



## 10.2 Again

**Question:** Dear, Mr. Gijssen. I was playing in a tournament and the board next to me played this game: **1.Nf3 Nf6 2.Ng1 Ng8 3.Nf3 Nf6 4.Ng1 Ng8**. When a draw was claimed, the arbiter demanded that both players replay the game. When one of them refused, the arbiter forfeited them. Does the opening position count for purposes of threefold repetition? **Matthew Larson (UK)**

**Answer** In my opinion, the arbiter was right not to accept this game. I refer to Article 12.1 of the Laws of Chess:

*The players shall take no action that will bring the game of chess into disrepute.*

To produce a "game" as mentioned in your letter brings the game of chess into disrepute. The only element in your letter that puzzles me is the fact that the arbiter forfeited both players, although only one refused to play a new game. The question of the threefold repetition is immaterial in this case.

**Question** Greetings, Mr. Gijssen. I acted as a member of the appeals committee in a rapid chess tournament (G60/sudden death). I also won that tournament, but I am not a strong player, just 2100 FIDE, with a good understanding of the rules.

The incident is as follows: A player lost a game and signed the score sheet, and then he appealed the decision of the arbiter to the committee with regards to some bad rulings during the game.

He claimed the arbiter gave one extra minute to his opponent, who had just three seconds on his clock, because he was pressing the clock with one hand and moving the pieces with the other one, which is not permitted. He admitted what he did was wrong, but that the disciplinary action was too harsh, and by giving a whole minute to his opponent, he lost the game.

We, the committee, dismissed the claim basing our conclusions on the fact that once you sign the score sheet you accept the loss even if you had some valid claim. Unless you can prove that your opponent was cheating (using [Pocket Fritz](#), etc.). For us, he accepted the probably-too-harsh decision from the arbiter and concluded the game, instead of immediately appealing to the committee. Somehow I'm not totally convinced that we took the best decision, did we? Once the score sheet is signed, can you appeal an arbiter's decision? Cordially, **Roberto F. Montañez (Puerto Rico)**

**Answer** It is impossible to establish a general rule as to whether it is possible to appeal after the finish of the game. There are some situations in which a protest afterwards can be reasonable. You give an example: cheating by using a computer.

In the situation you describe, I would have declined the appeal. When the arbiter added one minute to the opponent's time, the player had the possibility at that moment to express his disagreement with the arbiter's decision. But he did not. Furthermore, I am sure that if he had won the game, he would not have protested.

**Question** Dear Mr Gijssen, on a German message board the following case was discussed, with black to move in the given position:

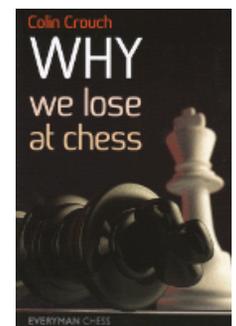
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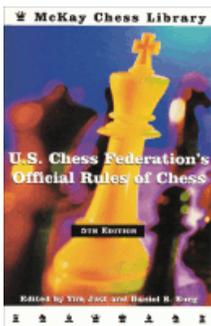


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### An Arbiter's Notebook

Geurt Gijssen



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[FEN "8/8/8/2Pk4/3P4/2K1Bb2/8/8"]

Obviously the position is completely drawn. Unfortunately, I don't know what happened before, but let's assume that the bishop ending was reached only on the last move, because otherwise Black would have claimed the draw earlier. Black though had only three seconds left in a sudden death time control (tournament game). He claimed a draw on Article 10.2. Both players are strong enough (ELO>2000) that Black can be assumed to know how to hold the ending (he just moves the bishop on the a8-h1 diagonal).

The arbiter decided that the game should continue. After three moves Black's flag fell and the arbiter declare a win for white. I agree with the decision, because Black needs to prove at the board that he knows the drawing plan and he didn't leave himself with enough time for that. Others disagree. What do you think? Kind regards, **Max Meessen (Germany)**

**Answer** The easiest answer is that the arbiter is correct. For one, the FIDE General Assembly accepted a proposal of the Rules and Tournament Regulation Commission that disallows protests against a decision related to Article 10.2. I refer to Article 10.2.d of the Laws of Chess:

*The decision of the arbiter shall be final relating to (a), (b) and (c).*

Nevertheless, I would like to discuss this case. I understand the arbiter's decision. Therefore, I quote Article 10.2.a of the Laws of Chess:

*If the arbiter agrees the opponent is making no effort to win the game by normal means, or that it is not possible to win by normal means, then he shall declare the game drawn. Otherwise he shall postpone his decision or reject the claim.*

In my opinion, it is very important that the arbiter observed the game before the player of the black pieces claimed a draw. Did, for instance, the player of the white pieces make any effort to win the game? Or did he only play moves such as Be3-f4-g5-d2 and so on? Personally, I would have postponed the decision and watched how the game continued. I have the feeling that the arbiter did the same in this case. Though they made only three moves, these moves can be important for the arbiter's decision. Keeping in mind that the player of the black pieces had only three seconds left and claimed a draw, and that the arbiter hadn't seen what happened before, I can agree with the arbiter's decision.

