

SWIMMING SOUTH AFRICA

COMMISSION OF INQUIRY

Members of the Commission of Inquiry

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Rowen Meth**

Established on 13 September 2008

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A. INTRODUCTION

Swimming has, since South Africa's readmission into the Olympic Games in 1992, been South Africa's most successful sporting code, contributing three gold, two silver and three bronze medals in five Olympic Games.

With regards to the number of finalists achieved, swimming has also consistently led the sporting codes in South Africa. Further, South Africa has among the highest number of swimmers competing in the United States of America's college system of any nation, testament to the fact that South Africa possesses both the natural talent and the depth of swimming performance required to achieve the very highest levels of success on the global sporting stage.¹

Sport is integral to South Africans' way of life whether you come from a previously disadvantaged background, or a privileged background. The culture of sport is very strong in all communities throughout the country. This is evidenced by the fact that since readmission to various world sporting bodies since 1992, South African athletes (male and female) have been amongst the world's leading competitors in rugby, cricket, golf, athletics and swimming. Thus despite many years of isolation, South African athletes have somehow managed to keep abreast of international trends and developments in various codes. They have demonstrated that now that they are back in the

¹ High Performance Strategy for Swimming in South Africa: Dr Ross Tucker, PhD.

international fold, South African high performance athletes (male and female, black and white) are more than capable of holding their own in various international sporting arenas.

World-class performances by South African high-performance athletes, including swimmers, are vitally important in that it helps build social cohesion that binds families, communities, regions, and the nation. No other facet of our culture has the capacity to bring together so many different streams of South African life in mutual joy and celebration. This has been evident when South Africa won the Rugby World Cup in 1995, and again in 2007, and when Bafana Bafana won the African Cup of Nations in 1995. In the swimming context, all South Africans celebrated wildly when Penny Heyns won gold at the Sydney Olympics in 2000, and when South Africa won the men's free-style relay at the Athens Olympics in 2004, and Roland Schoeman won silver and bronze, respectively, in the 50 and 100m men's free-style events.

Small wonder then that when the South African swimming team went to the Beijing Olympic Games 2008, the swimmers were expected to bring home gold, silver and bronze medals. Winning, of course, inspires and builds confidence at all levels of the sport. The expectation that the Olympic swimmers would bring home medals from the Beijing Olympic Games was fuelled largely by performances at the FINA World Long-Course Championships held in Melbourne, Australia in 2007, and the Short-Course Championships in Manchester, in 2008.

However, all South African hopes and expectations of a substantial medal haul were dashed when the swimmers failed to get one medal in the aquatics' arena. Many people were puzzled, and questioned why the swimmers had apparently "*failed*" in their quest to win any medals.

This was further heightened when an article appeared in the *Sunday Times* on **31 August 2008** (written by Clinton Van Der Berg), titled "***Fear Factor Sinks Swimmers***".

This prompted SSA to launch a Commission of Inquiry into the allegations and counter-allegations referred to in the article, and requiring the Commission to look at some of the underlying causes and/or dynamics involving all role-players and/or characters directly and indirectly referred to in the article.

Before the Commission arrived at its findings and recommendations: it considered the article in depth, and in isolation of the evidence and information gathered by it, to establish its meaning and import; it then looked at the underlying factors and/or dynamics underlying and/or underpinning the allegations and counter-allegations contained in the article; it then considered and evaluated all the evidence received; and finally, it made its findings and recommendations based on the evidence as required by its mandate.

B. THE ESTABLISHMENT OF THE COMMISSION OF INQUIRY AND ITS TERMS OF REFERENCE

Following a report in the *Sunday Times* of **31 August 2008**,² the Executive Committee of Swimming South Africa (“SSA”) resolved on **13 September**

² The full report reads as follows:

While South Africa struggles to come to terms with its worst Olympic performance in 72 years, damning claims have emerged of racism, threats, assault and victimisation by top swimming officials before and during the Games.

In the firing line are head coach Dirk Lange and Rushdee Warley, manager of the team in Beijing. Allegations against the pair, which paint a picture of a culture of fear in SA swimming, include:

Swimmer Shaun Harris claimed this week that Lange, a German national, hit him in the face at the world short-course championships in Manchester earlier this year and warned him: “Now shut up, I’ll knock you the f**k down.”

At a meet in Japan in 2007, Neil Versfeld claims Lange responded to a question from him about Olympic trial dates by saying, “Neil, you’re f****d, you’re not going to Olympics.”

Lange is accused of standing by and smiling while Roland Schoeman and Gerhard Zandberg had a stand- up row at the pre-Olympic camp in South Korea, when Ryk Neethling had to step in.

In his soon-to-be released autobiography, Neethling lashes out at Lange and criticises his intimidation tactics. He says their relationship was so bad he once refused to have a private meeting with Lange because he believed things would get physical.

Lange’s relationship with SA’s US-based swimmers is known to be at rock-bottom.

Warley has been accused of racism, once when Lange allegedly told Harris the manager didn’t like him because he was “white and Afrikaans”.

In the other instance, Jean-Marie Neethling claims she was warned by Warley not to speak Afrikaans after doing so at this year’s world junior championships in Rio de Janeiro — because it was “the racist language”.

Warley was accused by Harris of twice telling him to “f**k off” when he first asked for a swimsuit at a hotel during the short-course championships. After haggling, Harris was allegedly told: “Take the f*****g thing and f**k off.”

Suzaan van Biljon was reduced to tears after Warley apparently screamed at her over a breach of protocol in Beijing. She has since been called to a disciplinary hearing.

Lize-Marie Retief was scolded for having a “God power” tattoo (actually a cokie-pen drawing).

Two groups of swimmers separately complained to the chef de mission in Beijing about treatment meted out to them by Warley; and

Four swimmers, among them Melissa Corfe, had a frantic run around to secure Chinese visas in South Korea because Warley apparently hadn’t cross-checked their accreditation numbers with their passports.

Former Olympic coach Wayne Riddin spoke angrily about the Swimming South Africa (SSA) administration.

“Every kid wants to swim their heart out for SA, but their morale is low because of the administrators. They’re so scared that they duck away from management,” said Riddin, head coach of the Seals club, which had four swimmers in Beijing. “I’m prepared to put my career on the line by speaking out because SSA has stuffed things up these past four years.

“Dirk and Rushdee have to go. Things can’t go on this way.”

Riddin expects little to be done in the wake of the Games fiasco, citing many examples where problems had been brought to SSA’s attention, only to be ignored.

“Dirk was my coach, we had a good relationship,” said a despondent Harris. “I want peace, but I have to stand up for the swimmers.”

Speaking from the US on Friday, Neethling said: “It’s time something is done. The atmosphere is terrible.”

There’s also unhappiness over Lange’s role in Beijing. Despite being head coach of the SA team, he was accredited by Eurosport, for whom he did commentary. Lange cleared this with SSA on the basis that it would allow one extra coach to travel with the team, but this was extraordinary, given that his chief job was to coach South Africa in Beijing.

When the allegations were put to Lange, he defended each one. He said his Eurosport work never kept him away from his team duties.

“I attended every swim session and was always on pool deck,” he said. “All the swimmers know how it works.”

He never spent time with the US-based relay swimmers because they had their own coach, Rick DeMont.

Referring to the pool deck argument in South Korea, Lange claims to have stopped it himself — which conflicts with other versions, including Neethling’s.

“I made sure the argument stopped. I spoke to Roland and Gerhard. This thing could happen in any sport. They later shook hands ... I don’t know why it’s become such a big story. (I thought) the argument in Korea was managed pretty well .” Asked about Harris’s assault allegation he said: “I have no idea . I can’t remember. I deny it.”

He said he couldn’t be expected to remember an altercation with Versfeld that occurred 15 months ago, saying they enjoyed a “good relationship”.

Lange claimed the media was picking on him and defended the Beijing Games as a “successful” one for the swimmers. “There were a lot of Africa records. Why are you coming after me?”

He said he never spoke to Neethling because the swimmer flew in separately, from the US.

“He is a guy who must come to me ... I can’t run to everyone. You should ask him (Ryk) about the official warning he got from Sascoc in Korea.”

(This was denied on Friday by Sascoc official Hajeera Kajee, Team SA’s chef de mission in Beijing).

Asked about the poisonous atmosphere within local swimming, Lange said: “It may be the view of some guys, but guys who work with me say we have a good relationship. With people like Ryk, understand I am always attacking him, but it’s based on performance.”

There is speculation that his contract, which runs until the end of 2008, won’t be renewed. But Lange said negotiations were at a sensitive stage.

2008 that a Commission of Inquiry (*“the Commission”*) must be established, and it further resolved as follows:

- that Advocate Norman Arendse SC, Ms Kirsten Van Heerden, and Mr Rowen Meth, be appointed as members of the Commission;
- that Advocate Arendse SC be appointed as chairperson of the Commission;

Warley denied ever swearing and refuted claims of racism made by Jean- Marie Neethling and Harris. “Against Afrikaans? That’s beyond my comprehension. My kids attend a school that is predominantly Afrikaans.”

He said Van Biljon was in breach of Sascoc protocol for wearing the wrong outfit and he pointed this out to her coach, Karoly von Toros. He says he admonished her for “being rude” and denied screaming at her.

Despite Harris claiming Warley had been in their presence when Lange allegedly hit him, Warley said he hadn’t seen the incident or heard any swearing.

Warley conceded that the atmosphere in SA swimming was “an issue” and that some things, including the strained relationship between Neethling and Lange, had led to unhappiness.

“I have a working relationship with Roland Schoeman, Ryk and Lyndon Ferns. I can’t answer the issues surrounding Dirk. I spoke to Ryk in South Korea, but I wasn’t there to witness the pool deck episode.”

As for the technical glitches and the complaints about him in Beijing, Warley said these were promptly dealt with to everyone’s satisfaction. “But I must stress: the wild allegations are unfounded.”

On Friday, Kajee said the gripes about Warley were less complaints than “challenges”. She refused to discuss the matter regarding Van Biljon, saying, “We’ll deal with it, but I won’t discuss it with you.”

Warley said plans were afoot for an Olympic swimming de-briefing at the end of next week.

Astonishingly, there is no intention to include a single swimmer.

- that the Commission conduct its activities in such a manner that the interests of the SSA and its Affiliates be generally protected and/or furthered; and
- that the Commission determine its own practical procedures and/or methods without undermining the generally accepted principles in pursuance of its mandate.

The mandate³ of the Commission was:

- to investigate and/or establish the cause/s and/or *nexus* of the allegations and counter-allegations around the SSA swimming team that participated in the Beijing Olympics and the article referred to as annexure “A” (*“the Sunday Times article”*);
- to determine the underlying factors and/or dynamics involving all role-players and/or characters that were directly and indirectly referred to in the *Sunday Times* article; and

³ The full mandate reads as follows:

“2. **MANDATE**

The mandate of the Commission is set out as follows:

- 2.1 *To investigate and/or establish the cause/s and/or nexus of the allegations and counter allegations around SSA swimming team that participated at the Beijing Olympics and the article as referred to in annexure “A”.*
- 2.2 *To determine the underlying factors and/or dynamics involving all role-players and/or characters that were directly and indirectly referred to in annexure “A”.*
- 2.3 *To report on the Commission’s findings and make such recommendations to the Executive Committee of SSA as may be possible in the interest of SSA in particular and it’s members in general”.*

- to report on the Commission's findings and make such recommendations to the Executive Committee of SSA as may be possible in the interests of SSA and its members in general.

As regards time frames, the Commission was required to present its final report on or before the end of **30 September 2008** to the Executive of SSA. This time frame was wholly unrealistic in view of the fact that the Commissioners sat on a part-time, voluntary, basis, and were required to engage extensively with all the relevant role-players. The difficulties meeting the deadline were conveyed to the President and Chief Executive Officer (CEO) of SSA, and they agreed to an extension.

