia

Mark Diego Christie Acha
President

Chilean Fencing Federation

David Jimenez Mira
President

Colombian Fencing Federation

Mariana Vila Carvajal
President

Danish Fencing Federation

Jan Sylvest Jensen
President

Finnish Pentathlon and Fencing Federation

Joonas Lyytinen
President

Ghana Fencing Association

Mohamed Mahadi
President

British Fencing Association

Hilary Philbin
President

Fencing Ireland

Desmond Gilhooly
President

Italian Fencing Federation

Giorgio Scarso
President

Kenya Fencing Federation

Fred Chege
President

Mexican Fencing Federation

Jorge Castro Rea
President

Fencing Federation of Norway

Bjørn Faye
President

Portuguese Fencing Federation

Frederico Valharinho
President

Slovakian Fencing Federation

Tatiana Drobna
President

Swedish Fencing Federation

Otto Drakenberg
President

Jordan Fencing Federation

Khaled Atyiat
President

Malaysian Fencing Federation

Rusni Abu Hassan
President

Fencing New Zealand

Mark Rance
President

Fencing Federation of Peru

Martin Panizo
President

Fencing Federation of Serbia

Dejan Ruski
President

Royal Spanish Fencing Federation

José Luis Abajo
President

Chinese Taipei Fencing Association

Victor Chang
President

Presidents of the 24 Fencing Federations
who signed the letter of February 10, 2021

February 19, 2021

RE: Your letter regarding the Olympic qualifications for Paris 2024

Dear Presidents:

The participation in the Olympic Games is the result of many years of hard work and sacrifice. Olympic medals may be won on the piste only after putting in blood, sweat and tears. Our duty is to give to the very best athletes a chance to compete for the Olympic medals.

It took us more than twenty years to persuade the International Olympic Committee to award two additional Olympic medal events to fencing. The IOC's decision was not only the result of our diplomatic efforts. First of all, it was the recognition of the great progress and development of fencing, the growth of its popularity all over the world, including in mass media. In sum, it was the acknowledgement of the hard work of our Federation for the last twelve years.

At this stage, the discussions with the IOC Sports Department would not deliver more quotas to fencing. IOC would seriously consider any of our new application only if we could present compelling evidence of our further development and progress, of reaching a new level of popularity and youth appeal. Otherwise, any attempts to get additional concessions from the IOC are destined to fail and will definitely be rejected.

Your idea about the transferability of accreditations is a good one but very much outdated. The FIE has already twice discussed this proposal with the IOC, including for Paris 2024, and the IOC has not accepted it. Your other proposal to change the status of the P-accredited athletes implies an increase of our 212 athlete quota and is also definitely not on the agenda for Paris 2024, as the IOC is committed to decreasing the total number of athletes participating at the Olympic Games to 10,500.

I could not help but notice that at least one of the signatories of the letter is a member of the FIE Executive Committee who knows everything about negotiations with the IOC for Paris 2024 as the FIE Executive Committee discussed this issue last year. I wonder what could be the motivation, political or others, for raising the same issue once again, although the answer is obvious. These attempts could initiate a conflict with the International Olympic Committee or create a wrong impression about the FIE with the IOC's Sport Department.

Is the current qualification system perfect? Undoubtedly not. Any qualification system is not perfect, and we all know that. But the current system unquestionably has its advantages and pluses by providing quotas for all our zones and by being gender equal. This is a unique opportunity for fencers and teams from each zone to qualify and participate in the Olympic Games, and for the International Fencing Federation to further promote its aim of increasing the development and popularity of fencing throughout the world.

Should we consider improving the existing system? Yes, we should. When should we do it? We should contemplate **all available options** after the Tokyo Olympic Games, and we should do so carefully, diligently and thoroughly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Usmanov', written in a cursive style.