It is probably wise for the claimant to not wait until he has only a few seconds left.

**Question** Dear, Mr. Gijssen. I would like to pose the following question: Time control is 90 minutes/player to complete the game using a mechanical chess clock. One player has a preponderance of material and a very superior position on the board, but has scant time left on his clock and therefore is in imminent danger of losing the game on time. He calls the arbiter and claims a draw. Please give me your decision. Thank you very much. **Elmer Dumlao Sangalang (Philippines)**

**Answer** I refer to the answer of the previous question. There is only one difference. The player who has the better position claims the draw. In this case it is generally easier to understand that the opponent (only) uses the fact

that the player is short of time. Again, the arbiter can take a fair decision only after he has followed the game for many moves.

**Question** Dear, Geurt. I was just watching the third round game between Topalov and Anand, and the strange finish with a threefold repetition in a dead drawn position. It dawned on me that there is no way an arbiter may stop a game of chess as long as the players don't break the rules. When playing with increment, a game could essentially go on forever if both players refrain from claiming a draw. Am I wrong? In my opinion, when playing with an increment, we need a rule similar to Article 10.2 allowing an arbiter to stop a game when neither of the players makes any winning attempt.

If I faced such an incident with the current rules, I would refer to Article 12 and warn both players. If they continued I would forfeit both. However, I may be on thin ice with such a decision. What would you do in such a case? Best regards, **Wolfgang Kuechle (Germany)**

**Answer** The Laws of Chess are not perfect, but we don't need to change or add something to the actual Laws on this point. I agree that with an increment the games can take a lot of time, but after some repetitions of position one of the players always takes the initiative to claim a draw. In two cases that I have had, the players repeated the position about ten times, and then they agreed to draw the game.

**Question** Dear, Mr. Gijssen. I refer to the [April 2010](#) column. I am the arbiter who made the decision in this case. You believe that this situation is very straightforward. I disagree. I think it is not so clear and my assessment of the case follows:

There are no doubts about the following:

1. It is a team championship match without an arbiter.
2. The playing time is 100 minutes for 40 moves, 50 minutes for the rest of the game and an additional 30 seconds for each move from the start of the game.
3. The move counter is activated.
4. White made his forty-first move, stopped his own clock and started Black's clock. White saw that the opponent's clock was "0.00" and claimed "flag fall." At this point, White's forty-first move had been completed.
5. We don't know the number of moves taken into account by the move counter.

There are two possibilities as to what may have happened:

1. Black's flag fell during his fortieth move, but White saw this only after White made his forty-first move.
2. Black completed all forty moves in the allotted time, but the move counter was not identical with the number of moves played. (Perhaps the player(s) forgot to press the clock). Therefore, it is possible that the player was on the second time period of his game having completed his fortieth move.

At this point, it is not possible to say which one of the above occurred.

If point one occurred, then, yes, it is possible to claim a flag fall beyond the fortieth move in cases where a digital clock is used. I feel two conditions must be fulfilled to justify this. Firstly, the digital clock does not stop after a flag fall and secondly, the number of moves on the move counter is identical with the number of moves played on the chessboard. If not, a digital clock acts as an analogue clock. As you say in the case of an analogue clock, White destroyed the proof of the flag fall with his forty-first completed move. There is no evidence that the flag fell before the player completed his fortieth move. The claim is too late.

So why must the move counter be identical to the played moves on the chessboard? This brings me to point number two above. As an arbiter I have often experienced that players forget to press the clock or White starts the

clock after making his first move. After a flag fall, there is often a misunderstanding, as the players fail to see the reason why the flag has fallen. They cannot accept that they may have forgotten to press the clock. An arbiter can normally resolve such a situation easily. Article 6.3 says that immediately after a flag fall, the requirements of Article 6.2 a. must be checked. In our case this means that both players had made the minimum number of moves in the first time period.

Accordingly, my decision was that the claim of the white player was too late. It was not possible to confirm that Black had overstepped the time limit. Both cases mentioned above are possible and the game should have continued. White lost the game because he left the tournament area. I will not explain here how to handle a protest in Upper Austria if there is no arbiter.

As I said, the players sometimes forget to press the clock, which can cause problems after a flag fall. Therefore, I suggest that when the game is played with an increment of thirty seconds or more with each move, the clock shows the move counter. Also the players must record their previous move before making the next move. This would make it apparent to the Arbiter and the players if the move counter is not identical with the recorded moves.