The Commission sat at times, and at venues, convenient to it, determined at its discretion. The Commission sat in Johannesburg on **25 and 26 September; 2 and 3 October; and 3 and 4 November 2008**; on **13 and 14 November 2008** in Cape Town; and two of the Commission members (Ms Van Heerden and Mr Meth) sat in Durban at the FINA World Cup meeting on **16 and 17 October 2008**. At these meetings, various persons were interviewed including officials, management, coaches, swimmers, and members of the public who have an interest in swimming. All interviews conducted with witnesses were recorded mechanically, and were transcribed. Where oral evidence could not be mechanically recorded and transcribed, such evidence was recorded in long-hand⁴ by members of the Commission.⁴

⁴ A schedule of witnesses who gave oral and written testimony is as follows:

1. Swimmers

Kathryn Meaklim)
 Mandy Loots)
 Natalie du Toit) Written submissions and interviewed
 Suzaan van Biljon)
 Ryk Neethling)
 Roland Schoeman)
 Gerhard Zandberg)

Jean-Marie Neethling)
 Lize-Mari Retief)
 Melissa Corfe)
 Neil Versveld)
 Troyden Prinsloo) Written submissions
 William Diering)
 Sebastien Rousseau)
 Lyndon Ferns)
 Cameron vd Berg)
 Warren Grobelaar)

2. Coaches

Param Naidoo)
 Graham Hill)
 Karoly von Toros) Written submissions and interviewed
 Igor Omeltchenko)
 Dirk Lange)

Wayne Ridden - Written submission

Frank Busch)
 Rick de Mont) Telephonic interviews

3. Officials

Neville Smith (Open Water Technical Official) – Interviewed
 Anton Jordan (President Northern Tigers Swimming) – Interviewed
 Anna Rita Strydom (Natalie du Toit's Manager) – Written submission and interviewed

4. Management

Jace Naidoo (President SSA) - Interviewed
 Shaun Adrianse (CEO SSA) - Interviewed
 Rushdee Warley (Manager: Athlete Development/High Performance/Team Manager)
 – Written submissions and interviewed
 Hajeera Kajee (Chef de Mission Beijing Olympics) - Interviewed

5. Sports Scientists

Ross Tucker
 Tim Noakes

6. Other (written submissions)

Mrs vd Berg
 Mrs Cant
 Imraan Camroodien
 Awaatief Railoon
 Geraldine Schoeman (interviewed)

7. Water polo and open water swimming parents (written submissions)

Rob Stedman
 Simon Downes
 Gerhard Siglmayr

A number of written submissions were received from officials, management, swimmers, members of the public, from open water swimming, and water polo.

Although the Commission could subpoena any member registered with SSA to testify, to make submissions and/or furnish the Commission with any information or documents, that right was not exercised, and all written and oral information received by the Commission was submitted on a voluntary basis.

Several e-mails were sent to all officials, management, swimmers, and the general public inviting them to submit either written or oral submissions.⁵ Several press releases were also issued by SSA on behalf of the Commission informing the media⁶ and members of the public of progress relating to the Commission's work.

⁵ E-mails to swimmers, coaches and management were sent on:
September 19 – First email advising everyone of the commission, our mandate, and request for submissions
September 22 – A reminder sent to all swimmers, coaches and management

September & October - Numerous emails were sent to individual swimmers and some people were also contacted by phone.

October 13 – Email to presidents of all the affiliates inviting submissions.

Oct 23 – Email sent to Rick de Mont and Frank Busch requesting their input.

October 24 – Update on the investigation process was emailed to swimmers, coaches and management

⁶ Press releases were issued on:

17 September

26 September

24 October

10 November

A number of documents⁷ were received from those we interviewed, and from those who made written submissions. Some documents were sourced by the Commission.

⁷ ***Received from Rushdee Warley, Dirk Lange and Shaun Adrianse***

Job descriptions:

Manager: High Performance

Manager: Athlete Development

Head Coach (and CV of Lange)

Planning and Strategy

SWIMMING SA (SSA) - Annual Financial Statements 2008

National Lottery Funding Board – Payments made to SSA

SSA Structure - November 2002

Notes on Strategic Workshop - 2002

Ministerial Task Team Report - 2003

SSA Strategic Workshop - June 2004

Presidential Discussion Document: 2005-2012

SSA Business Plan 2004-2008

Organizational Chart – SSA

Athlete Development Strategy 2004 - 2008

- Amended Athlete Development plan

National Squad Strategy 2005-2008

- National Squad Motivation

National Training Centre Admissions Policy 2007

SSA 'Code of Conduct'

SSA Constitution

2008 SASCOC Membership Agreement – Beijing Olympic Games

Competition preparation plan 2007-2008 for Beijing

Stats and analysis of swimmers performance at Beijing

Received from Ross Tucker – Sports Science Institute of South Africa

Sports Science – High Performance Proposals

High Performance Sport Concept – SSISA

High Performance Swimming Strategy

Documents sourced ourselves:

C. THE SUNDAY TIMES ARTICLE “FEAR FACTOR SINKS SWIMMERS”, 31 AUGUST 2008

The article was written by a journalist, Clinton Van Der Berg, and was subtitled ***“Team members claim foul-mouthed officials created poisonous atmosphere at Games”***.

We deal with the article by dividing it into key components approximating some of the allegations and assertions contained in it. We start by considering whether it was indeed South Africa’s worst Olympic swimming performance in 72 years; we examine the claims of racism, threats, assault, and victimisation; we consider the allegation that *“foul-mouthed officials created a poisonous atmosphere at the Games”*; we consider the allegations surrounding the pre-Olympic camp held in Daegu, Korea; and finally, we consider some other miscellaneous issues raised in the article.

(a) Was this South Africa’s worst performance in 72 years?

Although the writer does not expressly claim that this is a reference to South Africa’s worst *“swimming”* performance in 72

years, the inference is clear and irresistible. No other Olympic code is discussed, or referred to, in the article.

The author does not justify the conclusion that this was swimming's worst performance in 72 years. (We assume that it is based on the fact that swimming achieved not one medal). Of course, it was common knowledge at the time the article was written on **31 August 2008** that our swimmers won no medals in the pool. However, nothing is said otherwise as regards the performances of the swimmers.

Our Olympic history in aquatics reveal the following statistics:

- **1932 Los Angeles**

Jenny Maakal – Bronze 100m Freestyle;

- **1952 Helsinki**

Joan Harrison – Gold 100m Backstroke;

- **1956 Melbourne**

Bronze – Women's 4 x 100m freestyle relay;

- **1960-1988**

Period of international isolation;

- **1992 Barcelona**

Peter Williams 4th place 50m Freestyle;

- **1996 Atlanta**

Penny Heyns – Gold 100m Breaststroke,

Gold 200m Breaststroke

Marianne Kriel – Bronze 100m Backstroke;

- **2000 Sydney**

Terrence Parkin – Silver 200m Breaststroke,

Penny Heyns – Bronze 100m Breaststroke;

- **2004 Athens**

Gold – men's 4 x 100m Freestyle Relay,

Roland Schoeman – Gold 100m Freestyle,

Bronze 50m Freestyle;

- **2008 Beijing**

Best place 4th - Jean Basson, 200m Freestyle (7th fastest time in history),

15 Semi-Finals, and 6 Finals;

- At **Athens 2004** we had 8 male swimmers, and reached 4 Semi-Finals, and 4 Finals; whereas at **Beijing 2008** we had **15 male** and **7 female**

swimmers, and reached **15 Semi-Finals**, and **6 Finals**. (In addition, 22 African and 24 South African records were broken).

These statistics were easily obtained from the Internet. The journalist concerned had clearly failed to do a simple search on the Internet. Accordingly we find that his reporting in regard to the performance of South African swimmers in Beijing was sloppy, inaccurate and misleading. It was not based on fact. Indeed, it is clearly apparent that South African swimmers did exceptionally well in reaching 15 Olympic Semi-Finals, and 6 Olympic Finals. Put in its proper factual context, the 2008 Beijing Olympics also saw the fastest times ever recorded in almost all of the aquatic events.

A further crucial factor not mentioned or referred to by the journalist is that going into the 2008 Beijing Olympics, South Africa only had Roland Schoeman in the men's top 10 in the freestyle events, and Lydon Ferns in the men's top 20 freestyle events. Moreover, the writer failed to point out that swimming in the Summer Olympics takes place in a 50m (long-course) pool as opposed to a short-course 25m pool. In a swimming context, the difference is massive, and therefore clearly material.

We deal now with claims of racism, assault, threats, victimisation, and a so-called culture of fear.

(1) **Racism**

This is not substantiated at all in the article. The closest the article gets to any such allegation, is the reference to what Shaun Harris (*"Harris"*) allegedly says. Harris' claims are denied by Rushdee Warley (*"Warley"*), and Dirk Lange (*"Lange"*). Harris, despite several invitations, and an offer by him to do so, failed to appear before the Commission, and accordingly his claims must be rejected out of hand.

(2) **Assault**

Harris claims that Lange hit him in the face in Manchester at the World Short-Course Championship, but these claims are denied by Lange, and Warley contends that he cannot recall any such incident. At worst, Lange had brushed Harris' face with a copy of a programme but this was after Harris had made racist remarks about Warley.

Accordingly, this claim is not substantiated either in the article, or during the course of evidence before the Commission.

(3) **Threats**

The comments made by Neil Versveld in Japan 2007 appear to have been taken out of context. Lange commented on Versveld's form at the meeting. Indeed, Versveld in his written statement to the Commission does not say that Lange threatened that he would not make the Olympic team. In fact, Versveld did make the Olympic team, and swam at the Beijing Summer Olympics.

(4) **Victimisation**

"Victimisation" is accepted by most reasonable readers to mean the unfair or unjust treatment of a person. There is nothing in the article which shows or proves that any of the swimmers at Beijing were victimised for either what they did or said, or stood for.

(5) **Culture of fear**

Wayne Riddin is quoted as saying swimmers were scared of the administrators, but Riddin was not at the 2008 Beijing Olympics himself, and was not in a position to make any such allegation. In fact, although Troyden Prinsloo, Neil Versveld, Ryk Neethling,

and Darian Townsend are members of Riddins' club (of which he is the Head Coach), they are in fact not personally coached or trained by him. It needs to be noted that Riddin was also one of the coaches who opposed the national strategy of Lange and Warley which we deal with later on in this report. One must therefore treat his statement with caution.

Thus, although Neethling refers to an atmosphere of "*fear*", the article itself does not justify the headline "*Fear Factor*".

Under this heading, the journalist refers to claims made by Jean-Marie Neethling of alleged "*racist language*" used by Warley at the World Junior Championship held in Rio de Janeiro "*this year*". In this regard, we point out that the World Junior Championship took place in **2006**, and not **2008** as alleged in the article. This reference is therefore entirely inaccurate, and misleading.

(6) Foul-mouthed officials

These allegations are made mainly by Harris, and are not substantiated. They are in any event denied by both Warley and Lange. Harris is not a credible witness, and failed to appear before the inquiry. In any event, Harris is also discredited by

other witnesses who are very close to him, and who made written submissions to the Commission. Harris had opportunities to deal with these submissions but failed, or refused to do so.

Versveld alleges that Lange swore at him, and Lange admits that he may have done so but the Commission accepts that the sport environment is a robust one, and that Lange's alleged swearing was not designed to denigrate, insult, or demean Versveld, but was made in the context of encouraging him to swim better, and faster. There are otherwise no such allegations made by any of the female swimmers. The article otherwise contains no allegations of swearing at the Beijing Olympics itself.

(7) **The atmosphere at the Beijing Olympics**

Apart from a bald allegation by Ryk Neethling that the atmosphere at the Games was "*terrible*", there is nothing in the article to substantiate it. In fact, the claims are denied by Lange and Warley. The only thing Warley concedes was that the atmosphere within SA swimming is "*an issue*", although not at the Games itself.

(8) **The pre-Olympic Korean incident**

There was an incident between Gerhard Zandberg (*“Zandberg”*) and Roland Schoeman (*“Schoeman”*) in Daegu, Korea at a pre-Olympic training camp. The argument was initiated by Zandberg, and this is confirmed by both Zandberg and Schoeman. The argument was in the nature of a verbal altercation, and no physical confrontation took place. There are however conflicting reports about the incident given by coaches and swimmers, but it is common cause that no physical altercation took place between the swimmers. In fact, the incident was resolved in a meeting afterwards which was attended by all the coaches, and the two swimmers involved. Both swimmers accepted responsibility for the altercation. It otherwise had nothing to do with SSA, with Lange, or Warley.

