

World Aquatics (AQUA)
World Aquatics Technical Open Water Swimming Committee
World Aquatics Bureau Members
Chemin de Bellevue 24a/24b - CH - 1005
Lausanne, Switzerland

February 08, 2024

To Whom It May Concern at World Aquatics (AQUA) Bureau and Technical Open Water Swimming Committee,

On February 6, 2024 World Aquatics (AQUA) published the National Olympic Committees (NOC's) who qualified for the Marathon Swimming Event in the 2024 Paris Olympic Games.

We were surprised to learn that Israel was not allocated a quota in the women's event. In this respect, we recall that AQUA has previously published a document entitled "Qualification System - Games of the XXXII Olympiad - Paris 2024" (the "**Qualification Procedures**"), which comprehensively sets out the qualification procedures for the Marathon Swimming competition in the 2024 Paris Olympic Games. However, it appears that AQUA simply failed to abide by its own Qualification Procedures.

Firstly, pursuant to the Qualification Procedures - France, as the host country, had an automatic quota for one woman. However, as both swimmers from France obtained a quota without needing the automatic quote position - the host country quota should be reallocated.

In this context, AQUA noted that "in the Marathon Swimming competition for women, Brazil earned the quota position as the next highest placed athlete from the Doha event... (according to D.2, final note)". Such allocation, however, is simply inconsistent with the qualification procedures.

We turn your attention to article F.2 of the Qualification Procedures, entitled "Reallocation of Unused Host Country Places". The article expressly states the following: "Unused host country place(s), including in the case of qualification through the process of in paragraph D. Qualification Pathway, will be reallocated to

the next highest placed NOC in the same gender from the Olympic Games

Qualification event not yet qualified, respecting the maximum number of quota places per NOC as outlined above". Article F.2 therefore specifically addresses the reallocation of the host country's place also with respect to qualification through the qualification pathways stipulated in article D of the Qualification Procedures.

Article F.2 deliberately and unequivocally refers to the term 'NOC' - not athlete.

Therefore, the fact that Brazil had the next highest placed athlete from the Doha event is irrelevant.

In which case, the next highest placed NOC which has not yet qualified is Great Britain at the 17th place. Accordingly, the unused host country's quota should have been reallocated to Great Britain - not Brazil. The reallocation of the host country's quota to Great Britain would grant Israel, at the 32nd place, the Continental Representative place as the next highest placed NOC from the European Continent that has not yet obtained one or two quota places.

AQUA justified the reallocation of the unused host country's quota to Brazil by referring to "D.2 final note" of the Qualification Procedures. The note states:

13 athletes per gender (see notes included)	<p>2. World Aquatics Championships - Doha (QAT) 2024</p> <p>The thirteen (13) highest placed athletes from the 10K competition, at the 21st World Aquatics Championships Doha (QAT) 2024 – men and women – will obtain a quota place for their NOC for Paris 2024.</p> <p>Notes:</p> <ul style="list-style-type: none">- Athletes qualified from point 1 above will count as one (1) quota for their respective NOCs. Therefore, in the event of having these athletes within the top thirteen (13) at the World Aquatics Championships in Doha (QAT) 2024, the next highest placed athlete will obtain a quota place for their NOC.- If the host country has already obtained its quota from point 1 or 2 above, then the next highest placed athletes from the World Aquatics World Championships Doha 2024 will obtain a quota place for their NOC.
---	--

However, as can be clearly established - the final note in D.1.2 is only relevant for the qualification of the 13 highest placed athletes. For example, if France were to have qualified for two quota positions in Fukuoka (D.1.1), as well as two quota positions in Doha (D.1.2), only then would the two next highest placed athletes from Doha receive quota positions for their NOCs. However, the final note in D.1.2 is irrelevant for the host country quota which is granted by article D.1.4. As mentioned above, it is clear

and obvious that the relevant and correct reallocation mechanism for the host country sport is article F.2, not the final note of article D.1.2.

Secondly, even assuming Brazil is allocated the host country's quota position - Israel had also secured its qualification from the Continental Representative pathway due to the fact that Oceania had no competing women athletes in the 2024 World Aquatics Championship outside of Australia which already fulfilled its quota positions. In case Oceania forfeited its Continental Representative quota, article F.1 of the Qualification Procedures stipulate that the quota will be "reallocated to the next highest NOC in the same gender from the Olympic Games Qualification event not yet qualified". Assuming Brazil earned the host country's quota position - the next highest NOC not yet qualified is, again, Great Britain at the 17th place. This would clearly establish Israel, from the 32nd place, as the next highest placed NOC from Europe which had not yet qualified.

While we have utmost respect for AQUA and its decisions, we feel Israel has earned a quota according to the Qualification Procedures. Thus, we ask you to revise your original published Qualified Athletes and NOC Quota Positions list¹ to include Israel as the European Continental Representative.

As an alternative, understanding the difficult nature of this situation, we propose the following option below. We at Israel Swimming acknowledge that every nation has dedicated years to their achievements. Our values and interests are to respect the hard work and dedication of all of the various parties involved, including Israel. Out of respect for the difficulty and sensitivity of this situation, we request that World Aquatics at least add an additional quota place to the Women's Marathon Swim at the Paris 2024 Olympic Games, including Israel in the Olympic Games as the Continental Representative of Europe, increasing the number of women athletes to 23.

Thank you for your anticipated consideration.

Miki Halika,

PRESIDENT, ISRAEL SWIMMING ASSOCIATION

¹ "Marathon Swimming at the Paris 2024 | Qualified Athletes and NOC Quota Positions." *World Aquatics*, 6 Feb. 2024, www.worldaquatics.com/news/3883994/marathon-swimming-paris-2024-olympic-games-qualified-athletes-and-noc-quota-positions-open-water-world-aquatics-championships-doha-2024. Accessed 6 Feb. 2024.