Alisher Usmanov

Mr. Otto Drakenberg
President
Swedish Fencing Federation

Athens, 6 July 2021

Dear Mr. President,

Thank you for submitting your federation's proposal regarding the fencing qualification system for the next Olympic Games Paris 2024. It contains concepts regarding the balance between universality and excellence with regard to the selection process.

Procedurally we would like to note the following regarding the wider context of Olympic Games qualification and format:

- The IOC establishes the qualification principles for each edition of the Olympic Games; and
- The FIE - as well as every International Federation- working within these IOC principles, develops the qualification system that must be approved by the International Olympic Committee.

The qualification system for the Olympic Games, is the outcome of the close cooperation and negotiation between the FIE and the IOC. Following the completion of the Olympic Games Tokyo 2020, we will work in concert with the IOC, to set out the qualification system for the 2024 Olympic Games, subject to the IOC's final approval, which is in its sole discretion.

It is important to stress that the qualification system that emerges each time for the Olympic Games is significantly different from the one that the FIE sets for its own official events, which are subject to the FIE Rules, Statutes and Administrative Rules.

Because of the process of developing an Olympic Games qualification system and the ultimate decision-making power of the IOC, your proposal is not a proper subject for an FIE Rule. It does however give us an indication of the direction you would like our negotiation to go and we will keep the principles you enunciated in mind when we sit down with the IOC. As you know from past history, making even a minor change to the qualification system, can be a slow process. Note how many quadrennia it took us to get the extra 2 medals so that all teams could be represented at the Games.

We look forward to an historic Olympic Games in Tokyo being held under the most trying conditions.

A handwritten signature in blue ink, appearing to read 'E. Katsiadakis', with a stylized flourish underneath.

Emmanuel Katsiadakis
Secretary General



Stockholm 20 July 2021

The Secretary General of the International Fencing Federation
Mr. Emmanuel Katsiadakis
Via e-mail

Dear Mr. Katsiadakis,

Thank you for your letter concerning our proposal to create a revised qualification system for the fencing competition in the Olympic Games. There is an urgent need for reform, as I am sure you are aware, since the current qualification system excludes many of the best fencers and also the majority of the national federations from taking part in the Olympic Games.

I take good note that you intend to consider our proposal in future discussions with IOC.

I am, however, surprised by your description of the procedure for establishing the qualification criteria. This procedure is of course crucial to most, if not all, the member federations of the FIE. The Olympic Charter (page 76) states: "Each IF establishes its sport's rules for participation in the Olympic Games, including qualification criteria, in accordance with the Olympic Charter. Such criteria must be submitted to the IOC Executive Board for approval."

It is clear from this text that the IOC must approve the qualification criteria. However, they would always be expected to accept the proposal of the international federation, provided that the principles of the Olympic Charter and the quota are respected. In our proposal, we have explicitly cited this wording concerning the qualification system from the Olympic Charter, and it is difficult for me to understand why you would object to that? Usually, the IOC welcomes that the rules used at the Olympic Games are also included in the rule book of the international federation.

In the annex 1 I have listed some background material from earlier FIE meetings and outlined some questions relating to the fact that our proposal was not on the agenda of any of the commissions in accordance with the Statutes, and will not, if I understand your letter correctly, be introduced into the agenda of the FIE congress.

Returning to our proposal, it would increase the number of participating nations considerably. It can surely be expected to have very positive effects on the development of our sport, both in the short term but certainly in the long term, ending the dominance of a handful federations who have the resources to qualify teams and gradually

introducing more and more new fencing nations in the medal table of the Olympics. It will certainly also help to avoid some of the unfortunate consequences of the current system where fencers, sometimes with a very low world ranking, qualify to the individual competition through their team. The system would align the qualification system of fencing better to that of other individual combat sports, ensuring a strong universality and I am sure that this would be welcomed by the IOC. Recently, President Usmanov told us in a letter that our possibilities to increase the quota of athletes at the Olympic Games are dependent on our own work to introduce reform and increase the number of fencers and the interest in fencing in the world. A new qualification system would be most effective in achieving progress in these fields.