(9) **Incidents involving Van Biljon, Corfe, and Retief**

Although these incidents happened, and took place, they need to be contextualised, and explained further. These issues involved breaches of protocol, administration issues, swimmers complaining about the management to SASCOC, bad relationships, and the alleged poisonous atmosphere. They are contextualised in the report later.

Conclusion

We conclude that the allegations made in the newspaper article relating to the 2008 Beijing Olympics are in material respects not justified either in the article itself, or in subsequent interviews conducted with the key role-players.

The article nevertheless raises certain key issues which we now proceed to address.

The Korean Incident

There was an altercation between Zandberg and Schoeman in Deagu in Korea at a pre-Beijing Olympics Games preparation camp. This is confirmed by all concerned. The incident was initiated by Zandberg, and arose from matter placed on Facebook by Schoeman about Zandberg.

Zandberg approached Schoeman about the issue at the poolside in full view of other members of the team, and coaches. Schoeman refused to engage Zandberg in any conversation, but Zandberg persisted. A verbal altercation ensued, and the conversation became loud, prompting Ryk Neethling to step in to calm both swimmers.

There are conflicting versions of what happened next, but it is common cause that the two swimmers concerned met in the presence of all the coaches, shook hands, and agreed to work together in the best interests of the team. There is no evidence that any physical confrontation took place, or that the altercation itself affected the preparation of the team, or any performances at the Beijing Olympics itself.

The evidence however points to the fact that the issues between the two swimmers were known to Lange and the United States' coaches before the camp.

One would not have expected the team captain, Zandberg, to act in such a flagrant manner in front of other swimmers, especially younger swimmers of the team, even if Schoeman had made defamatory remarks about him on Facebook. Schoeman also is the most senior swimmer in the team with the highest profile in the squad, and he too should not have made public his own personal issues about Zandberg on Facebook. His conduct at the poolside otherwise cannot be faulted.

Given that the issue between the two swimmers was known to management before the camp, it is not unreasonable to have expected management to have addressed this issue before the Olympic Games.

Dirk Lange's role in Beijing

Having enquired into the matter, it is evident that there was some dissatisfaction that he, as national coach, was commentating for Eurosport. Additionally, (a) the fact that he did not stay in the Olympic Village with the team; (b) because he was unable to enter the warm-up pool area, he was precluded from assisting some swimmers before their races; (c) one of the American coaches was of the view that Lange should not have been separated from his team in this way; and, (d) his absence from the village, and the pool area, only served to exacerbate dissatisfaction within the team.

All things considered, we are of the opinion that the decision by SSA and SASCOC to agree to this arrangement cannot be justified on any basis. Moreover, we are unsure whether any fees earned by Lange and paid to him by Eurosport would have been used to defray the costs involved in allowing an extra (American) coach onto the team. In this regard, we ask the SSA Executive to make the relevant enquiries from SASCOC.

Suzaan Van Biljon and Lize-Marie Retief (alleged breach of protocol)

Van Biljon admits that she wore the incorrect clothing and that this technically amounted to a breach of protocol. She and other swimmers accept that they are committed to comply with the Code of Conduct signed with SASCOC prior to the Olympic Games. She contends however that she had no other spare tops, and therefore she was unable to comply with the protocol. At the time that she displayed the non-approved item of clothing, there were few people in the warm-up area, there were no cameras, and she was unaware that she was in breach of protocol as Arena swimwear is officially sanctioned by SSA.

What caused the incident was that instead of approaching Van Biljon directly, and diplomatically, the team manager, Warley, sent her coach, Karoly Von Toros to complain to Suzaan on his behalf. She took exception to this.

What happened next is contained in Warley's incident report to SASCOC dated 14 August 2008, and which we accept unequivocally.

Accordingly, we are not in a position to gainsay Warley's report, but having interviewed all parties concerned, we strongly advise against any disciplinary action being taken against Van Biljon. Although there

was a technical breach of protocol, we are of the view that the team manager should have handled the matter much more diplomatically, and sensitively, especially (a) considering this was immediately before a race, and (b) Warley already knew that she was in breach of the protocol when he saw her at breakfast earlier that day, and apparently did nothing about it.

As regards Lize-Marie Retief, here again, there was clearly a technical breach of protocol, but this was a matter that Warley could have dealt with diplomatically and sensitively, instead of scolding her.

The overall management of the team in Beijing

The overall management of the team in Beijing was the responsibility of SASCOC, in particular the Chef de Mission, Ms Hajera Kajee. Each code had its own manager, coaches and other accredited officials. They were all accountable to the Chef de Mission, especially in relation to matters of protocol, and the implementation of the IOC rules and regulations.

There was much criticism of the management of the team in Beijing, in both oral and written submissions made by both South African-based, and overseas-based swimmers.

In connection with the Olympics itself, complaints related to, *inter alia*, (i) incorrect air tickets; (ii) passport numbers on accreditation documents did not correspond; (iii) late delivery of swimsuits, and the incorrect sizes; and, (iv) on **9 August 2008**, the first day of the competition, only certain swimmers were required to walk some 20 minutes in hot, humid conditions, to meet the former First Lady at the welcome centre. Certain swimmers were exempt, but the reasons for their exemption were never communicated to the other swimmers who were required to attend. Complaints also related to the lack of alternative transport in the village, for example, golf carts, bicycles etc; a breach of security in Korea; the lack of respect shown by Warley; the lack of scientific and technical support; the lack of advance notice of what to expect at the Olympic Village; the lack of team meetings and de-briefings during and/or after the Games; and, the lack of communication between swimmers and management.

These and other complaints generally contributed to a less-than-satisfactory environment in which swimmers had to compete. Whilst some of these complaints are valid in certain instances, some swimmers also contributed to this unsatisfactory state of affairs.

We found that the lack of clear lines of authority and communication between SSA and SASCOC was a major cause of many of these issues.

Whilst the Chef de Mission took overall responsibility for the management of the team, the SSA team manager is at times made a convenient scapegoat by SASCOC. In fact, the swimmers in certain instances exploited the manifest differences between SASCOC and SSA. There is evidence that several meetings were held between groups of swimmers, and the Chef, and individual swimmers and the Chef. This was done without the knowledge of Warley, or without informing him. This served to undermine his authority as the team manager. Thus, although complaints to the Chef about Warley's behaviour may in some instances have been valid, the Chef ought not to have entertained them, as they did not concern directly breaches of IOC protocol, but rather pure swimming-related issues.

SASCOC is responsible for the management of Team South Africa at the Olympics in terms of the IOC Charter. This means that SASCOC takes responsibility for all the necessary logistical arrangements, i.e. administrative and financial issues; travel, accommodation, kit, accreditation, Visas, transport, food, pre-Olympic camp in Korea; stipend, and daily allowances.

It is evident that many of the swimmers' complaints relate directly to these administration and financial issues for which SASCOC is primarily responsible.

These issues should have been clarified with the swimmers (and other athletes) by SASCOC well ahead of the team's departure to Korea.

A further and fundamental issue relates to the fact that SASCOC adopted a generic (*"one-size-fits-all"*) approach to Team South Africa whereas it ought to have recognised the fact that its swim team has its own peculiar requirements, and demands. (As indeed, have the other codes!) It is unclear whether these issues were discussed or addressed between Mr Tubby Reddy of SASCOC, and Warley of SSA, at operational level, ahead of the Games.

In relation to Natalie du Toit, SASCOC was hopelessly unprepared or underprepared to deal with her requirements. We are amazed that the Chef de Mission treated her the same as able-bodied competitors, simply because Natalie had qualified to swim in the able-bodied open water competition. Neither Natalie nor her manager nor Warley were consulted about Natalie's special needs. In this regard, the Chef acted entirely unilaterally. For example, Natalie was required to find her way around the village like any other able-bodied competitor. The day before Natalie's open water event, she and her manager (whom the Chef did accredit) had to find their own way to a hotel closer to the open water swimming venue – at their own expense. In fact, neither Natalie nor Chad Ho (our other open water representative) had an open water swimming coach. Natalie relied on Karoly to coach her in the pool which was entirely unsatisfactory. (In fact, swimmers

complained that they had to wait for up to 1½ hours for Natalie to complete her training because she was doing long-distance training. This resulted in Karoly and Natalie leaving their hotel for the pool 2 hours earlier, to train). Worse, neither Natalie nor Chad was informed that they could swim at the site of the open water swim camp before the race. If they were, they would obviously have been better prepared to deal with the challenges on race day.

We now proceed to look at the underlying factors or dynamics that gave rise to the allegations and counter-allegations referred to in the article based on the evidence given to the Commission.

D. UNDERLYING FACTORS/DYNAMICS

1. The Swimming South African National Strategy

The evidence is that SSA did not have any strategy leading up to the 2004 Olympics held in Athens in relation to its elite swimmers. The SSA approach adopted to elite, high profile, swimmers such as Neethling, Schoeman, Ferns, Townsend, Parkin, Penny Heyns, and others, up to and including 2004, was very much based on a “*hands-off*”, *laissez-faire* approach. These swimmers would typically approach SSA or NOCSA (SASCOC’s predecessors) for funding or for some material or financial assistance, and these requests would be

considered by the SSA Executive, and invariably be granted to allow these swimmers to compete internationally. Most, if not all, these swimmers were overseas-based, and were attending USA-based colleges, participating on the NCAA swimming circuit. SSA exercised little or no control over these swimmers.

Following a disappointing Sydney 2000 Olympics, and a Ministerial Task Team investigation report in 2002, the SSA Executive took the initiative to hold a strategic planning workshop in 2002, which resulted, *inter alia*, in the current SSA structure being approved in November 2002. Having regard to the 2002 workshop document, it is to be noted that at that point already, SSA identified weaknesses, *inter alia*, relating to it not being a professional and strong aquatic organisation, the lack or failure in international performance, the lack of transformation in terms of demographics, an insecure administration, and a lack of financially sustainable projects.

It was for the first time in 2004 that SSA embarked on a strategic, and holistic, approach to the organisation of swimming in this country. The workshop was held on **11 and 12 June 2004**. It is at this workshop that gaps were identified in the organisation such as, for example, a lack of focus, lack of education for coaches and accreditation systems, communications, the need for marketing, sustainable funding, the lack of planning, the lack of planning and in its implementation, the lack of discipline, the lack of quality administration, insufficient human

resources development, the lack of performance management, the lack of structure, staff incompetence, unclear policies, the lack of budgeting and finance systems, the lack of policies and processes, the lack of accountability, loose management, the lack of integration, poor implementation of policies, and the lack of clear role definition. It was also at this workshop where the lack of coaching skills, and the need for a national coach, and the lack of scientific and technical assistance for elite swimmers was highlighted.

Subsequent thereto, the incumbent President, Mr Jace Naidoo, presented a discussion document covering the period 2005 to 2008 designed to meet the following objectives:

- to focus on the development of elite athletes;
- to provide growth and awareness throughout all communities from grassroots through recreation to elite competition, through effective skills and development strategies;
- to create growth and sustain the necessary infrastructure through programmes for the development of the sport at all levels;

- to create and sustain effective leadership for a financially sound administrative organisation through efficient policies and procedures; and
- to develop and implement marketing and communication strategies to enhance the financial viabilities, and image of SSA.

The challenges addressed by the President at the time were:

- transformation;
- mass participation;
- high performance; and
- organisational performance and corporate governance.

In approximately **June 2004**, SSA had published its business plan which accorded with that contained in the President's discussion document, and which focused on SSA's corporate objectives, the administration of SSA, learn to swim, athlete development, international competition, local competition, the hosting of international events,

human resource development, facilities' development, the centre of specialisation, and the budget.

