



Finding a Global Response to Corruption in Sports
An Institutional Approach to a Persistent Crisis

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Abbreviations

AIOWF	Association of International Olympic Winter Sports Federations	ICSS	International Centre for Sport Security
ANOC	Association of National Olympic Committees	IF	International Federation(s)
ASOIF	Association of Summer Olympic International Federations	IHF	International Handball Federation
ATP	Association of Tennis Professionals (male players)	IOC	International Olympic Committee
CAF Football	Confédération Africaine de Football	IPACS	International Partnership Against Corruption in Sport
CAS	Court of Arbitration for Sport	ISL	International Sports and Leisure (company)
CCP	Chinese Communist Party	ISSF	International Shooting Sport Federation
COB	Comitê Olímpico do Brasil	ITA	International Testing Agency
DOJ	US Department of Justice	ITF	International Tennis Federation
ECA	European Club Association	IWF	International Weightlifting Federation
EOC	(Association of) European Olympic Committees	NOC	National Olympic Committee
FBI	Federal Bureau of Investigation	OCA	Olympic Council of Asia
FIE	Fédération Internationale d'Escrime	OCG	Organised Crime Group
FIFA	Fédération Internationale de Football Association	OECD	Organisation for Economic Co-operation and Development
FIFPro	Fédération Internationale des Associations de Footballeurs Professionnels	RADA	Rodchenkov Anti-Doping Act
FINA	Fédération Internationale de Natation	SIGA	Sport Integrity Global Alliance
FIVB	Fédération Internationale de Volleyball	UEFA	Union of European Football Associations
IBA	International Boxing Association (formerly: Association Internationale de Boxe Amateure AIBA)	UIPM	Union Internationale de Pentathlon Moderne
IBU	International Biathlon Union	UNODC	United Nations Office on Drugs and Crime
ICAS	International Council of Arbitration for Sport	WA	World Athletics (formerly: International Association of Athletics Federations IAAF)
		WACA	World Anti-Corruption Agency (for Sport)
		WADA	World Anti-Doping Agency

Executive Summary

In the last decade, elite sport has lost much of its appeal and educational value.

The sports system is no longer primarily associated with its central promise of bringing different people together on a level playing field, but perceived as a rather toxic field where all sorts of corruption can thrive: bribery and embezzlement, money laundering, ticket fraud, vote buying, vote rigging, abuse of power, undue influence peddling, and abuse of athletes or match-fixing.

None of this is new, but a remarkable shift in public awareness has taken place. Rather than to push blame onto individuals (such as athletes caught in a doping test) the crises are now being attributed to the stewards, the top-administrators, and the way they run sport.

Frequently enough, sports officials give rise to the assumption, that they are eyeing the market, worth around €350+ billion in 2021 globally, much more than they care about fair scores, let alone universal human rights. Sports officials have set the stage for grand corruption by associating themselves with autocrats around the globe, seen as a mutually beneficial business. When Thomas Bach, the president of the International Olympic Committee (IOC), gushes over an “amazing” new winter sports nation China, and ignores the ugly truths around, he is called “the taker-in-chief” as a matter of course. Elite athletes increasingly join the criticism, banding together in independent associations, because they feel exploited in an opaque system of which they are the heart, supposedly.

Corruption in sport can thrive because sport effortlessly crosses borders, as do its criminals, with all the detriments to law enforcement when it comes to transnational jurisdiction.

But even more sports corruption thrives on the way officials are allowed to operate: They are accountable to no one. They are entitled to completely regulate their sports (while promoting them as businesses to earn billions), on the basis of an accepted autonomy. That is, without oversight. And they hold an almost mystical sway over policymakers around the globe, because they control an area so many people care about.

Clearly, self-regulation does not work. Rather, the interest in not damaging the revenues of one’s own product wins out. Corrupt practices are not followed up even if they are exposed. The lack of enforcement is evident in all types of sports corruption:

From the IOC alone, an eclectic circle of 100+ people, twelve members have become the subject of criminal probes in the last decade. Investigations for aggravated money laundering, embezzlement, conspiracy in an organised group or forgery of documents have been and are being conducted. The apex sports governing body had no role in uncovering any wrongdoing. Moreover, there is no known case in which the IOC has provided meaningful assistance to public prosecutors. And even if an official is criminally indicted, this does not mean that they will be suspended by the IOC.

Match-fixing is intrinsically linked to shortcomings in the sports system, albeit with a (conservatively estimated) annual profit of €120 million for organised crime groups on the betting market. The widespread unequal distribution of income in many sports has left low-income-athletes out in the cold. Often match-fixing is not related to gambling at all, clubs and officials are involved for pure sporting reasons. However, the sports federations focus on elaborated alert systems that they have set up with betting operators (with dropping numbers of alerts and unclear efficiency), and spread the story of the individual fault of athletes, who are then banned.

The abuse of athletes, which was not present in public until a few years ago, is now showing its frightening dimension: A survey among 10.000 athletes in six European countries came up with the result that three of four athletes had at least one experience of abuse as minors, 20 per cent of those

were victims of sexual violence. Most of them did not disclose their experience during their time as active athletes.

The testimonies of abused athletes who finally came forward perhaps illustrate best what is wrong with sports: Federations often went through shocking lengths to cover up the crimes, to protect the officials, not the athletes. At least here, the realisation that sport needs independent oversight is gaining ground: In a number of western countries, “safe sport” centres have already been established or are planned.

This will not be enough, because the challenges are not western but global. And they are not limited to the abuse of athletes, but touch every scandal that can ruin the reputation of a club or a federation and thus reduce their marketing chances.

Sports organisations operate as patronage networks, a sign of institutionalised corruption that itself encourages corruption – by fostering an environment where perpetrators feel they can act with impunity.

The bedfellow of impunity is a culture of „harmony“ – sports’ wording for widespread discretion and obedience to those at the top. Two out of three presidents in 40 Olympic sports federations ran unopposed in the last election; just one time the incumbent was dethroned. Competition is not welcomed in sports governing bodies, and opponents are either marginalised or co-opted through classic cronyism. All too often, there is no complainant, when violations of self-imposed ethics rules occur, and no culprit. Undue influence is widely tolerated in sports. Some Russian oligarchs journeyed to presidencies of international federations by promising private funding or bringing state-companies with sponsorship deals in.

