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Algeria

Executive Director
CORNEL MARCULESCU

To: ALL FINA Member Federations

FROM: FINA Office, Lausanne

DATE: July 17th 2017

RE: KUW – Situation of the Kuwait Swimming Association

Dear FINA Member Federations,

You have recently received a document, issued on the stationary of the Kuwait Swimming Association (“KSA”), entitled “Subject: Complaint to FINA” signed by a certain Mr. Homoud Obaid Al-Hajiri who purports to act on behalf of Kuwait Swimming Association. The said document, which is misleading, includes a number of unacceptable accusations and allegations. You are hereby informed that after careful consideration of the above mentioned submission, the FINA Bureau has decided by majority vote to entirely reject the content of the said complaint and to reserve all of FINA’s rights. This episode however provides the FINA Bureau with an opportunity to clarify the situation of the Kuwait Swimming Federation; the facts are as follows:

- 1) On October 28th, 2015, FINA decided to suspend the Kuwait Swimming Association, the suspension aiming to protect the FINA Aquatics Family in Kuwait from the implementation of certain new laws and for the sake of the principle of autonomy in Kuwait. FINA’s decision, which was similar to decisions taken by other organizations such as in particular the International Olympic Committee, was taken within a highly sensitive political environment, with the Kuwaiti Government aiming at taking over the control and leadership of sport in Kuwait.
- 2) On September 13th, 2016, the FINA Bureau decided the following: *“Regarding the scope and effects of such suspension, the FINA Bureau, in application of art. 4.4.GR Rules has decided that the current representatives of the Kuwait Swimming Federation are authorized to maintain or to be elected (emphasis added) for positions in FINA Bodies and in Continental Organizations”*.
- 3) On February 22nd, 2017, the FINA Office sent a letter to all FINA Executives, member Federations and Continental Organizations specifying, in particular, that *“FINA recognizes his H.E. Sheik Khaled Al Bader M Al Sabah as a President of the Kuwait Swimming Association, and Mr Husain Al Musallam, as General Secretary of the Kuwait Swimming Association”*.

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Legal status of the Kuwait Swimming Federation

- 1) The above mentioned facts are perfectly clear. It is essential to emphasize the fact that none of the decisions or communications which have been made by FINA since October 28th, 2015 has ever been challenged or disputed in any way.
- 2) The status of the Kuwait Swimming Federation is clear. It is a suspended member. As such, pursuant to C.15.3.3, the KSA may not appoint delegates to participate and vote in a meeting of the General Congress. As to KSA's recognized leadership, the internal changes which might have occurred in Kuwait during the suspension are irrelevant for FINA, inasmuch as they affect a suspended federation. FINA has clearly confirmed through its uncontested letter of February 22nd, 2017, that the recognized Officials are H.E. Sheik Khaled Al Bader M Al Sabah as President of the KSA and Mr Husain Al Musallam as General Secretary of the KSA. Therefore, Mr Homoud Obaid Al-Hajiri is not qualified as an authorized representative of the KSA, and the KSA itself may not participate in the Congress.
- 3) It is important to further recall that the suspension of the KSA does not affect the Kuwaiti athletes who may participate to international competitions under the FINA flag.

In conclusion, the so-called "complaint to FINA" of July 3rd, 2017 and July 12th, 2017 which you have received emanates from an entity, group of persons or persons who are neither qualified nor recognized as having any authority to commit our suspended member. It should be disregarded in all its aspects.

Sincerely yours,



Cornel Marculescu
FINA Executive Director