2. **Appointment of Dirk Lange as National Coach**

On **10 December 2004**, SSA advertised for the position of Senior Coach, National Training Centre, and in the advertisement, the successful applicant was required to report to the Performance Manager, and would be required to fulfil the following duties:

- coach the squad of senior elite swimmers based at the Swimming South Africa National Training Centre in Pretoria;
- work with coaches and the Performance Manager to Design and Implement High Performance Competition schedule aimed at delivering results in Beijing Olympics 2008;
- evaluate, consult and advise coaches coaching high performance swimmers;
- conduct coaching education programmes around the country;

- in consultation with the Performance Manager, develop a professional core of support staff for Swimming South Africa;
- attend identified competitions locally and internationally;
- fulfil all duties associated with being a Head Coach when required to attend international competitions; and
- Swimming South reserved the right to add to this list of duties after making an appointment and in consultation with the successful candidate.

Dirk Lange, a German national, applied for the post, and was appointed after interviews with him via video conference and two other short-listed candidates were conducted by an interview panel appointed by SSA.

This was then the beginning of the Lange/Warley era. Lange worked in close consultation, and co-operation, with Warley who was at all material times acting as the Performance Manager.

He was employed as the Head Coach by Swimming South Africa (SSA), and his contract expired end November 2008. (He had no intentions of renewing his contract, and in fact has since been

appointed the German Head Coach). He was appointed at the beginning of 2005 shortly after the 2004 Olympic Games. Prior to that, he worked for FINA in education and training.

His job description was as follows: it was to increase the depth of top swimming; to change the philosophy in swimming; to take swimming to another (professional) level; and to increase the base of South African-based athletes for the next Olympic Games (2008). In the latter regard in 2004 there were 8 swimmers from South Africa, but, now there were 22 swimmers at the 2008 Olympic Games. In 2004, of the 8 swimmers, 90% was US-based. There is now a pool of 60 swimmers, 22 of whom were at the 2008 Olympic Games. Furthermore, in 2004 there was no female on the team, whereas in 2008 there were 7 females in the team.

Before 2004, there was no national strategy. A national strategy was put in place for the first time after 2004 by the Performance Manager, Rushdee Warley, and the National Coach. The latter is based in Pretoria where he led the national training centre. There are two training centres, one in Cape Town and one in Pretoria. In regard to the national strategy, a group of coaches was identified who were willing to be committed to the whole strategy. A couple of meetings took place where this was discussed. Eight coaches were identified for the national team, and these coaches bought into the national strategy.

Lange was of the view that there were selection criteria for the national team and that everyone was aware of the criteria.

Lange's evidence was that the strategy put in place in 2005 was published, and was communicated to domestic and overseas-based swimmers, and to all the coaches.

He felt strongly that one of the other disciplines that was also absent from the South African team was actually conduct-related discipline. This was addressed through a code of conduct. In order to be eligible to participate in international galas, you must have signed the code of conduct.

He was aware that there were apparently more than 150 South African swimmers based in the States.

Lange communicated with the Arizona-based swimmers, and in particular, Frank Busch and Rick De Mont.

The team to the Olympics as confirmed by SASCO.

In the lead-up to the Olympics, major events were identified in which swimmers on the Olympic squad were required to participate in. If any

swimmer swam in any other event, permission had to be obtained from SSA.

As regards home-based, and overseas-based, swimmers, Lange conceded that he obviously spent more time with the home-based swimmers. At times, he only saw the overseas-based swimmers at galas. He accepts that there would have been a perception in 2007 that he favoured home-based swimmers over overseas-based swimmers.

As regards the *Sunday Times* article, he states he saw the article, and that the journalist Clinton Van der Bergh interviewed him in relation to allegations made against him.

As regards the US-based relay team, they had their own dedicated coach. He did not stay in the Olympic village, but went there four or five times. Rick De Mont was in charge of the US-based relay swimmers, but he was supervising them, and staying in touch with them. His relationship with De Mont was a professional one.

As regards the incident in Korea on 25 or 26 July, he maintains that the argument was managed pretty well between Roland Schoeman and Gerhard Zandberg. Apparently Roland had posted something about Gerhard on Facebook, and at the pool in Korea, Gerhard had

approached Roland about it. They spoke partly in Afrikaans, and partly in English. Initially he thought it funny as he could understand some of the Afrikaans. The conversation however became loud. The situation was however sorted out subsequently and the two shook hands. It was never, ever a violent confrontation.

As regards the Shaun Harris incident in Manchester, he maintains that it is Harris who had a “*colour*” problem, and that he was very unstable. He denies ever hitting Harris.

In answer to a question whether he swore on pool deck, he answered that he could not recall:

“...You know my language is sometimes my language is not coming across one of the person, you know what I mean? It might be harder coming in force, as far as I mean it”.

As far as Neil Versfeld is concerned in Japan 2007, he denies having sworn at Neil. As far as he was concerned everything is taken out of context. Troyden Prinsloo’s private remarks in his written statement are defamatory and do not deserve repeating.

As regards his relationship with Roland, he regards him as the fastest and best swimmer in South Africa. He has a good relationship with Cameron Van den Bergh who is also one of his swimmers.

In analysing his evidence, it was clear from this and subsequent e-mails to the Commission that he was extremely unhappy about the allegations levelled at him in the media. He was disturbed that they were of a personal nature and that this may reflect negatively on his status internationally. His decision not to renew his contract was based largely on the fact that that his personality was being attacked and that he did not need to put up with same.

One of his first duties as the Head Coach was to unify the South African swim team and instil discipline as everyone was acting on their own accord as opposed to acting as a team.

He had the co-operation of some coaches who were committed to the strategy. Some coaches who were unhappy about the system he put in place, left.

As far as catering for SA swimmers based in USA, he indicated that his mandate was to promote SA swimming and that the USA swimmers had to fit into the strategy. To be a member of the squad he indicated there were clear guidelines and criteria. Being a squad member meant that there were compulsory competitions and training camps to attend.

Lange indicated that he was closely monitoring the performances of the USA based swimmers. He had intended on travelling to USA to meet with the squad members and their coaches, however financial constraints prevented this. He noticed as far back as 2007 that Ryk Neethling was underperforming. He raised his concerns with Rick Du Mont (the USA based coach) as well as with Ryk Neethling. He indicated to Neethling that because he getting older, so his preparation and training programme needs to be modified.

He indicated that Ryk would not listen. Besides not wanting to listen to coaching advice, Ryk's behaviour and attitude was bad and that he received several warnings. He failed to pitch up to several important camps and competitions.

Dirk indicated that when SA won the relay against Australia in the lead up to the Olympic Games, as a coach he wasn't impressed with the time as well as the fact that it was the Australia B team that was beaten.

Whilst the article levels many personal attacks against Dirk Lange personally, none criticize his abilities as a coach. The Commission has dealt with the newspaper article in depth. However the parties who were alleged in the said article to have complained about assault and vulgar language have failed to attend the Commission of Inquiry, despite several requests.

What the commission has uncovered as a result of interviewing various coaches and swimmers is that there existed certain perceptions that put Dirk Lange in a poor light. These perceptions are listed hereunder:

- a) that he favoured certain coaches and that if one questioned his decisions one would be out of the National Squad.;
- b) that swimmers felt that they would be left out of the National Swimming Squad should they raise objections;
- c) that SA based swimmers were not being treated equally to USA based swimmers and vice versa; and
- d) that Dirk Lange, as the National Coach, also had his own swimming squad and favoured his squad swimmers.

The commission attempts to deal with these perceptions based on the evidence:

- A. Relating to (a) above: Graham Hill and Karoly Von Toros, as well as Igor Omeltchenko and Dean Price felt that because they disagreed with Dirk, they were disciplined and left out of the National Coaching Squad.

Dirk was clear that the philosophy which he was tasked to instil in SSA, was a new concept. He acknowledged that certain coaches were unhappy, but that the coaches were informed of what the criteria was and that it was voluntary. To this end, Karoly and Graham Hill returned to the Coaching Squad and attended the Beijing Olympics with their swimmers.

It was unfortunate that Igor was not part of the Coaching Squad as he had several international swimmers. It was evident that there were differences of opinion between Igor and Dirk. It was unfortunate that these were not resolved in the interest of South African Swimming.

SSA and Rushdee Warley, should have attempted some sort of conciliation in order to ensure that Igor was not excluded.

The very fact that Igor was excluded from that Coaching Squad whilst producing international and Olympic swimmers is fundamental to the perpetuation of the above perception. That this perception would have been carried by certain officials, swimmers and parents is obvious. This possibly is a reason for the disciplinary problems exhibited by certain swimmers in Beijing (i.e. Suzaan Van Biljon), in relation to whom a certain amount of rebelliousness was experienced.

- B. Relating to (b) above: Several swimmers indicated that they were told by Warley as well as Lange that if they did not comply with his decisions and instructions that they would be excluded from the National Squad, which ultimately meant no international competitions and the likelihood of not qualifying for the Olympic Games.

Swimmers were unhappy to change their programmes whilst at training camps. Some swimmers decided that they would follow Lange's programmes at training camps but do so at an unreasonable pace, instead just going through the motions.

Here the underlying problem is a lack of communication between Dirk Lange, the swimmers' coach and the swimmer. The message should go out very early to the swimmer and coach, as to exactly what programme the swimmers would be required to perform at the swimming camps. It seems unreasonable to expect an elite swimmer and their coaches to change his/her swimming programme for the duration of a camp during the preparation phase of a major international competition such as the Olympic Game. This proved to be disruptive for the swimmers, and again fuelled ill feelings towards the coach and Warley.

What was certain was that selection for the Beijing Olympic squad was not in Dirk Lange or Rushdee Warleys hands, it was purely determined by performance.

However, as one senior swimmer said during the commission, echoing other swimmers' concerns:

“They just so often move the goal posts that you were afraid to do anything that might jeopardise your chances of making the team. You never really knew that you were working towards and if it would be enough”.

Again, this points to the perceptions of the swimmers, whether it is based on fact is immaterial. Clear qualifying criteria must not only be set and adhered to but also clearly communicated to all South African swimmers and coaches.

Being a member of the National Squad, had certain rights and duties for the swimmers. Swimmers signed a contract (code of conduct) and one of the conditions is that they would follow the instructions of the Head Coach.

- C. In relation to (c) above: For this, the blame should be placed squarely at the door of SSA.

A major cause of this problem was that SA based swimmers felt that it was compulsory for them to attend certain camps and competitions. Certain swimmers felt that some of these did not fit into their training programme, and were more detrimental than beneficial. Certain coaches also held the same view and exacerbated the problems as it was evident in the swimmers attitude towards SSA, Dirk and Rushdee.

SA based swimmers felt there were a certain rules and criteria for USA based swimmers and other rules for them. A great amount of dissatisfaction emanated from the fact that USA based swimmers were excused from attending the African Games and certain training camps, whilst SA based swimmers had to attend.

SA based swimmers felt that the games interfered with their training programme. Evidently this was also the gripe of USA based swimmers.

As much as this is what the swimmers say, it is evident that they knew as much as a year in advance of the African Games. The real reason for swimmers wanting to avoid the African Games is that the conditions in which/under which they have to participate is well below the standards compared with other competitions in other continents, viz, poor accommodation and food. At the 2007 games, because of a lack of food, several swimmers lost body

mass which affected their conditioning. (We suggest that in future, SASCO send an advance party to ensure that the food and accommodation are conducive to swimmers giving their best performances).

Be that as it may, SSA conceded that when it came to the USA based swimmers not willing to attend certain events they relented because, like it or not there would have been a public outcry had the “fab- four” or “golden boys” been excluded from SA swim squad.

It is to this extent that SSA must accept the responsibility for these perceptions in the swimmers’ minds.

- D. In relation to (d) above: A further perception in swimmers and coaches minds was that, Dirk Lange as the National Coach who also had his own swimming squad, favoured his swimmers. His swimmers were Cameron Van de Bergh and Gerhard Zandberg.

SA based swimmers felt that these swimmers were favoured in terms of the assistance they received at the National Training Centre.

To this extent certain swimmers questioned the appointment of Gerhard Zandberg as the Squad Captain and Olympic captain.

The commission is of the considered view that allowing Dirk Lange to have his own squad was problematic and should not have been entertained for the very reason that it creates these perceptions. This is not to state that Dirk in fact favoured “his” swimmers. Neither is it an indication of his coaching abilities. In fact his swimmers did as well as the others.