The pillow of impunity is the lack of independence of sports’ own judiciary. From ethics commissions in sports federations up to the top, to the Court of Arbitration for Sport (CAS), their composition is determined by sports governing bodies, often the boards. The attachment can have an impact on the awards.

Additional factors hinder the fight against corruption. Sports organisations and their disciplinary bodies lack sufficient powers to gather evidence, and often lack resources and expertise to deal with highly complex matters, whether because of a transnational dimension (bribery cases, match-fixing) or because of particular challenges such as those posed by abuse cases.

There has been much talk about good governance in sport lately. Governments and transnational organisations, co-opted by the IOC, have developed guidelines, which could be (voluntarily) implemented across sports. However, when independent observers use indicators that are good standard for non-profits elsewhere in society to measure the level of internal democracy, transparency and accountability in sports organisations, they still come up with discouraging results.

More importantly, good governance will not achieve its goal if the best rules are not enforced and violations are covered up.

There is little reason to believe that corruption is less damaging to the integrity of global sport than doping. And corruption is no less rooted in the specifics of the sports system than doping.

Just as governments once helped to build an alliance against doping, now an alliance against corruption in sport is needed. Sport (and the many honest actors in it, be it officials or athletes) needs political support in order to regain credibility and appeal. Only a certain level of integrity will, in the eyes of

many European citizens, justify the public funds that governments invest into sports organisations, whether to promote elite sport or to organise international competitions.

It is time to change the rules of engagement, to put the autonomy of sport on a new footing, and reorganise it around accountability and transparency, rather than just allowing the next new scandal to emerge piecemeal.

The World Anti-Corruption Agency for Sport (WACA), as proposed here, would be free of the conflicting interests that have allowed sports corruption to flourish and have obstructed the fight against it.

The WACA would be a focal point for athletes and whistleblowers to report on corruption and create a safe environment for them.

The agency would work on the basis of an anti-corruption code that is adopted across sports, and with the mandate to monitor compliance and impose disciplinary sanctions.

This would also alleviate a problem that is typical of transnational corruption in sport: Evidence of money laundering, for example, is difficult to obtain, even more so when government officials are also sports officials. Their obligation to the anti-corruption code and to cooperate with WACA would at least allow for disciplinary sanctions/bans if disclosure is refused.

Equipped with strong investigative powers and legal mandate, the WACA would serve as a liaison between sports organisations and law enforcement agencies, and empower the latter to prosecute transnational sports corruption more effectively.

The WACA would be a sister institution of the World Anti-doping Agency (WADA) – without repeating the mistake that plagues the efficiency of the latter since its inception.

The WACA would signal to would-be perpetrators that they will be held accountable and send a powerful message to the public that lawmakers care about safeguarding the integrity of sport.

Introduction: On sport and kleptocracy

The Russian invasion of Ukraine has drawn new attention to the problem of corruption around the globe. Governments are tracking assets of oligarchs and identify Western enablers who helped siphon billions and hide them offshore. They try to scale back economic entanglement not only with Russia, but also with other authoritarian states. The Club of Madrid issued an appeal of 42 former prime ministers and presidents calling for the creation of an International Anti-Corruption Court to deter and punish “grand corruption”.¹ The term describes the abuse of public power that benefits a few at the expense of the many, as perpetrated by state actors and their elites.

So far, the wave of democratic solidarity to fight back against kleptocracy has left out an area that reaches deep into the fabric of societies and provides a platform like no other: sport.

Yet sport is arguably the only stage where the now targeted “grand corruption” has played out for some time now, for the whole world to watch, with compliant sports officials amplifying the reach of autocrats while obfuscating the damage done:

The 2014 Sochi Games weren’t just a gigantic self-enrichment party for the Kremlin’s oligarchs with billions embezzled. The International Olympic Committee with the German Thomas Bach at the helm boosted Putin’s popularity and provided him with a springboard for the annexation of Crimea. With Beijing 2022, global sport lent legitimacy to Xi Jinping’s genocide against the Uyghurs by abiding to the Chinese Communist Party’s (CCP) censorship over it. With Qatar, the Fédération Internationale de Football Association, better known as FIFA, and its president Gianni Infantino are doing their best to perpetuate the narrative of a country that is first and foremost open to the world and not a

monarchy that lives off the exploitation of tens of thousands of migrant workers.

Sports’ top officials have put out a welcome mat for the world’s kleptocrats, offering a conduit for the transformation of corruption into an instrument of national strategy to them. This included bribing officials to win some of the bids. The usual, many may think by now, although even the dedicated US prosecutors have yet to uncover who exactly from Russia and Qatar paid the millions for becoming host of FIFA World Cups in 2018 and 2022.

So, why politicians so far have not woken up to the dangers that sport can pose to democracies by enabling “grand corruption”?

Certainly, some believe, it will all blow over soon, after the World Cup in Qatar. The IOC will happily move on to the Games in Paris, and FIFA to Canada, Mexico and the United States with the next World Cup.

This could be a false assumption: The links between the upper echelons of global sports governing bodies and autocrats are not tied to some prestigious event, they are ingrained in the power structure of these organisations, with proxies of authoritarian states “volunteering” all over sports and injecting their millions. It is, even with the Russian warmongers, not over – Putin’s oligarchs are not suspended from their posts in sports federations. Consequences this could entail for circumventing sanctions, including money laundering? It is only sport, isn’t it?

However, the area that should promote health, teach solidarity and connect people on a level playing field, enhance peace, all the good ideals that are considered a common and just cause, worth funding with billions from public budgets, has lost public trust on a large scale.

This is manifest, for example, in the rejection of Olympic bids wherever citizens have been asked,

¹ Transparency International defines three categories of corruption: „petty corruption“, „political corruption“ and „grand corruption“. For the latter

<https://www.transparency.org/en/our-priorities/grand-corruption>

or in an all-time-low in TV-ratings for the Beijing Games, and it is evident in the numerous protests against the World Cup in Qatar.