I believe that it cannot be expected that the IOC would be reluctant to the guiding principles in our proposal in the same way as they have been in adding to more medal events in fencing. This proposal will change nothing in the fundamental principles of the Olympic fencing competition. The number of medal events and the number of athletes will remain the same. Our proposal aims to strengthen our sport within the established principles, , to share the Olympic dream with more of our fencing federations and stop the development where already 70 per cent of the Olympic medals go to a very limited number of federations – something which is hurting fencing badly and will eventually make the threat of our exclusion from the Olympic Games a dire reality.

Dear Mr. Katsiadakis, awaiting your reply regarding the introduction of our proposal to the agenda of the FIE congress, I remain

Yours sincerely,



Otto Drakenberg

President

Annex 1

We have gone back in time and consulted the minutes of the previous congresses of the FIE and the qualification system has always been an item for decision on the agenda. Furthermore, there is testimony of debates and discussions. The Congress has numerous times decided on changes to the proposed qualification system, changes that were later approved by the IOC. The FIE Statutes also state in article 3.1.a) ii)-iii) that the

Congress should deal with “Olympic Games issues” and “matters concerning the Olympic Games”.

With reference to these facts, I would like to put the following questions:

- 1) Will a proposal for the qualification system for Paris 2024 be presented to the Congress in Lausanne in November, after negotiations with the IOC?
- 2) Did you consult with the Legal and Ethics Commissions before taking the decision not to present our proposal for a new qualification system to the Commissions and the Congress?



To:
The Executive Committee of the International Fencing Federation, FIE

In copy
The Legal Commission of the FIE
The Ethics Committee of the FIE

Via e-mail

Stockholm 10 September 2021

Proposal to the FIE Congress 2021 from the Swedish Fencing Federation concerning the regulation of certain aspects of the Olympic qualification in the FIE Rules

The Swedish Fencing Federation has made a proposal to be put on the agenda for decision by the FIE Congress in Lausanne 26 November 2021. We have received a letter from the Secretary General of the FIE stating that our proposal is not “a proper subject for an FIE rule”. From the letter we deduce that the intention is to not let our proposal be presented at the Congress 2021.

Our proposal meets the requirements of a proposal as set out in the Statutes of the FIE (art 3.4.1-2).

The Statutes leave no possibility for the Executive Committee to avoid presenting proposals to the Congress or to omit sending them to the relevant Commissions for study, provided that the proposals meet the formal requirements.

The Swedish Fencing Federation requests that the Executive Committee confirms that our proposal will be treated in accordance with the Statutes and that it is duly sent out to the member federations and presented on the agenda of the FIE Congress in Lausanne 26 November

2021. We are also anxious that the commissions of the FIE have the possibility to study our proposal and give their opinion.

Please find attached an appendix in which we highlight central regulations of the FIE Statutes and of the IOC Code of Ethics and provide our interpretation of these articles and rules.