As much as there is no evidence to support these perceptions there is no evidence to support that Dirk Lange favoured certain swimmers or coaches, this does not mean the above perceptions were baseless. In fact USA-based swimmers were given preferential treatment in terms of not attending compulsory events. To this extent, SSA must clearly define the standard of expected conduct and consistently sanction non adherence.

A happy median must also be found for USA based swimmers whose objectives and training programmes are distinct from the SA based swimmers.

Whilst Dirk had his detractors, he equally had many supporters.

Mandy Loots was happy to volunteer that at first she did not “get along” with Dirk but that as she got to know of what he expected of her as a swimmer, he became more likeable. As much as certain coaches take individual credit for their swimmers performances, there are coaches who give credit to Dirk Lange

and the strategy he employed and for his technical advice he imparted:

- swimmers and coaches credited Dirk with increasing the number of international competitions attended over the past 4 years, which did help swimmers gain valuable experience; and
- the very strict criteria for selection i.e. needing to make the Olympic A time in a final a Senior Nationals, was welcomed by some swimmers as a way to help them prepared for the pressure of the Olympic Games. Every swimmer was aware of what the qualifying criteria were and performed exceedingly well at the Olympic Trials.

Dirk was clear in his evidence that he knew that they had no chance of medalling in Beijing and that SSA was building for the 2012 Games.

He spoke very highly of all the swimmers and that if SSA continues with the strategy they would do very well in 2012 and beyond. In particular he was pleased with the number of swimmers who at such a young age qualified for the Olympics.

Dirk Lange is to be commended for his effort in achieving his mandate of increasing the depth of South African swimmers of world class performers. However, part of his mandate was also to create team spirit and team unity, and in this instance he seems to have failed at this task.

3. **The evidence of Rushdee Warley**

Warley handed in an affidavit dated 2 October 2008 with attachments, and also appeared before the Commission on two (2) separate occasions. He was first employed in 2002 and was intimately involved in national strategy discussions in 2004. The strategy involved a lot of people, various facilitators, staff, technical committees etc. The national coach was then employed pursuant to that strategy in 2005. The coach applied for the job together with 29 others, and he served on the interview panel with Alan Fritz and Mary-Jane van Oerle of SSA. Lange was one of three short-listed candidates. (The other two were Dean Price and Karoly Von Toros).

After the employment of Lange, he was given the information and the documentation contained in the 2004 strategy and he was asked to work on it and give his opinion. The strategy involved all the stakeholders.

In 2004, a meeting took place at Senior Nationals around mid-April where a special meeting involving all parties was held to develop a national high performance plan. The plan was presented to all the stakeholders in an open meeting, and was formally adopted in 2005, incorporating the national strategy of 2004. The strategy was taken to the Executive, and was adopted by it.

South Africa has a data base of 10 000 swimmers.

Some of the problems experienced were encountered mostly in relation to internal communication with the Arizona-based swimmers.

Overseas-based swimmers were selected according to the following criteria: they had to swim SA Nationals, and make the Olympic "A" time, or possibly the "B" time to be able to be considered for relays. In 2007, at the SA Nationals, only Ryk Neethling swam. The other US-based swimmers did not swim citing academic commitments. Their reasons were accepted.

Warley maintains that he has an on-going relationship with Roland Schoeman, and a communicative one with Neil Versfeld.

In answer to a question whether overseas swimmers should be left alone to their own devices, he answered that his vision was that

swimmers should produce medal winning performances by design, and not by fluke. He is therefore not in agreement with the suggestion that overseas-based swimmers should be left alone, or that SSA should adopt the pre-2004 "*laissez-faire*" approach.

As regards his relationship with SASCOC, he said his difficulty was that under Dirk Lange, he came out of a structured environment where meetings were held, etc. As opposed to the Beijing Olympics where he was in an environment that he had never come across before. He was no longer there as an employee of SSA, but had to apply and implement the directives and protocols of SASCOC.

At the 2008 Beijing Olympics there were 22 swimmers, 2 open water swimmers and 1 diver, and 6 officials had to deal with this number; whereas in 2004 Athens there were 7 swimmers and 4 team officials. According to him, SASCOC understands what the SSA team structure and team function was but for some reason or other it did not fit in with the SASCOC structure.

He was then asked as to what caused the issues between him and certain swimmers, and he answered that he did not have any issues with any of those swimmers. He said a big problem was that some swimmers simply wanted to take, and not to give anything back to swimming.

He dealt with the example of Jean-Mari Neethling and said that he was in Rio in 2006, and not as the newspaper article indicates, in 2008. As far as the allegation of Afrikaans is concerned, he has children that go to an Afrikaans school, and he speaks to them in Afrikaans. He would therefore have no reason to say something derogatory about the language. As far as the First Lady's appearance at the Olympic (on 9 August 2008) was concerned, he said that he acted on the instructions of the Chef de mission. He did not hear any complaint from Lize-Marie Retief. What he does recall is that Suzaan Van Biljon was very emotional and very aggressive towards him regarding the matter.

None of the complaints referred to were put to him in writing.

Lastly, Warley cast doubt on the integrity of the article as it was written by Clinton Van den Burgh who also wrote Ryk's autobiography.

In analysing Warley's evidence, we established that Warley had three roles to play within SSA's structures. With these three responsibilities assumed by one person, it is not difficult to understand swimmers' and coaches fears that if they did not comply with these instructions, they would be out of the national square. Whether or not such statements attributed to Warley were intended to be a threat, is immaterial. That is how they were perceived. Such statements would be indicative of a lack of communication and a lack of leadership skills.

As evidenced by two sets of swimmers separately complaining to the Chef de Mission at Beijing about Warley, there was clear unhappiness in the team regarding his management. There was confusion with regards the lines of communication and authority between SASCO and SSA, for which Warley cannot be held solely responsible. However, the swimmers' complaints were regarding the special and unique needs of high performance swimmers that were not being met by Warley and his less-than-satisfactory people management skills.

However, to the same extent that he had detractors, there is evidence of swimmers, coaches and officials who held him in high regard. To the extent that Warley had a great input into the 2005 strategy which greatly increased international competitions which our athletes participated in, SSA and Warley must be commended. To the extent that more swimmers had qualified for the Beijing Olympics (and particularly that more female athletes qualified), he should also be commended. Despite the turmoil that he has undergone, he is very excited about the pool of present South African swimmers, and is upbeat about London 2012.

This being said, there is no doubt that Warley's (at times) overzealous and robust approach had angered many. While it may not have been his intention to do so, the sentiments of some swimmers, coaches and officials have substance.

To the extent that there were other perceptions held by swimmers, coaches and officials, the reader is referred to the analysis of Dirk Lange, above.

To his credit, Warley has conceded that he has shortcomings as a Performance Manager, and that his first preference is the formulation of strategy within SSA in his capacity as General Manager: Athlete Development.

4. **The appointment of coaches**

In this regard, we find that there were no clear criteria for the appointment of coaches who accompanied the team to the Beijing Olympics. Some of the coaches had swimmers on the team, whilst others did not. We are also aware of some coaches who although their swimmers were part of the Beijing team, were not appointed to be on the team. It would appear that an early stage some coaches who were not part of the Beijing team had disapproved of the national coach's strategy, and had not bought into it, and were therefore excluded. All the coaches who accompanied the team to Beijing had approved of the national coach's strategy, and had been prepared to work with the national coach.

In future, and for 2012, SSA must develop and apply clear and transparent criteria for the appointment of coaches to accompany the Olympic swimming team. In this regard, we are of the view that it is imperative that selected swimmers as far as possible are accompanied by their personal coaches. It is axiomatic in swimming that swimmers of all ages, competing at all levels, develop a special affinity and relationship with their coach, and if they swim at the highest level, it is more often than not highly desirable that they be accompanied by their coach.

5. **Selection criteria for the Summer Olympics and international events**

The selection criteria for the Olympic Games are clear: participation at the South African National Championships; and an Olympic “A” qualifying time.

All swimmers who were selected for, and competed in, the Beijing Olympic Games qualified based on these selection criteria. There is no evidence that any swimmer who otherwise qualified based on these selection criteria, was excluded. Accordingly, we reject any allegations of victimisation, or alleged victimisation. Indeed, we find that the best swimmers represented our country at the Beijing Olympics 2008.

6. **The tension between USA and local swimmers**

Although both Ryk Neethling and Roland Schoeman on the one hand, and Gerhard Zandberg, on the other, deny that any tension existed or exists between USA-based, and local-based, swimmers, it was manifest during our hearings that at the very least there were tensions between the national coach (Lange) in particular, and the USA-based swimmers. To some extent, there was also a tension between the Performance Manager (Warley) and US-based swimmers but these were mainly due to Warley carrying out the wishes and instructions of the national coach, and the prescripts of the Code of Conduct. We found no evidence of actual tension between local-based swimmers and USA-based swimmers other than that between Zandberg and Schoeman.

Although there was a perceived tension between local-based and US-based swimmers as a result of the locally-based swimmers being coached by the national coach, there is no evidence of any such actual tension between the two groups. Zandberg and Cameron Van der Berg are two swimmers who were coached by the national coach locally, and who have performed exceptionally well internationally, and at the Olympics as far as the latter is concerned.

Whether the tension was real or perceived, it is a factor that influenced the swimmers at the Beijing Olympics, and which shaped their

perception of one another. It is a tension which must be managed at a high level, and must be reduced in order to extract optimal performance from our swimmers, both local and US-based. The more worrying issue is the perceived preferential treatment given to the US-based swimmers.

7. **The appointment of Zandberg as SSA team captain**

The appointment was apparently unilaterally made by Lange without any consultation with any of the local or US-based swimmers. In this regard, the evidence from Lange and Warley was that Zandberg had shown leadership qualities, and had at one point at the Japan Open shown leadership abilities and had offered incentives to the team off his own bat. However, it appeared that his appointment did not go down well with some local-based swimmers, and certainly did not go down well with the US-based swimmers, in particular, Schoeman and Neethling. Zandberg is an exceptionally talented swimmer who is the world champion in 50m back. We do not make any finding or judgment as regards his ability as the SSA team captain save to say that the team captain should be appointed by management in consultation with swimmers who make up the team.

Of course, as team captain of the Beijing Olympic swimmers, Zandberg ought to have restrained himself when he confronted Schoeman in Korea at the pre-Olympic camp. A team captain, by definition, must

unify the team, inspire them, and ensure that a suitable environment is maintained throughout a competition so that the swimmers do their best at all times.

8. **The administrative structure of Swim South Africa, and its lack of capacity**

SSA is the organisation that is solely responsible for the organisation and the administration of the Aquatic Disciplines of Swimming, Water Polo, Synchronised Swimming, Diving, and Open Water Swimming.

SSA is affiliated to the international body, the Federation Internationale de Natation (FINA). FINA, in turn, is affiliated to the International Olympic Committee (IOC).

SSA is a unique body within South Africa as it is the only National Aquatic organisation within South Africa affiliated to FINA. There are 195 countries affiliated to FINA, and FINA only recognises one organisation in each country.

SSA has 16 registered affiliates (provinces or regions) throughout South Africa. The SSA Council is the highest governing body of SSA, and consists of 9 Executive members and two members of each affiliate.

SSA is recognised by the National Department of Sport and Recreation (SRSA) as the only organisation responsible for the aquatic sports, and receives an annual subsidy from SRSA.

SSA is an affiliate member of the South African Sports Confederation Olympic Committee (SASCOC). SSA receives an annual subsidy from SASCOC in support of its High Performance Programmes.

SSA is a non-profit organisation in terms of the Non-Profit Organisations Act 71 of 1997. Under the Act, SSA has chosen to constitute itself as a voluntary association, and complies with all the rules governing the administration of voluntary associations under the Act.

Under the Income Tax Act, SSA is registered as a Public Benefit Organisation (PBO) with registration number 0000011304.