Cases of bribery and fraud, of officials involved in match-fixing and abuse of children have undermined elite sport, and largely destroyed it as a role model.

In fact, global sport itself bears the markings of a kleptocracy, which is usually associated with authoritarian forms of government. Who would not see the parallels in dubious practices that are standard in sport as in any autocracy and count in democracies as warning signs for systemic abuse of power? When yet another IOC session is underway where the president's proposals get 99 per cent approval and adulatory speeches are set up? Or at elections in international federations, where yet again a president is confirmed "by acclamation"? When "unity" and "harmony" are hailed and the few opponents are ostracised, sometimes with the help of so-called Ethics Committees? Let alone, in the large-scale thievery both are associated with?

The most striking parallel to kleptocracies, however, lies in the impunity for the rulers. None of the major scandals were uncovered by the sports system, but by state investigators or journalists.

The lack of accountability and rule of law is by design. Sports governing bodies have the mandate to regulate themselves and their sport without checks and balances from the outside. They hold up the so-called autonomy of sport as an iron law to avoid "interference" – though autonomy is a myth in autocratic countries where sport is often firmly in the grip of political rulers.

So far, not even the efforts to limit the global influence of the kleptocrats have led to political reflections on this autonomy.

There are new challenges that pose corruption risks to sport, to name just a few: the technological advances that continue to transform the way sport is played and consumed,

with esports joining traditional events like the Asian Games; the numerous competition formats international and continental federations develop to attract new audiences and investors; private money flowing increasingly into elite sports (in 2021, equity funds alone invested \$51 billion globally). And finally: The Russian owners of football clubs haven't been the only reasons raising concerns regarding strategic corruption and image laundering.

European institutions keep to their traditional approach, stressing the social and cultural values of sport, engaging (or becoming engaged) in dialogue with sports governing bodies. In 2021, when the debate about the so-called European model of sport (which sports officials said needed to be "protected") flared up again in response to the doomed breakaway Super League in football, athletes warned: a system that had allowed the abuse of power to the detriment of athletes and sport itself did not deserve protection by European governments or organisations.

Still, lawmakers seem to be focused on promoting new guidelines for good governance in sport, only now and again adopting a declaration against corruption. As last year's study on EU sports policy phrased it: "No control or sanctions measures are known to exist as these are not desired by organised sport."²

The same study asked 187 "key stakeholders" – sports officials, academics and EU representatives – about their perceptions of EU sports policy. From a list of 30 categories, they had to choose the most important areas for the future. "Corruption/sports betting" made it to 9th place, between "Human rights" and „Safeguarding/protection of children“. Compared to the ranking for the present, this was a 10-place upgrade, the biggest jump of any sector in a perceived future EU sports policy.

² Mittag, J. & Naul, R. (2021), EU sports policy: assessment and possible ways forward, European Parliament, Research for CULT Committee – Policy Department for Structural and

Cohesion Policies, Brussels, p. 40

What this paper proposes and why

This paper does not add to academic analysis of corruption.³ Instead, after briefly assessing current (partnership-)efforts for good governance, it scrolls through the upper echelons of global sports to illustrate the specifics and the extent of sports corruption, then discusses the legal framework for combatting sports corruption, and finally recommends a solution to safeguard the integrity of sport.

First, the case is made for regarding global sport as an area where institutionalised corruption is prevalent, based on events, investigations (by prosecutors, journalists), observations and data. The inner workings of sports organisations (International Olympic Committee, International Federations and National Olympic Committees) are looked at, as are areas such as match-fixing (also a door-opener for organised crime in sport) or the widespread abuse of children and young athletes. They are facilitated by the way the whole system works: All too often there is no interest/incentive in enforcing self-imposed rules.

The elevated levels of autonomy granted to sports governing bodies have cultivated this system, and the underlying issue is not likely to be solved through new guidelines for good governance and declarations.

As Miguel Maduro, a former Advocate General at the European Court of Justice recently put it: “It is a public obligation to regulate a substantial area of our market activities. There is a deep

conflict of interest on the economic dimension of these sports organisations. They are both promoters of the sport events and regulators of the sport economy. There is no other area of the market that I know of where the economic operators regulate themselves.”⁴

Second, this paper deals with the prosecution of sports corruption. The “supreme” sports court, the Court of Arbitration for Sport (CAS), is briefly discussed to illustrate why internal regulation (in disciplinary cases) often is doomed to fail. Law enforcement agencies tracking sports criminals encounter difficulties not just because of the lack of transnational reach (as usual with transnational crime), but also because of the particular hurdles posed by sport’s deep entanglement with politics in many countries.

Third, this paper is opting for EU policy-makers taking the lead to establish an independent watchdog to safeguard the integrity of sport: the World Anti-Corruption Agency for Sport (WACA). The WACA would also send the message that democracies consider the harm caused by transnational sports corruption as a tool in the hands of autocrats a serious issue, and thus help to project the rule of law back onto those who undermine the values that sport can bring to societies.

The idea of creating such an institution is not new, but has already been put forward 15 years ago by critical observers of international sports organisations.⁵ As this paper will show, it has lost none of its relevance since then.

³ Corruption in sport as perceived in academic literature has been described in: ECORYS & Manoli, A. E.: Mapping of Corruption in Sport in the EU. A report to the European Commission. Luxembourg: Publications Office of the EU, 2018

⁴ Head of NOC: Sports federations need more demands from society, 25.11.2021
<https://www.playthegame.org/news/head-of-noc-sports-federations-need-more-demands-from-society>

⁵ Already in 2006, German journalist Jens Weinreich proposed a “World Ethics Commission of Sport”. Jens Sejer Andersen, international director of the Danish think tank Play the Game, called for an agency to combat corruption in sport in 2007. The idea has since been kept alive by some. Andersen presented it in a hearing in the European Parliament in 2012.

1. Anti-corruption with limits

In recent years, sports organisations have set out on the path to good governance, with governments and transnational organisations accompanying the movement to drive change.

But the IOC and with it the international federations seem to be looking for engagement on their terms alone: paying lip-service to notions of good governance and integrity, seeking more co-operation, sending out recommendations and adopting new rules, whilst dodging the most essential part: establishing ways to enforce those rules.