Yours sincerely,



Otto Drakenberg
President

Appendix: Central regulation

Annexed

Letter 6 July 2021 from Mr Emanuel Katsiadakis to Mr. Otto Drakenberg

Letter 20 July 2021 from Mr. Otto Drakenberg to Mr. Emanuel Katsiadakis

Proposal of the Swedish fencing <federation for the FIE Congress 2021

Appendix

FIE Statutes

- According to Article 2.2.1 b), each member Federation has the right to draw up proposals which may be submitted to the Congress.
- According to Article 3.1 a) ii) to iv), the Congress shall handle proposals, Olympic Games issues and Olympic Games matters. The Swedish proposal is a proposal regarding an Olympic Games issue and shall therefore, according to Article 3.1 a) ii) of the Statutes, be handled by the Congress that occur in the 1st year after the Olympic year. The postponement of the Tokyo Olympic Games, from 2020 to 2021, implies that the Swedish proposal shall be handled by the Congress held in 2021.
- According to Article 3.2.3, it is the Congress, and the Congress alone, that establishes, controls and steers the general policy of the FIE. Olympic Games issues and Olympic Games matters, including the rules for qualifying to the Olympic Games, are at the very center and heart of the matters and purpose of the FIE and therefore also important parts of the general policy of the FIE. It is most likely therefore, that Olympic Games issues and Olympic Games matters are specifically mentioned in Article 3.1 a) of the Statutes. Accordingly, Olympic Games issues and Olympic Games matters, including the Swedish proposal, have to be decided by the Congress and cannot be decided by the Executive Committee.
- According to Article 3.4.1, all the proposals shall reach the FIE's head office no later than midnight Lausanne time 8 months before the opening day of the next Congress. Any proposal reaching the head office after this date cannot be put on the agenda. The Swedish proposal reached the FIE's head office on time and should therefore be put on the agenda of the FIE Congress 2021.
- According to Article 3.4.3, The President of the FIE must send the agenda to all the Member Federations, with any necessary clarification annexed, at least one month before the Congress. The Swedish proposal fulfills all the requirements according to the FIE's Statutes and must therefore be put on the agenda that the President of the FIE will send to all the Member Federations at least one month before the Congress 2021.

IOC Code of Ethics

- According to Article 11, under the heading "Good Governance and Resources", the Basic Universal Principles of Good Governance of the Olympic and Sports Movement, in particular transparency, responsibility and accountability, must be respected by all Olympic parties, i.e., also by the FIE and its Executive Committee.
- According to the "Basic Universal Principles of Good Governance of the Olympic and Sports Movement" Principle 2 "Structures, regulations and democratic process" section 2.2 "Clear regulations", all regulations of each organisation and governing body, including but not limited to, statutes of institutions and other procedural regulations, should be clear, transparent, disclosed, published and made readily available. According to the same section, clear regulations allow understanding, predictability and facilitate good governance. In section 2.2 "Clear regulations", it is also regulated that the procedure to modify or amend the regulations should be clear and transparent.
- According to Principle 2 "Structures, regulations and democratic process" section 2.6 "Attributions of the respective bodies", a clear allocation of responsibilities between the different bodies such as general assembly, executive body, committees or disciplinary bodies, should be determined.
- We believe that the regulations of the FIE fulfill the requirements found in section 2.2 "Clear regulations" and section 2.6 "Attributions of the respective bodies" of the IOC Code of Ethics. However, the regulations must of course also be followed by the FIE. If not, the FIE will be in breach of the IOC Code of Ethics.

“The Legal Commission, after having reviewed:

- a. the Swedish Proposal for qualification criteria to the 2024 Olympics;
- b. the draft letter prepared by the FIE CEO;
- c. the two opinions provided by Jorge Ibarrola, FIE’s Swiss counsel;
- d. the Decision of the Executive Committee to not accept the Swedish Proposal as an amendment to the Rules of Competition of the FIE; and
- e. the FIE Statutes

finds that:

1. The Executive Committee was justified in determining that the Swedish Proposal was not a proper subject for Congress adoption as an amendment to the Rules of Competition of the FIE, and should be handled in the same manner as the addition of Women’s Epee and Women’s Sabre and the addition of 2 medals as a request for the COMEX and the CEO to try to secure changes to the Olympic qualification system;
2. That the elements of the Swedish proposal (shared by them with the national federations) be part of the Congress discussion of Item 12 on the FIE Congress Agenda relating to the Paris 2024 Olympic Games; and
3. That the FIE should establish a working group of 5-7 people (representing all of the Zones and including countries who had or did not have representation in Tokyo) to work, immediately after the Congress, concerning the drafting of the Olympic qualification system, taking into account the ideas expressed by the Congress and the principles previously stated by the IOC, in order to provide the IOC with the final draft of the qualification system by the IOC Deadline of 23 December 2021.

It should be noted that the IOC will review and make decisions on all qualifications systems by February 2022.”