The evidence is that Warley currently fulfils the following roles at SSA: General Manager: Athlete Development; High Performance Manager; and High Performance Co-Coordinator. As is evident, these three positions are all very important positions, and require specialised focus. Indeed, both the High Performance Manager and the High Performance Co-Coordinator are accountable to the General Manager: Athlete Development. In this instance, it is clearly not a desirable state

of affairs that Warley is accountable essentially to himself, and otherwise to the Chief Executive Officer. This is not due to his fault, but almost entirely due to a lack of funding on the part of SSA to fill these positions. Nevertheless, these positions must immediately be separated, and be declared vacant other than the General Manager: Athlete Development position which Warley is contracted to fill.⁸

It is also manifest that there is a lack of capacity within SSA, and that Warley could not possibly effectively perform all three functions. As a result of having to perform these functions, and the three roles that he played, it was a recipe for conflict with certain swimmers, officials and some coaches. In this regard, it is clear that there was little or no

8

- Operational management of the Athlete Development.
- The unit includes the following divisions: High Performance, Competition Management, Learn to Swim, Education and Training, Talent Development and Identification. This unit deals with the core business of Swimming South Africa.
- Building and maintaining relationships with various stakeholders, role players and clients (Executive Board, Sponsors, Government, Media, Athletes, Coaches, Parents, Sports Agents).
- Development, implementation and continuous evaluation of a strategic plan aimed at fulfilling organizational strategic objectives.
- Development of budget to ensure that strategic objectives can be met.
- Further development of Sports Science and Medical Committee and administrative duties relating to this Committee.
- Managing staff in relation to agreed upon outcomes in direct relation to strategic organizational objectives.
- Managing and instituting financial control measures to ensure fiscal control with the Athlete Development Unit.
- Regular reporting to all stakeholders regarding activities within the Athlete Development Unit.

High Performance Manger:

- Managing all aspects of the High Performance Program for Aquatics in South Africa.
- Developing and implementing a National High Performance Strategy based on international best practice with the objective of delivering sustainable long term programs within South Africa.
- Recruiting and Managing the National Coaching Director.
- Developing a best practice model for the two National Training Centres (Gauteng and Western Cape) by directing the program towards international medal winning performances.
- Negotiation of Athlete Contracts.
- Developing and implementing a National Squad Program to ensure appropriate athlete support for various squads.
- Managing the Senior National Teams at major international competitions.
- Developing a coach licensing/ accreditation system.
- Drafting, managing and instituting financial control measures to ensure fiscal control with the Athlete Development Unit.
- Regular reporting to all stakeholders regarding activities within the High Performance Division.

High Performance Coordinator:

- Unit office administration.
- Managing athlete bio data information.
- Administration of doping control policies and procedures.
- Liaison with various role players relating to athlete welfare and information.
- Tracking athlete and monitoring performance.
-

accountability, and consequently, there was a breakdown in the trust relationship. The integrity of communications coming from Warley's office was also perceived to be inadequate, non-existent, and suspect. We hasten to add that there is no evidence that Warley had either intentionally or negligently misled or fed the wrong information to swimmers, officials and/or coaches both locally, and overseas. It is our firm impression that Warley had at all material times acted in good faith, and to the best of his abilities. However, we find that this was not enough, and given the high performance requirements for optimum performance at the Olympic Games, that the entire SSA, and SASCOC, must take responsibility for this state of affairs. We recommend that it be remedied as soon as practically possible by (i) the vacancies being declared open; and (ii) being filled as soon as possible. We make some recommendations as regards transitional or interim measures to be taken or adopted by SSA further on in the report.

9. **Lack of proper and effective communication channels**

This issue/factor ties in with the previous topic under the administrative structure of SSA, and the lack of capacity.

The Commission heard evidence that often swimmers, coaches, and provincial administrators are unable to access SSA head office, and its communication channels. Often e-mails sent to SSA head office

remain unattended, and unanswered for lengthy periods. In this regard we must state that we did not put these allegations to the CEO or his office staff, and it would therefore be unfair to make any finding in this regard.⁹ As regards the high performance athletes, and in particular those swimmers who went to Beijing, there was indeed proper and effective communication between the acting Performance Manager (Warley) and the swimmers, and their coaches, both locally and overseas. The fact that some of the coaches and/or some of the swimmers may not have liked the content of these communications, does not detract from the fact that proper and effective communication channels did exist. In relation to the lack of proper or effective communication regarding selection criteria for swimmers and coaches, it became clear during the course of evidence to the Commission that there were indeed clear selection criteria, both in relation to the swimmers, and the coaches, who went to the Beijing Olympics. In relation to the swimmers, the selection criteria were participation in the SA National Championships, and an Olympic “A” qualifying time, and as regards coaches, those coaches who were party to the national coaches' strategy, were put on the team. We find that since the Head Coach was ultimately accountable to SSA for the results in Beijing, it was not unreasonable that those coaches who either fell out with Lange, or who did not agree with his national strategy, were excluded

⁹ Based on our interaction with the office, we do however share some of these concerns. We are unable to say whether staff are overburdened, or overwhelmed, or incompetent. Sometimes a simple acknowledgement or “*the matter is receiving attention*” response would be useful to allay concerns that enquiries are treated with contempt.

from the team. (However, we draw attention to our recommendation in this regard).

10. **Lack of accountability and transparency in SSA**

This issue/factor relates to the previous two issues/factors addressed above.

As already indicated, in effect, Warley as the General Manager: Athlete Development, was accountable to himself acting in his capacity as the Performance Manager. This was an undesirable state of affairs, and continues to be the case as long as he assumes three roles within the organisation. This, of course, is not due to his fault, but entirely due to the lack of funding within SSA to fill these vacant positions. As a result of the lack of accountability, there is a perception that SSA does not conduct its affairs in a transparent manner. Again, in relation to all levels below the high performance levels, the Commission is unable to comment, or indeed make any findings. As regards coaches and swimmers at the highest levels, there was clearly a dependence on Warley in his capacity as the Performance Manager, and the General Manager: Athlete Development. It would however appear from the evidence that selection criteria for swimmers and coaches were properly communicated. However, it is unclear that the selection criteria for coaches and swimmers were developed, and agreed in a transparent manner. It would appear to be the case that the national

coach and the Performance Manager agreed certain criteria, and communicated these to swimmers and coaches with little or no consultation.

The Commission expects this state of affairs to terminate as we recommend the interim/transitional appointment of a national coaching co-ordinator who will act in consultation with a coaching committee, and Warley in his capacity as General Manager: Athlete Development. In this way rules and criteria will be developed in an accountable, and transparent, way.

11. **Code of Conduct**

There are two codes of conduct which we deal with in this report: the first is a general code of conduct which applies to all swimmers at all levels who are capitated by SSA. The second, is a code of conduct which applies to international high performance swimmers such as Neethling, Schoeman, Zandberg, and others. It is in this latter regard that much debate, and dispute reigned within SSA. Indeed, some of the American-based swimmers like Schoeman (in particular) and Neethling at some points refused to sign the Code of conduct because of what they saw as dictatorial content. The main complaint, especially from Schoeman, is that the Code of Conduct gave an absolute discretion to either the national coach or the Performance Manger in relation to where and when they should swim in international events,

and attend domestic and overseas training camps. This often led to friction, and lies at the heart of the tension that existed between the national coach (in particular) and the American-based swimmers. For example, the national coach required American-based swimmers to attend local camps at his discretion. At times, these camps clashed with overseas commitments on the part of American-based swimmers, and often these American-based swimmers were unable to fly home at short notice.

During the course of the Commission hearings, there were repeated references to the "*Code of Conduct*". In particular, Roland Schoeman, took issue with the "*Code of Conduct*" which he was unhappy with, and which he (and Neethling) had refused to sign.

In fact what was being referred to was the contract or agreement between SSA and elite swimmers for inclusion in the national squad. There does exist another "*Code of Conduct*" which is in fact part of the Constitution of SSA, and which every swimmer registered or capitated with SSA agrees to abide by when they pay their capitation fees.

It is suggested that each agreement should have standard terms applicable to all in the national squad, and that the terms and conditions be negotiable. To the extent that a swimmer negotiates a term or a condition with SSA, that must be dictated solely by "*market forces*", or otherwise have a rational basis.

It would appear that the experience of Roland was unnecessary, as he should have been either properly advised by his legal representative, or alternatively by SSA. We do recommend that the contract or agreement between SSA and its elite swimmers in the national squad, be revisited, and be revised, if necessary, and that SSA swimmers, coaches, parents and officials be briefed on the difference between the standard Code of Conduct which forms part of SSA's Constitution, and the code of conduct or agreement or contract which applies between SSA and its elite swimmers.

We also record that there was a third contract which is relevant, namely the Beijing 2008 Membership Agreement entered into between SASCOC and Team South Africa which was required to be signed by all athletes who participated in the Beijing 2008 Olympics. In this regard also, there were certain stipulations relating to protocol, advertising, sponsorship, image rights, etc which appeared to have upset some of our leading swimmers, and in relation to which SSA was blamed, when in fact it was a SASCOC/IOC requirement. In this regard also effective and proper communication about roles and responsibilities between SSA and SASCOC would have resulted in these issues being clarified.

12. **Lack of rules and regulations (SSA handbook)**

Currently there are no such rules and regulations, and we were advised by the CEO that SSA is in the process of formulating such a handbook. Clearly this is a desirable, and overdue, requirement as the published rules and regulations will go a long way towards communicating effectively to all swimmers, and particularly to the elite swimmers, exactly what it is they are required to do.

13. **Financial support, funding, and sponsorship**

In this regard, there were many complaints from both domestic and American-based swimmers over the lack of financial support, funding and sponsorship for them personally, and for their activities both domestically, and overseas. Although the swimmers acknowledged receiving financial support from SSA, and in some instances, OPEX funding from SASCOC, the big complaint was the lack of consistent financial support and funding, and at times the complete lack of financial support and funding. In answer to questions by the Commission to SSA officials, the root cause of the inconsistent funding or lack thereof, appears to be the inconsistent financial support and aid received by SSA from either the Department of Sport and Recreation, or from SASCOC.

We make recommendations in this regard, and we are hopeful that these issues may be addressed more effectively under the new structure.

14. **Lack of facilities**

The lack of facilities lies almost at the root cause of many of the problems faced by domestic and overseas-based swimmers. It remains a reality that there are far too few 50 metre, heated swimming pools built according to FINA regulations, in our country. The best, and only 50 metre pools are found in Pretoria, Durban, and to a small degree at the University of Western Cape in Cape Town. This is indeed hopelessly inadequate, and cannot do justice to the immense amount of talent we have in this country. Were it not for the lack of proper facilities, it may not have been necessary for the swimming team to spend almost two weeks in Daegu, in Korea before the Beijing Olympics for the purposes of acclimatisation. In this regard we make recommendations later on in the report.

15. **Lack of scientific support**

This is almost certainly the most important defining issue when it comes to high performance athletes. It is clear that this country does not lack the talent, or the depth, in its high performance swimming. This is evidenced by the fact that at various short-course international events in the past three to four years, our premier swimmers have

performed exceptionally well, and have even set world records. However, in the long-course events, and in particular at the Beijing Olympics 2008, our swimmers came up short by 100ths of seconds, or split-seconds which seems to be the difference between our swimmers and the world's best. In this regard, it is our overwhelming sense that the difference relates to the lack of scientific support. The role of Head coach (and the High Performance Manager) was to provide assistance to coaches who are coaching elite level athletes, and to provide technical and scientific information with regards to preparation. All swimmers stated that there was very little scientific support, and information given to them about key issues in Beijing, for example finals were swum in the morning, and not in the evening which was a well-known fact months before Beijing. Notwithstanding this, no dietary or scientific information was provided for the swimmers on how best to prepare for this.

Accordingly, it is not surprising that our swimmers tended to swim their best times in the preliminary heats (in the evening), and where they did progress to the semi-finals, or the finals, there performances dipped markedly.

Although there were many promises of scientific support, very little was forthcoming. Of course, we are mindful of the budgetary constraints which did play a role here.

The Olympic swimming team had a team doctor, and a physiotherapist. This was clearly wholly inadequate.