Some so-called grassroots initiatives can reinforce the impression that enforcement of new good governance rules is not the point at all, but rather a tool to distract from the realities in international sports organisations.

Judging by the numerous initiatives, meetings, exchanges between expert groups and published reports, the fight against corruption in sport has become a top priority, with the International Olympic Committee leading the way and governments as partners.

This is a new phenomenon – just a few years ago, no sports official would even utter the word corruption. The change in tune came after the FIFA and IAAF (International Association of Athletics Federations) scandals. Governments asked the uncomfortable question on what terms billions of public money had actually been invested in sports.

1.1. IPACS

The most relevant of these multi-stakeholder platforms is IPACS, the International Partnership Against Corruption in Sport, which was established in 2017. Co-founders are the Council of Europe (CoE), IOC, OECD, the United Kingdom and the United Nations Office on Drugs and Crime (UNODC). There is a steering committee with governments and sports organisations represented, adopting documents, and four task forces, issuing reports. In 2020, for example, guidelines for “Procurement of major international sport-events-related infrastructure and services” or

“Good practice examples for managing conflicts of interest in sports organizations”. The latest report “Tackling bribery in sport”⁶ presents international anti-bribery standards and national legislations that could be applicable to sports corruption.

The aims and work of IPACS have been regularly discussed at high-profile international events, organised by the Council of Europe, the OECD or the Commonwealth. A commitment to support IPACS was included in the G20 Anti-Corruption Action Plan for 2019-2021. (Whereas in the follow-up document for 2022-2024 sport is addressed as one of just three particularly “vulnerable sectors”.)

IPACS exemplifies what politicians call “structured dialogue” and Thomas Bach, the IOC president, calls “responsible autonomy”. This means that lots of ideas and frameworks are recommended to avoid state interference in the affairs of sport.

So far, governments still rely on global sports governing bodies regulating themselves through voluntary measures and disciplinary bodies. While the IOC is pounding the message that it has “done a lot to strengthen its principles of good governance, promoting integrity across different levels of the Olympic and sports movement.”⁷

⁶ IPACS, Task Force 4: Tackling bribery in sport (2021) https://stillmed.olympics.com/media/Images/Ipac/PDF/task-force/Tackling_Bribery_in_Sport_An_Overview_of_Relevant_Laws_and_Standards.pdf

⁷ IOC: Universal principles for integrity. <https://olympics.com/ioc/integrity/universal-principles-for-integrity>

Yet an increase in accountability or detection of corruption cases by global sports governing bodies did not come to pass.

1.2. UNODC

At the beginning of 2022, the United Nations Office on Drugs and Crime (UNODC) joined the anti-corruption-rally with a 300-page “Global Report on Corruption in Sport.” It thoroughly traces the landscape of sports corruption (albeit “institutional corruption” in sports organisations gets very few pages), governance practices, and political responses.

The overarching tendency is to recognise the sovereignty of sport as if internal efforts had already gone somewhere. For example, when it comes to tracking down violations the report states: “The principal responsibility for detecting and reporting instances of corruption rests with the governing bodies of sports organizations. As such, the importance of developing and implementing relevant mechanisms and internal integrity capabilities is key.” Governments are asked to strengthen their own legislations against corruption to help facilitating the anti-corruption fight in sports.⁸

The report is co-sponsored by the Russian government – as it was the case in 2019, when UNODC published a first sports-related paper (“Reporting mechanisms in sport”) together with the IOC. The renowned academic, journalist and match-fixing expert Declan Hill called the move “an operation brilliantly manufactured by Feliks Dzerzhinsky’s successors in some obscure hallway in a government building in Moscow.”⁹ After all, the Russian state doping scandal was still fresh in mind – arguably the biggest corruption conspiracy against sport in this century, orchestrated by a rogue state. Hill considered the focus on “ethics” and “integrity” in sport a

“deeply toxic” idea, because it assigns all the blame for corruption onto individuals.

The new report has more to offer with its stocktaking of what has been done and valid “policy considerations” for the future. But the basic approach that global sports organisations are failing in a few aspects of governance and just need the right guidance remains.

The alternative view that global sports organisations are quite successful business models where enforcement of the new governance rules is not and, for the sake of marketing interests, cannot be a priority (as witnessed many times, see the next chapters) is not even considered.

1.3. SIGA

There is one group in the realm of integrity-initiatives that apparently sees the demand for independent oversight. The “Sport Integrity Global Alliance” (SIGA) – according to their self-promotion, “the world’s largest independent and neutral multi-stakeholder coalition in the field of sports governance and integrity.”

The group was set up in 2017, and has yet to rally the support it strives for. Among 59 “members and supporters” are half a dozen National Olympic Committees, a few national sports federations, foundations, marketing agencies, and companies. But SIGA sits at the table, whenever integrity/anti-corruption (often confused) is discussed, and organises conferences and workshops. Last year, the Italian G20 presidency even praised the group for “monitoring” governance levels in sports organisations. The ostensibly grassroots-initiative’s chair is Italian: Franco Frattini, an ex-minister and former EU Commissioner. As a politician, Frattini had lobbied for the IOC and achieved, as he once put it, “a great victory for the good of all.” He headed the efforts to have the IOC awarded Observer status at the United

⁸ UNODC: Global Report on Corruption in Sport. 2022, p. 132

⁹ Declan Hill: Strategic deception and the sporting world. 15.11.2019

<https://www.declanhill.com/strategic-deception-and-the-sporting-world>

Nations. The IOC, in turn, awarded him an order.

SIGA developed standards for sports governance and a tool to measure their implementation¹⁰ – but has yet to publish results or concrete findings related to individual organisations, let alone corruption.