I look forward to your response. Best regards, **IA Mitterhuemer Günter (Upper Austria)**

**Answer** The "mistake" the players made, after the flag fall was noticed, was that they did not check the number of moves in the move counter. When the move counter shows the same figures as the score sheets, then there are no doubts. I admit the fact that the flag fall was noticed after move forty-one created some doubts, because it was really possible that both players didn't press the clocks. By the way, in 2006 there was a FIDE decision that the move counter should not be activated, but, as far as I can see, in many events, including the match Anand – Topalov, the move counter was activated.

I revise my conclusion in the previous Notebook. It is not completely certain that the player of the black pieces overstepped the time. Therefore, he should have the benefit of the doubt and the game should be continued with fifty minutes for the second period.

Another point is whether it is correct to forfeit the game for the player of the white pieces. I can understand that he was of the opinion that he was completely right. Perhaps there is a reason to change this decision.

One consideration might be to nominate arbiters (for instance, the captains) for team matches.

**Question** Hi. According to the current rule, Laws of Chess Article 4.6

*The move is called legal when all the relevant requirements of Article 3 have been fulfilled.*

Article 3.7.e states:

*When a pawn reaches the rank furthest from its starting position it must be exchanged as part of the same move on the same square for a new queen, rook, bishop or knight of the same colour.*

Suppose a player places a new queen on the eighth rank, but never moves the pawn from the seventh rank. The move is illegal, because it violates Article 3.7 e. Then, after adding two minutes to the opponent, the player promoting the pawn changes his mind and places a knight by the correct procedure. Is this allowed or does he have to keep the queen, as the queen has already touched the promoting square? Thanks and regards, **R. Anantharam (India)**

**Answer** Formally, you are correct that the player didn't follow the prescribed procedure. However, the way he carried out the promotion of the pawn is generally accepted in the chess world. I can even add that electronic boards were changed to accept the "wrong" procedure of promoting a pawn.

**Question** Dear Geurt, I think you gave an incomplete answer to the question by Jacob de Boer in your [April 2010](#) column.

The issue was, in my reading, if a player can claim a draw in the position given by Jacob de Boer if that particular position should occur three times in a game even if White had maintained his right to castle the first time it occurred, but lost the right to castle the second or third time.

The point is that in none of the three situations does White *currently* have the possibility to castle, so all the conditions given in Article 9.2 seem to be met, including: "Positions as in (a) and (b) are considered the same, if the same player has the move, pieces of the same kind and colour occupy the same squares, and the *possible moves* of all the pieces of both players are the same." This speaks in favour of the conclusion that the game should be drawn if that position should occur three times (provided a correct claim).

Nevertheless, the first time the position occurred, White did have a possible option to castle at some stage in the future, so in that way the positions are not exactly the same. In the concrete position, when White had no other pieces on the board, he would be forced to move either the king or the rook and thus be forced to lose the right to castle. So the future option of castling is an illusion in that particular case. However, had he just one more piece somewhere on the board, then his future option of castling could be real (since he could move that other piece and thus maintain the right to castle if a position allowing castling should occur).

The question therefore is: "Shall two positions according to Article 9.2 be considered "the same" if: The same player has the move, pieces of the same kind and colour occupy the same squares, and the possible moves of all the pieces of both players in the given position are the same, but still differs in the way that one of the players *in the one case maintain the theoretical option of castling at some stage in the future and in the other case has lost the right to castle entirely*? Kind regards **Christian Lundmark Jensen (Denmark)**

**Answer** Yes, you are right that we should discuss the matter with an extra piece, because with only a king and rook the player of the white pieces automatically loses the right to castle. Nevertheless, the rule, as it is formulated at the moment, states that White loses his right to castle after he has played his king or rook.

I refer to a position I discussed before and shall probably discuss again in my next column.



[FEN "6k1/2q5/8/8/8/8/3QK2R"]

White has still the possibility to castle and it is Black to move. If Black plays 1...Qe5+, White can play 2. Qe2; if Black plays 1...Qg3+, White have to play his king and loses his right to castle. Based on a letter I received I shall discuss the sequences 1...Qe5+ 2.Qe2 Qc7 3.Qd1 Qe5+ 4.Qe2 Qc7 5.Qd1, 1... Qg3+ 2.Kf1 Qf4+ 3.Ke1 Qg3+ 4.Kf1 Qf4+ 5.Ke1, and 1...Qe5+ 2.Kf1 Qf4+ 3. Ke1 Qe5+ 4.Kf1 Qf4+ 5.Ke1.

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Have a question for Geurt Gijssen? Perhaps he will reply in his next [ChessCafe.com](#) column. Please include your name and country of residence.

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