After the poor performance of our swimmers at the Sydney 2000 Summer Olympics, the then Minister of Sport established a Task Team to consider, *inter alia*, what could be done to improve the performance of high performance athletes at the next Olympics, 2004. Following extensive workshops, etc, the Task Team under Dr Joe Phaahla, released a report in 2002¹⁰ which recorded as follows:

“Because sport has become so sophisticated and fractions of a second can mean the difference between first and second or even first and last, a sound sports science system is obviously necessary for success. Science, however, is expensive and for this reason it must be practical. While there is clearly a need for theoretical science, which might lead to some significant breakthrough, this might best be left for the University system, although this might be contracted to undertake certain projects.

Coaches need constant scientific monitoring of athletes. As much of this will be done around the country there is a need

¹⁰ Ministerial Task Team on Sport: A High Performance Sports System for South Africa (2002).

for a national set of protocols to ensure all scientific monitoring is done and recorded in a uniform manner. ...

Because the purposes of the sports' sciences are to facilitate athlete development, it is recognised that the sports' science system needs to be integrated into the strategic plan for High Performance sport. ... (Our emphasis).

Also, in a position paper prepared by the President of SASCOC, and presented on 30 August 2005,¹¹ he recorded the following:

“At this stage, what appears to be missing most, are appropriate facilities and holistic support to athletes. We see low levels of standardisation and a lack of highly qualified personnel. In this context, the academies could act as support centres, foster transfer of skills between sports and provide the necessary focus to rally existing resources”.

Thus, this issue or dynamic is nothing new as it has been addressed extensively in various workshops both by the Department of Sports and Recreation, and SASCOC, and also in strategic workshops conducted by SSA in 2002, 2004, and 2005. It is therefore an inexplicable omission from the preparation of our swimmers leading up to 2008

¹¹ Towards Equity and Excellence in Sport: 2005 – 2014: A Decade for Fundamental Transformation Development: Moss Mashishi, 30 August 2005.

Olympics that this aspect was completely neglected, and ignored. There is also overwhelming anecdotal evidence that this is an aspect which has been preached religiously over and over again by the world-renowned sports scientist, much-decorated, Dr Tim Noakes, of the Sports Science Institute based at Newlands, Cape Town.

Thus, if anything, this is the one factor that contributed mostly to our top swimmers not winning medals at the Olympic Games: clearly they are good enough, and this has been demonstrated subsequent to the Games by both Roland Schoeman, and Cameron Van der Berg, breaking world records, and Kathryn Meaklim performing so superbly at FINA world short-course events all over the world.

In this regard, we make extensive recommendations not only for the restructuring of SSA, but also for the establishment of high performance systems, both for a transitional period, and for the long-term.

We hope it is not too late for our top swimmers to achieve optimum performances at the London Summer Olympics in 2012.

16. **The relationship between SASCOC and SSA**

In this regard, both in relation to the preparation of the Olympic team, and in relation to the issue of the funding of the elite athletes, SASCOC played a leading, and key, role.

Although the preparation of the swimming team remained the responsibility of SSA through the national coach (then Lange), the immediate preparation in Deagu in Korea, was facilitated by SASCOC, and all logistical, administrative, and financial arrangements were done by SASCOC. Many of the complaints (real or perceived) by swimmers relating to these arrangements directed at SSA, have therefore been misdirected by swimmers, and by some coaches, as they were the responsibility of SASCOC.

A general criticism of these arrangements is that the federation or code concerned should be allowed exclusively to make their own arrangements for their athletes although the code or federation must remain accountable to SASCOC as SASCOC is affiliated to the IOC, and not the code or federation concerned.

Equally, as far as funding and financial support is concerned, the American-based swimmers in particular had complained bitterly about the lack of, and inconsistent, funding from SSA when, in fact, SSA relied almost exclusively on either the Department of Sports and Recreation or SASCOC for funding. When the monies were not

received by SSA at all, or was late, the swimmers had directed their anger at SSA.

Looking ahead to 2012, we recommend that the lines of communication, and the roles and responsibilities of SASCOG and SSA, be more clearly defined, and be effectively communicated to all swimmers and coaches well in advance of the 2012 Olympic Games so that any confusion may be cleared up. In relation to the preparation for Beijing 2008, we remain puzzled that SASCOG had unilaterally decided on Deagu as a pre-Olympic training venue, and appear not to have informed SSA, its swimmers, its coaches, or its management with sufficient detail relating to the Olympic Village in Beijing or indeed the aquatic facility. One would have expected that there would be ample video footage to show to the swimmers, the coaches, and management of the Olympic Village, and the aquatic facility, to at least give them some idea of what to expect. There is neither any reason why the assistance of former Olympic swimmers of the stature of Penny Heyns or Marianne Kriel could not be enlisted, nor why it should not be in future.

Apart from absolving SSA from some of the responsibilities in relation to the preparation of the team, and the funding and financial support for swimmers, we do not think that this issue or factor played any significant role in the performance of the swimmers at the Beijing 2008 Olympics.

E. FINDINGS

- I. The performance of our swimmers at the Beijing 2008 Olympics was exceptional.

To put this performance in its proper context, we did a comparative analysis in relation to our Olympic history in the pool.

Our Olympic history in aquatics reveal the following statistics:

- **1932 Los Angeles**
Jenny Maakal – Bronze 100m Freestyle;
- **1952 Helsinki**
Joan Harrison – Gold 100m Backstroke;
- **1956 Melbourne**
Bronze – Women's 4 x 100m freestyle relay;
- **1960-1988**
Period of international isolation;
- **1992 Barcelona**
Peter Williams 4th place 50m Freestyle;
- **1996 Atlanta**
Penny Heyns – Gold 100m Breaststroke,

Gold 200m Breaststroke

Marianne Kriel – Bronze 100m Backstroke;

- **2000 Sydney**

Terrence Parkin – Silver 200m Breaststroke,

Penny Heyns – Bronze 100m Breaststroke;

- **2004 Athens**

Gold – men's 4 x 100m Freestyle Relay,

Roland Schoeman – Gold 100m Freestyle,

Bronze 50m Freestyle;

- **2008 Beijing**

Best place 4th - Jean Basson, 200m Freestyle (7th fastest time in history),

15 Semi-Finals, and 6 Finals;

- At **Athens 2004** we had 8 male swimmers, and reached 4 Semi-Finals, and 4 Finals; whereas at **Beijing 2008** we had **15 male** and **7 female swimmers**, and reached **15 Semi-Finals**, and **6 Finals**.

These statistics were easily obtained by doing a routine internet search. The journalist concerned had clearly failed to do a simple

search on the internet. Accordingly, we find that his article in regard to the performance of South African swimmers in Beijing 2008 was sloppy, inaccurate and misleading. It was not based on fact, or rational analysis.

It is clearly apparent that South African swimmers did exceptionally well in reaching 15 Semi-Finals, and 6 Finals. Put in its proper factual context, the 2008 Beijing Olympics also saw the fastest times ever recorded in almost all of the aquatic events. (Our swimmers also set 22 African records, and 24 South African records in Beijing 2008).

A further crucial factor not mentioned or referred to by the journalist is that going into the 2008 Beijing Olympics, South Africa only had Roland Schoeman in the men's top 10 in the freestyle events, and Lydon Ferns in the men's top 20 freestyle events. Moreover, the writer failed to point out that swimming in the Summer Olympics takes place in a 50m (long-course) pool as opposed to a short-course 25m pool. In a swimming context, the difference is massive, and therefore clearly material.

Going into the Beijing Olympics 2008, our swimmers never really had any realistic chance of medalling. As the writer of Neethling's autobiography, the journalist must have known and should have known this.

The *Sunday Times* article is a sensationalised piece of journalism, which in many respects is misleading, inaccurate and lacks the proper factual context. The author failed to mention that he wrote Neethling's autobiography. (This may be a breach of the South African Press Code). The article was clearly designed to promote Ryk Neethling's "*soon-to-be-published*" autobiography, which was indeed published shortly after the article appeared in the *Sunday Times* on **31 August 2008**.

SSA otherwise acted correctly, responsibly and accountably in instituting this inquiry, despite the controversial article. The fact is that it caused enough outrage amongst swimmers, coaches, parents and the general public to demand an inquiry which could establish or determine whether the allegations contained in the article had any substance.

- II. Based on evidence given to this Commission, we make the following findings:
- (i) The swimmers lacked proper scientific/technical, and financial support.
 - (ii) The swimmers lacked adequate administrative support.

- (iii) The manifest tension between the head coach, team manager, team captain and the USA-based swimmers, although well known, was not managed effectively or at all.
- (iv) SASCOC and SSA did not clarify their respective roles, both in preparation for, and at, the Beijing Olympics. This resulted in confusion, and a loss of respect by swimmers for officials, and vice versa.
- (v) SASCOC (and SSA) lack the capacity and funding to manage and support any sizeable group of swimmers that go to the Olympics.
- (vi) The Performance Manager lacked the people skills needed to manage high performance elite swimmers. In this regard, he conceded that he needs to do more work in this area. Indeed, when in January 2007 he was asked by SSA to fulfil the dual role of GM: Athlete Development, and High Performance Manager, he cautioned that those roles must be separated. We agree.
- (vii) There is a general consensus amongst swimmers and coaches who were at the Olympics (both local and USA) that none of the problems/shortcomings/issues addressed in this report had any

material affect on the performance of the swimmers at the Olympics.

- (viii) SA has significantly fallen behind the leading swimming nations in relation to technical and scientific support, funding and facilities.
- (ix) Our leading swimmers remain resilient, dedicated and committed to doing their best all times, despite some obvious difficulties we identify in this report.
- (x) The National Coach having his own personal group of swimmers was not conducive to creating team unity. This must be avoided in future.
- (xi) Because the Performance Manager was over-burdened, this caused him not to focus on the individual needs of the swimmers. The evidence is that the Performance Manager performed three different roles within SAA structure; this is largely due to under-funding. Swimming is a highly individualistic, highly complex and technical sport, and in the modern era requires a highly technical and scientific focus.

- (xii) To the extent that the National Coach was tasked to broaden the base of domestic swimmers to compete at Olympics, he was successful. However, local coaches can equally claim credit for the performance of SA swimmers.
- (xiii) Since readmission, still no black swimmer has represented SA at the Olympic Games.

F. RECOMMENDATIONS

We make the following recommendations:

1. The introduction, as a matter of urgency, of a **high performance strategic plan** for swimming in South Africa which is
 - coach-driven;
 - athlete-focused;
 - based on sound scientific principles.

In 2002, the Ministerial Task Team on Sport¹² identified the following as essential elements for any high performance plan: (i) planning; (ii) coaching; (iii) coaching education; (iv) athlete selection and talent identification; (v) training programmes' centres of excellence; (vi) athlete welfare; (vii) competition; (viii) sports science and sports medicine; (ix) drug-free sport; (x) monitoring co-ordinating and reporting; and last (xi) funding and marketing.¹³

This was echoed by the SASCOC President in his paper *"Towards Equity and Excellence in Sport 2005 – 2014: A Decade for Fundamental Transformation and Development"*, dated 30 August 2005, when he emphasised the need for a system of academies nation-wide.¹⁴

In a document presented to us by Warley, General Manager: Athlete Development at SSA, he identifies the following areas as the way forward for South African swimming: (i) a common vision; (ii) coaches' education; (iii) internal competition; (iv) international competition; (v) centralised system of training camps; (vi) regional junior training camps; (vii) integration into the tertiary programme; and (viii) transformation.

¹² Ministerial Task Team on Sport: A High Performance Sports System for South Africa.

¹³ *Ibid* pages 15 to 31.

¹⁴ *Ibid* page 7.

In their paper titled *“Proposal for the Development of a High-Performance Infrastructure for South African Sport”*,¹⁵ Professor Noakes and Dr Tucker, also identified the fundamental requirements of a high performance plan for South African sport as follows: (i) identify talented athletes; (ii) access to world-class coaching services; (iii) develop a population of coaches who are qualified, informed and sufficiently motivated; and (iv) develop a world-class scientific support service and intervention strategy.