The group is funded by its members. Once SIGA announced to publish annually who contributed how much – but there is nothing recent to be found on this on their website. The promise was prompted by suspicions that SIGA, contrary to its own claims, was not truly independent. A controversial NGO had launched the group: the “International Centre

for Sport Security” based in Doha (see chapter 5 on Russia and Qatar). The president of the NGO, a former military pilot from Qatar, sits on SIGA’s board. Completing the Gulf monarchy’s trio on the SIGA membership list are the financially potent state owned Qatar Airways and the Qatar Stars League, the highest football tier of the country

More than two years ago, SIGA came up with an interesting idea: to establish an “independently managed sports integrity fund.” Sport’s “stakeholders” were supposed to contribute a percentage of their revenues to tackle corruption. However, nothing more has been heard of this since then.

¹⁰ Benchmarking tools for governance in sport have been developed by the Danish NGO Play the Game, the Danish Institute for Sports Studies in cooperation with universities, and others, with regular reports on the

results for national and international sports organisations, five to date, starting in 2015. See chapter 3.

2. International Olympic Committee: Compromised supreme authority

From the perspective of corruption, the IOC can be described as a patronage network.

There is no known case, when the IOC was instrumental in detecting corrupt behaviour among its members. The Ethics Commission is not independent, and it is only a “recommending body”. Even if it comes to suspicions and/or indictments by state authorities, this does not necessarily mean that the IOC members targeted will be thoroughly investigated by this body.

The use of funds allocated by the IOC to other sports organisations is widely without oversight. This contributes to a worrying state of affairs within global sports and fails to live up to its economic and social impact.

Recent changes in the IOC policy, such as trying to influence governance standards in international federations, do not address the underlying rationale of the inherent conflict of interest: having the promoter of global Olympic sport at the same time regulating the business.

This spring, unpleasant news reached the IOC from India, where next year's General Assembly will be held. The decision on the host of the annual session is made a big deal by the IOC, with letters of intent submitted years earlier, Evaluation Commissions visiting the candidate cities and presentations. All that to guarantee the appropriate welcome of the IOC, 101+ members and around 45 honorary ones, an eclectic circle of sports officials, royalty, politicians, former athletes and business people.

A lot of effort for one session, especially as it is up to the IOC Executive Board to propose a host who is then “elected”. In Mumbai's case, 99 per cent of the IOC members confirmed.

The rubber-stamping of decisions, although a constant in the 127-year history of the IOC, became even more prominent under president Bach who is in office since 2013. The German had the Olympic Charter, the constitution of the movement, repeatedly amended by a devote membership to grant more powers to his Executive Board. However, this technique of rule without significant opposition, otherwise associated with autocratic governments, is, as with countries, a breeding ground for corruption.

2.1. “Harmony” against a complaint

Payday from India arrived not even two months after Mumbai's election. In April 2022, the Central Bureau of Investigation initiated a preliminary enquiry against Narinder Batra, president of the Indian NOC and an IOC member, a yes-man within the organisation who likes to emphasise that he is “a great believer in the Olympic values.” He was accused of diverting Hockey India funds for personal benefit through a company he owns.

In May 2022, the Delhi High Court voided Batra's NOC presidency. He had allegedly stood for the post as a “life member” of the Indian Hockey Federation - a position that he basically granted himself and that is incompatible with the National Sports Code, which places restrictions on the tenure of office bearers as part of anti-corruption efforts.

The removal of India's highest Olympic official, who also presides over the International Hockey Federation (FIH), could not have come as a surprise to the IOC. Indian sports officials had written letters to the IOC and to Bach personally. Yet, the IOC did not act. Instead, according to one of the complainants, the Indian sports officials were reprimanded to “work in harmony”.

Eventually, the IOC even rewarded Batra – he was one of the presenters of Mumbai’s successful bid.

This case, whatever its outcome, bears the typical hallmarks of corruption cases within the IOC – often involving self-enrichment, embezzlement, and abuse of office. However, IOC cases are by no means just “petty corruption”. Some bear the markings of organised crime – a category that the IOC, and with it many academics and organisations cooperating with the sports industry, prefer to attribute to outsiders, such as from the match-fixing scene.

2.2. Owner of the Games, big spender and some criminals

Economically, the IOC, owner and organiser of the Olympic Games, is the most profitable non-profit organisation in the world. In its latest annual report for 2021, the sports body reported total revenues of \$4.2 billion, a surplus of \$844 million and total reserves of \$3.36 billion at the end of the year. In the last four years revenues amounted to \$7.6 billion. 90 per cent of the income is, the IOC claims, distributed to the

global sports family, with the majority going to International Federations and National Olympic Committees.¹¹

Yet, the organisation that promotes the Olympics and raises billions for and from the Games (with the main sources being TV rights and sponsorships), is unlike any other market player allowed to completely regulate itself, without public scrutiny. It is a conflict of interest that impacts the governance of global sport and extends to the Olympic movement, National Olympic Committees (NOC) and International Federations (IF). The use of money allocated by the IOC remains largely unmonitored and often unclear.

In the last decade alone, under the aegis of Thomas Bach, a dozen current and former IOC members or honorary members have been targeted by state investigators and/or courts, with one exception (the Kuwaiti Sheikh Ahmad al-Sabah) for criminal offences related to their activities as sports administrators.

So far, just three IOC members have been convicted; some cases have been dropped, most are ongoing:

¹¹ Figures in the IOC annual report 2021
<https://olympics.com/ioc/documents/international-olympic-committee/ioc-annual-report>

Name	IOC membership	Allegation	Verdict
Támás Aján Hungary	2000 – 2011 Honorary member until ‘self-suspension’ in 2020	Embezzlement, corruption, money laundering	Ongoing investigations in Hungary, Switzerland, USA
Narinder Batra India	Member since 2019	Embezzlement, abuse of power	Ongoing
Mustapha Berraf Algeria	Member since 2019	Embezzlement, corruption	Unknown outcome
Sepp Blatter Switzerland	Member 1999 – 2015	Fraud, falsifying documents in connection with improper payments	Indicted in 2021 by Switzerland
Lamine Diack † Senegal	1999 – 2013 Honorary member until 2015 Honorary membership ‘provisionally revoked’, then resigned	Corruption, for covering up Russian doping cases in exchange for bribes Vote rigging related to Rio and Tokyo Olympic bids, World Cups	Guilty verdict in France in 2020; sentenced to prison for four years (French investigation into vote rigging continues.)
Frank Fredericks Namibia	2004 – 2017 suspended	Corruption, related to vote selling for awarding Rio the 2016 Games	Officially charged by French prosecutors in 2017, verdict pending
Patrick Hickey Ireland	1995 – 2016 ‘temporarily self-suspended’	Ticket touting, ambush marketing, money laundering, tax evasion	Officially charged by Brazilian prosecutors in 2016, verdict pending
Gianni Infantino Switzerland	Elected in 2020	Incitement to abuse of office and incitement to breach official secrecy	Ongoing in Switzerland
Kipchoge Keino Kenya	Honorary member since 2000	Abuse of office, embezzlement related to Rio 2016 preparations	Charges dropped by investigators in Kenya in 2018
Carlos Nuzman Brazil	1995 – 2000 Honorary member 2017 suspended after arrest	Corruption, organised crime, money laundering, tax evasion, related to Rio 2016 Olympics	Guilty verdict in 2021; sentenced to prison for more than 30 years
Ahmad Al-Sabah Kuwait	1992 – 2021 ‘provisionally self-suspended’	Forgery	Guilty verdict in 2021; sentenced to prison for 30 months
Tsunekazu Takeda Japan	2012 – 2019 resigned	Corruption; vote buying for Tokyo Olympic bid	Ongoing in France

Table 1: IOC members targeted by state investigators and/or courts

In none of these cases, the IOC itself uncovered any wrongdoing. Revelations originated from the research of state investigators and whistleblowers or journalists. Moreover, there is no known case of the IOC “assisting” state prosecutors in their enquiries – which the organisation frequently likes to claim it does whenever legal proceedings are opened against IOC members.

On the contrary, the apex sports governing body has repeatedly been suspected of shielding its members. Former Namibian sprinter Frankie Fredericks alleged in a statement published by German newspaper *Süddeutsche Zeitung* that the IOC advised him to avoid visiting France where he was officially accused of taking bribes in March

2017.¹² The IOC did not deny the warning, but denied any connection with the French investigation.

More fundamental are the temporary suspensions of NOCs for “political interference” by the IOC – when states set out to oversee or regulate the affairs of sport. Suspensions have been repeatedly handed down to Kuwait, for example, when the parliament wanted to investigate alleged corruption in the Olympic Council of Asia. In 2016, Kenya had IOC funding frozen, when the sports minister disbanded the NOC after the arrest of top officials and allegations of corruption.

The autonomy of sport from state governments, on the other hand, is not seen threatened by the IOC when heads of state, government officials or members of royal families lead or dominate NOCs. A common occurrence in countries usually ranking low on the Transparency International corruption perception index – consequences for corruption included (see chapter 3).

2.3. An Ethics Commission without teeth

Protecting the Olympic movement from corruption formally falls under the responsibility of the IOC Ethics Commission, self-labelled as the “guardian of the Olympic values”. The aforementioned UNODC report gave the efforts of the Commission a raving review: “The IOC has developed a multifaceted and well-resourced system aimed at safeguarding the integrity of major sports events and the Olympic Movement from corruption. The IOC Ethics Commission, comprised of independent members, and the IOC Ethics and Compliance Officer share responsibility for oversight and the promotion of compliance with the Basic Universal Principles of Good Governance of the Olympic as well as the Sports Movement and the IOC rules of conduct that apply to IOC and its affiliate organizations.”¹³

The inaccurate assessment, to put it mildly, ignores the facts. The Commission (currently chaired by former UN Secretary General Ban Ki-moon) is anything but independent: four of eight members are IOC members and, most crucially, it is only a recommending body. The IOC Executive Board decides on sanctions. Even the decision as to which cases the Commission is allowed to assess lies in the hands of the IOC. Complaints pass over the desk of said Chief Ethics and Compliance Officer (an IOC staff member for decades) before they are submitted to the Commission – or not. This is certainly a deterrent to potential complainants.

The last formal recommendation of the Commission, more than three years ago, concerned one of the most powerful Olympic figures, Kuwaiti Sheikh Ahmad al-Fahad al-Sabah. The then chairman of the Olympic Solidarity Commission (which distributes millions to NOCs) and of the Association of National Olympic Committees (ANOC) was charged with forgery by the Geneva prosecutor's office in 2018. The Ethics Commission just “took note” of the Sheikh's provisional self-suspension from his rights as an IOC member and Chair of the Solidarity Commission and recommended the suspension of his functions as president of ANOC.

Although Al-Sabah was sentenced to prison in 2021 (he is appealing the verdict), the IOC website still lists him as a member. German journalist Jens Weinreich recently detailed¹⁴ Al-Sabah's numerous involvements in dirty deals in sport. It may be considered ironic that his methods were punished for an offence linked to political feuds in Kuwait, outside the Olympic business. But impunity within the IOC remains a trademark of the organisation – cemented by the profoundly inadequate Ethics Commission.

¹² Thomas Kistner / Johannes Knuth: Reisewarnung vom IOC-Chef, Süddeutsche Zeitung, 9.10.2020

¹³ UNODC (2022), p. 294

¹⁴ Jens Weinreich: One coup too many. Olympic powerbroker sentenced to prison, 6.10.2021

<https://www.playthegame.org/news/one-coup-too-many-olympic-powerbroker-sentenced-to-prison>

2.4. EOC: Reform “hereby cancelled”

With the case of Patrick Hickey, it once again became obvious that Olympic corruption is at home at the heart of European sport. His arrest during the 2016 Olympic Games in Rio for large-scale ticket fraud (he was bailed out by the Olympic movement to return to Ireland) ended his term as head of the European Olympic Committees (EOC). Yet his legacy, the European Games with an inaugural edition in Baku, Azerbaijan, and the follow-up in Minsk, Belarus – both overshadowed by extensive human rights abuses and reports on self-enrichment of the elites in the two countries through „Olympic“ contracts – lives on.