The objectives of their proposal are

- to outline the creation of a National Scientific Support Plan to ensure the utilisation and application of scientific principles into athlete preparation;
- to describe the creation of an Educational Services Body, whose responsibility it is to communicate information to coaches across South Africa in a manner that is applicable, relevant and easy to understand;
- professionalised coaching, through the establishment of a Coaching Infrastructure, which aims to educate, accredit

¹⁵ Compiled by Prof Timothy Noakes and Dr Ross Tucker, the University of Cape Town/Medical Research Council Research Unit for Exercise Science and Sports' Medicine.

and empower coaches of all levels of athletes across South Africa; and

- improve on the administrative functions within each sporting federation.¹⁶

The Commission engaged with Prof Noakes and Dr Tucker in relation to their plan, and we firmly believe that it can work provided there is buy-in from SSA, SASCOC, and the Department of Sport and Recreation. We firmly believe also that the parties need to engage with Prof Noakes and Dr Tucker as the way forward for sport in general, and swimming in particular given the high technical demands of high level competitive swimming. Accordingly, we have no hesitation in recommending the endorsement of the plan by SSA with a view to its implementation as soon as practically possible.

Indeed, it is at the instance and request of the Commission, that Dr Tucker reviewed the generic proposal drafted by him and Professor Noakes with a view to adapting it as a high performance plan for swimming in South Africa. Dr Tucker was good enough to do so on a voluntary basis, and his paper titled

¹⁶ *Ibid* pages 1 – 6.

“High Performance Strategy for Swimming in South Africa” is attached to this report, and forms part thereof.¹⁷

We endorse the plan, and highly recommend its adoption by SSA as a matter of practical urgency.

We also presented this plan to the SSA General Manager: Athlete Development for his comments, and he has done so providing us with useful amendments and modifications based on his own experiences within SSA. His document also forms part of the report.

We also considered Swimming Australia’s Strategic Plan 2006 – 2011 which provides a blueprint for the future of swimming in Australia. They identified four strategic priorities as the pillars upon which the sport is nurtured and promoted over this period: high performance, sports development, business development, and people development.

As regards high performance, their plan states as follows:

¹⁷ Dr Ross Tucker, PhD *“High Performance Strategy for Swimming in South Africa”*, UCT/MRC Research Unit for exercise science and sports medicine department of human biology Sports science institute of South Africa, Newlands.

“In order to maintain Australia’s position as one of the world’s greatest swimming nation, Swimming Australia must have strong development and talent identification programmes which are underpinned by strong support service.

Quality coaching, domestic and international competition will be offered to each elites athlete including the preparation, motivation and challenges to be competitive on the world stage”.

To underpin the high performance plan, they identify five strategic initiatives: (i) to provide elite athletes with strong domestic and international competition; (ii) develop coaches to elite level through well-structured accreditation programmes and ongoing learning opportunities; (iii) build a strong network of support services; (iv) provide talent development programmes which underpin the national team programme; and (v) foster a co-operative relationship between Swimming Australia and its athletes/coaches.

We can see from the above that the South African approach outlined above differs little, if at all, from what has been preached in our country for a long period of time, without it ever being implemented properly, or at all.

We therefore must develop, and instil, the will and the determination to make our high performance plan work in the best interests of swimming. Obviously we will need the necessary funding, and in this regard SASCO, the Department of Sport and Recreation, the Lotteries Board, and the private sector must support the plan in its entirety, and very importantly, fund it. Above all else however, there needs to be unity of purpose within the entire swimming family across the length and breadth of the Republic, and this must be underpinned by a spirit of volunteerism.

2. The **restructuring, remodelling and reorganisation of SSA** to bring it in line with modern business-orientated sporting organisations such as cricket and rugby.

The need for such restructuring is in order to:

- (i) maximise the high value to be extracted from high performance swimming as a brand;
- (ii) achieve maximum tax benefits for SSA and its affiliates arising from a favourable tax dispensation for professional and amateur swimming in terms of special rules implemented by SARS with effect from **1 January 2008**

and which will apply to any disposal on or before **31 December 2009**;

- (iii) accommodate sound business and corporate governance principles within its structures;
- (iv) attract more private sector funding by appointing influential private sector individuals into its decision-making structures;
- (v) simplify decision-making;
- (vi) ensure transformation and development are enhanced;
and
- (vii) ensure transparency and openness are achieved and thereby build trust in the organisation.

In this regard, we propose fundamental constitutional change. For example, the formation of a section 21 company not for gain in terms of the Companies Act with a board of directors and an association of members comprising all the stakeholders in swimming approximating the current affiliate and/or associate members. The board of directors must reflect SSA's sole

shareholder status, and include two or more independent outside directors, to enhance its status and give it a high business focus.

For this to happen, we propose a SSA constitutional indaba well in advance of the next AGM.

3. **The immediate interim appointment of a National Coaching Convenor, and the appointment of a National Coaching Committee.** We recommend the appointment of Karoly Von Toros as the National Coaching Convenor because of his international experience; his record of coaching Olympic swimmers; he has coached at the Olympic Games, including Beijing 2008; his inter-personal skills and technical knowledge; and his commitment to transformation. The National Coaching Committee should comprise of at least all the coaches who went to Beijing (Param Naidoo, Graham Hill, Alistair Hadfield), and in addition we recommend the addition of Igor Omeltchenko, Wayne Riddin, Dean Price, Bhekisisa Nhlumayo, Brenton Meth and Peter Williams. The Committee must, *inter alia*, in consultation with the SSA General Manager: Athlete Development devise an interim plan on how to deal with high performance issues.

4. The **appointment of a female team manager** as soon as possible based on agreed criteria, core values and competencies.

5. As an interim measure, and as a matter of urgency, a **scientific task team** must be established to devise a high performance plan swimming for the next 4 years. If finances prevent this, we recommend that Prof Noakes and Dr Ross Rucker be approached to serve on the team on a voluntary basis initially. At the very least all out-of-pocket expenses, and disbursements must be met by SSA. Other members of the task team must include the National Coaching Convenor and nominated members of the Coaching Committee, together with the General Manager: Athlete Development of SSA.

6. **The immediate separation of the dual roles of Performance Manager and General Manager: Athlete Development**, and the appointment as soon as possible of a Performance Manager based on agreed criteria, core values and competencies.

7. **The appointment of Ryk Neethling**, as soon as possible, to liaise between South African-based, and overseas-based swimmers. Special funding will have to be procured for this position pending the re-structuring of SSA. Initially, we recommend that Neethling be requested to do the job on a

voluntary basis with SSA paying his out-of-pocket expenses, travel, accommodation, and related expenses. Together with Ryk, we recommend that locally-based elite swimmers be requested to nominate a swimmer to liaise with them. Absent any nomination, we recommend Karl Thaning, a former Olympic swimmer (2004), and captain at the 2006 Commonwealth Games. Both the local liaison person, and Ryk, would act as go-between between the swimmers and the National Coaching Convenor, and SSA. The idea is to facilitate communication, and prevent any misunderstandings.

8. The **Executive Committee of SSA and SASCOC to meet** as a matter of urgency to discuss this report, the findings and recommendations, in particular those relating to the relationship between the two bodies.

9. We recommend that SSA approach the National Lotteries Board, its sponsors, and the Department of Sports and Recreation to begin a **massive fund-raising drive to build swimming pools and facilities** in the historically disadvantaged areas, and to upgrade existing swimming pools in all areas. In this regard, we recommend that SSA in partnership with the private sector enter into private/public land availability arrangements with local authorities to build and upgrade facilities (especially in disadvantaged areas) in terms of the

Municipal Finance Act, the Public Finance Management Act and the relevant Treasury Regulations.

10. We recommend that the **concerns of open-water swimming, and water polo, receive priority attention at a Special General Meeting** to be convened by SSA solely for the purpose of addressing those issues. Prior to that, we recommend that the Technical Committees on open-water swimming, and water polo, respectively, ratified by the SSA Exco on **4 and 5 October 2008** (and confirmed by the SSA Secretary in a circular on 12 October 2008) meet to discuss the grievances raised with the Commission in written submissions.

11. We recommend that the **Transformation Sub-Committee of the SSA Executive Committee** which, *inter alia*, is tasked with monitoring transformation processes/progress **inquire into why no black swimmer qualified for Beijing 2008**, and furthermore evaluate the performance of the team against SSA's Transformation Policy of 2005: Setting the Stage for Beijing 2008 and Beyond from a Self-Regulatory to Demand Driven Approach, read with SSA's Transformation Management System.

12. We recommend that as an interim measure, the Executive Committee of **SSA appoint a Special Task Team to raise**

funds for the 2012 Olympic Swimming Team. We recommend that the Task Team include elite swimmers such as Natalie du Toit, Ryk Neethling, Roland Schoeman, Thabang Moeketsane and Channelle Van Wyk, to raise the profile of the sport. In addition, we recommend the appointment of at least two (2) independent persons of integrity, standing, and influence in the broader community. The Task Team should otherwise be led by the President and the CEO of SSA.

13. We recommend that **SSA's Code of Conduct in relation to its elite swimmers be reviewed** in consultation with the swimmers. We recommend that the Code of Conduct be revised, and that the newly-appointed interim/transitional National Coaching Co-Ordinator, in consultation with his Committee, and the General Manager: Athlete Development, review the Code of Conduct, as well as the draft proposed by Roland Schoeman, in order to ensure that the document remains effective, but yet flexible.

14. **We recommend the implementation of a Grievance Procedure for swimmers, coaches, parents and third parties.** Grievances must be dealt with by independent third parties, who, initially, will be requested to act on a voluntary, unpaid, basis. The Grievance Procedure must be designed to deal with complaints from swimmers, coaches, parents and third parties so that the culture of running to the media as a first port

of call is discouraged. The Grievance Procedure must provide for quick and effective action, and be conducted by an independent third party on a voluntary basis. The necessary constitutional amendment must be effected at the next SSA AGM.

15. **We recommend that as soon as practically possible five (5) regional training centres (RTCs) be established** in Pretoria (where the HTC currently resides), Johannesburg (Ellis Park), Durban (Kings Park), Cape Town (at UWC) and Port Elizabeth to cater for all elite swimmers and the fast-tracking development squad swimmers in accordance with SSA's Transformation Policy and Program. The criteria for placement on the RTC squads must be clearly communicated to all concerned. Insofar as there is either SASCOC and/or Department of Sport and Recreation funding providing for the exclusive use of the HTC in Pretoria, we recommend that these bodies be approached to diversify such funding, and indeed increase it, in order to decentralise high performance activities to cover more elite swimmers across the country.

16. **We recommend that the Commission not be disestablished** and its terms of reference be expanded to ensure that these recommendations are adopted by SSA Exco either in the form recommended by the Commission, or in amended form, and that

an audit of progress made, if any, be done by no later than three (3) months of date hereof, and in any event before the next SSA AGM in 2009.

G. CONCLUSION

The *Sunday Times* report which formed the basis of SSA's decision to establish the Commission of Inquiry was sensational, misleading and inaccurate in material respects. Notwithstanding this, SSA refrained from being dismissive, or arrogant about it, and instead considered that the report, whether true or not, or whether accurate or not, was cause for grave concern, and rightly, resolved to institute a Commission of Inquiry with wide terms of reference.

The Commission was generally well-received, and was supported by many oral and written submissions received from swimmers, coaches, officials, parents, and outside third parties. Indeed, the Commission almost ended up being a review of Swimming South Africa, and its policies, since unity in 1992. In this regard, we also thank the employees and office bearers of SSA for their unqualified co-operation and assistance in providing the Commission with logistical and administrative support whenever it was required.

We trust that the recommendations made by the Commission will assist in taking swimming forward in general, and in relation to high performance

swimmers, in particular. We are confident that the adoption of the proposed high performance plan will reap many rewards in 2012 at the London Summer Olympics.

Lastly, the Commission is of the considered view that there is much enthusiasm and energy within the swimming family that offers hope and optimism for a positive outlook. Without exception, all the country's top swimmers, and all the coaches (including the former National Coach) were of the positive view that our country will do very well at the London 2012 Olympic Games.

NORMAN ARENDSE SC
KIRSTEN VAN HEERDEN
ROWEN METH

Final Report: 24 November 2008