Hickey’s current successor in the EOC, the Greek Spyros Capralos, was warned for having “damaged the reputation of the Olympic Movement” by the IOC Ethics Commission in 2012. The *Sunday Times* had investigated his link to black market ticket sales for the London Games. Nevertheless, he became an IOC member in 2015 and president of the EOC in 2021. This prompted a rare critical public comment from within the Olympic family: “Reform and development of the EOC into a contemporary and relevant organisation is hereby cancelled,” the vice president of the Danish NOC, Hans Natorp, wrote on Twitter.

Capralos, in 2012 president of the Greek NOC, was never tried in his home country.

In general, it can be assumed that the status the IOC membership brings for domestic prestige protects from consistent investigations by state prosecutors in some countries. The Algerian IOC member Mustapha Berraf, for example, was temporarily banned by a court from leaving Algeria when he was investigated in 2019/2020 for “squandering public funds” during his tenure as president of the NOC. A detailed report from the Sports Ministry alleged suspicions of corruption, embezzlement and favouritism. Berraf, also head of the Association of National

Olympic Committees of Africa (ANOCA), disagreed with the accusations.

The investigation seems to have been shelved – „only possible because of its proximity to the people in power“, as Algerian media suspected. Needless to say, proceedings against Berraf by the IOC Ethics Commission never amounted to any result.

The ongoing French probe into vote buying and bribery for the election of the Olympic hosts Rio and Tokyo (and for Athletics World Cups in Qatar and the USA) is led by the Financial Prosecutor's Office (Parquet National Financier) in Paris. So far, the insights have shown glaring parallels to organised crime: enterprises set up for illegal activities, millions of bribes funnelled through accounts in numerous banks and countries, links to politics. The late IOC member Lamine Diack and his son, at the heart of the scheme, feature in the “FinCEN Files”, the leaked bank data, analysed by the International Consortium of Investigative Journalists.¹⁵ The data suggested that they handled far more than €55 million.

Other active IOC members have reportedly been implicated in the scheme. Yet again, the IOC has so far played no identifiable part in clearing this up.

Some developments indicate that the widespread perception of global sport as dominated by dodgy dealings of powerful individuals and networks has become a cause of concern for the IOC leaders: For example, a new Olympic bidding process has been introduced. It largely excludes IOC members from the decision about future hosts, thus reducing the risk of vote buying. International Federations are increasingly threatened with suspension from the Olympics to curb internal corruption.

The success remains to be seen.

¹⁵ Will Fitzgibbon: Unchecked by global banks, dirty cash destroys dreams and lives. 20.9.2020

<https://www.icij.org/investigations/fincen-files/unchecked-by-global-banks-dirty-cash-destroys-dreams-and-lives>

3. National Olympic Committees: Autonomy to engage in corruption

The autonomy international sports organisations insist on to prevent interventions of the public in their affairs becomes a travesty at the latest when political leaders, often of autocratic countries, are allowed to simultaneously control the Olympic sport as NOC presidents.

This is not just contrary to the spirit of the Olympic Charter, it also poses a severe risk for high-level corruption in and through sport, be it strategic or criminally relevant.

For the NOCs, data on the implementation of governance standards to prevent corruption are rare. However, very few available results suggest considerable shortcomings far below average standards of society.

In August 2021, Executive Order 14038 from Washington D.C. brought the issue of transnational corruption in sport firmly back into the spotlight. President Joe Biden urged new sanctions against Belarus, where Alyaksandr Lukashenka continued his violent crackdown on protests against his fraudulent re-election exactly one year ago.

US Treasury included the National Olympic Committee in the measures against the “Belarusian regime’s harmful activities.” The sports body served, as the Department noted, potentially as a “conduit of financial crimes”, as a tool for Lukashenka and his cronies, „to launder funds and evade sanctions.”¹⁶ In a press briefing, the “circumvention of visa bans” was added to the list.

It was an unprecedented move for a government to blacklist a foreign NOC.

The IOC remained silent on the matter. Although the Olympic rulers in Lausanne themselves had already denounced their loyalty to Lukashenka, who spearheaded the national Olympic movement for 23 years. Lukashenka then handed the NOC presidency simply over to his son Viktor, a move the IOC called “deeply disappointing”. Neither was invited to the Tokyo Olympics. The IOC’s distancing from the Belarusian dictators

was to “protect athletes from discrimination.” Yet, until today the NOC remains a member of the Olympic family.

As the “supervisor” in the fight against corruption, the IOC could as well have found itself in the crosshairs of a critical debate – on a NOC in an autocratic country facilitating corruption and the necessary consequences by sport. But the silence in Lausanne worked, such a debate never came up, even when the plot somewhat thickened: Another of Lukashenka’s sons was declared persona non grata in December 2021, as boss of the “Presidential Sports Club” and “part of an alleged corruption scheme in Belarus.”¹⁷

The US move (later followed by Canada and the UK) was also a warning about the Olympic family’s own failings. Why the IOC did not suspend the Belarusian NOC, and instead refrained completely from publicly commenting on those sanctions?

3.1 Sport autonomy’s “key dilemma”

For one, the US government, by outlawing a foreign NOC because of possible facilitation of criminal transnational activities, was intervening in a practice that could be common by default.

¹⁶ Executive Order, 9.8.2021: <https://home.treasury.gov/system/files/126/14038.pdf> and Treasury Press Release: <https://home.treasury.gov/news/press-releases/jy0315>

¹⁷ US Department of the Treasury: Treasury Expands Sanctions Against Belarusian Regime with Partners and Allies, 2.12.2021: <https://home.treasury.gov/news/press-releases/jy0512>

NOCs, as non-profit organisations, are excluded from regular monitoring, whether by the public or internal sport control mechanisms – even when they operate internationally. Bank accounts in Switzerland, for example, are common. NOC representatives, if they do not have diplomatic passports, often travel with a status similar to that of diplomats. This opens the door for transnational criminal offences.

And there is a perhaps even more crucial vulnerability to corruption, rooted in the policy of the IOC. As Jens Sejer Andersen, a prolific independent observer of global sports for decades and international director of the NGO Play the Game, pointed out first: to suspend the Belarusian NOC as a dictators tool for malpractices would have constituted a “key dilemma for the IOC which may be afraid to create a precedent.”¹⁸

Lukashenka is not the only political ruler who keeps a firm grip over his NOC. These constellations do not exactly align with the Olympic Charter, which entrusts the NOCs to “preserve” autonomy and “resist all pressures, including, but not limited to, political ...” – but, in the IOC’s view, they deliver benefits, too. As the late president of the International Ski Federation, long-term IOC member Gian Franco Kasper, infamously put it in an interview with German broadcaster ARD: “... from a business point of view, I say: I prefer to go to a dictatorship, I do not want to discuss with environmentalists.”

In the vocabulary of corruption, these NOCs, who often deliver lavish sporting events and are happy to cater for congresses of sports leaders, can be seen as strategic assets for the IOC – just as Olympic sport is for some of the most controversial rulers the perfect asset, if not for pecuniary ends, then for image management.

In 2017, a study on autonomy in the more than 200 NOCs¹⁹ found that 34 NOC leaders were also employed by or representing national governments on a high level – one in seven NOCs

were led by a president and/or secretary general with obligations to their government. Moreover, a comparison with an index on democracy and citizen’s rights revealed a pattern between countries with low political freedom and NOCs with leaders officially connected to their national government.

Of the five regional Olympic confederations, the Asian Olympic Council (OCA) held the largest relative proportion (36.4 % of government-connected NOC bosses, eight of them being Princes or Sheikhs belonging to the ruling royal family. Others held a position as minister of either tourism and/or sport.

Not much has changed in the last five years – autocrats can rarely be voted out, also in sport.

But sometimes they have to go, often for undisclosed reasons, just like the great friend of cycling Gurbanguly Berdimuhamedov from Turkmenistan, host for some prestigious events of the International Federation UCI and honoured with their highest order. He was replaced as president of state by his son Serdar, who was then unanimously “elected” the new NOC president in May 2022.

In Europe, 10 per cent of the NOCs were formally directed by the political leadership – with Monaco’s Prince Albert II and the Azerbaijani Ilham Aliyev now being the two last European leaders double-hatting.

Personnel like the ruler of Azerbaijan renders the question of whether a government official as NOC chief can be expected to act independently of political pressures (for which he is responsible), rather redundant. As are provisions of the Olympic Charter, of the Code of Ethics or the IOC’s much praised “Basic Principles of Good Governance.” The study asks: “Is the autonomy of an NOC led by a president, who also represents the national government, an illusion? If so, which implications will this have for the sports movement’s quest for self-governance?”

¹⁸ Jens Sejer Andersen: Olympic finger-wagging at Europe’s last dictator. 15.12.2020
<https://www.playthegame.org/news/olympic-finger-wagging-at-europe-s-last-dictator>

¹⁹ Stine Alvad /Mads Wickstrøm: Autonomy in National Olympic Committees (2017)
https://www.playthegame.org/media/s2gpbnlv/autonomy-in-national-olympic-committees-2017_final_.pdf

3.2. Grand corruption by a NOC leader?

An answer by society becomes all the more urgent in the context of corruption. In addition to Belarus, this is supported by another current affair. At its heart sits Timur Kulibayev, one of the wealthiest businessmen in Kazakhstan and head of the NOC. (He was not even included in the study, since kinships or business relations to political leaders did not meet the strict criteria.) Kulibayev is the son-in-law of former president Nursultan Nazarbayev and was recently linked to shady dealings that meet the TI definition of grand corruption. The Organized Crime and Corruption Reporting Project revealed the enormous wealth controlled by the Nazarbayev clan: Assets of unclear origin, worth billions and hidden in charitable foundations, where Kulibayev sits in the board.²⁰ The NOC of Kazakhstan claims on its homepage to be “an absolute supporter of the formation of an aversion to corruption in the sports society and society in general.” That does not seem to extend to the boss. Who also is a member of the IOC Commission for “public affairs and development through sports”.

The obvious question is why should it be assumed that personalities who are prone to dubious practices in business/politics act differently in sport, where there is hardly any control?

In Kazakhstan, as in many other countries, the leader of the Olympic movement will not be criminally investigated. And who decides whether involvement in grand corruption outside the sport damages the reputation of the Olympic Movement, a provision of the Olympic Charter that allows for suspensions? Theoretically, the IOC Ethics Commission could act, but they traditionally prefer to look the other way.

Particularly in autocracies the funds that the IOC transfers to the NOCs may not play a crucial role in supporting and developing sport. There are

always other sources to finance such a prestigious tool of the rulers – if not at the grassroots, but at the top.

In other countries they do, and the suspected loss of IOC monies by stealing officials leads to public outrage, as illustrated in 2017 by the case of the Brazilian Carlos Nuzman. Nuzman had not only deposited 16 gold bars in a Swiss bank. His personal fortune grew by over 450 per cent in the last decade of his 22-year tenure as head of the National Olympic Committee (COB), and that with officially little income.

It was only when the head investigator for “Operation Unfair Play” reported these findings publicly that the IOC called for an audit in Brazil “to make sure that the COB, as a legal entity, was not involved in any manner whatsoever in any of the allegations/charges against Mr Nuzman.”²¹

The IOC’s payments to NOCs are not linked to standards of public transparency with respect to their use. It only takes one greedy official at a top post, and chances are that those millions will not end up in sport. A risk that also exists in undemocratic countries where there is no clear distinction between officialdom and private financial ambition anyway. As long as there are no normative, binding frameworks regarding governance and no independent control, this likely will not change.

3.3. Governance standards “not fulfilled”

How are National Olympic Committees in general faring with implementing governance standards – which provide no guarantees but are an essential prerequisite to prevent corrupt practises?

Unlike for the International Federations, there are no regular surveys/data on NOCs regulations. But an elaborated benchmarking tool, the

²⁰ The Nazarbayev billions: How Kazakhstan’s ‘leader of the nation’ controls vast assets through charitable foundations. 19.1.2022 <https://www.occrp.org/en/investigations/the-nazarbayev-billions-how-kazakhstans-leader-of-the-nation-controls-vast-assets-through-charitable-foundations>

²¹ IOC (2017): <https://olympics.com/ioc/news/decision-of-the-ioc-executive-board-regarding-the-brazilian-olympic-committee>

National Sports Governance Observer, developed by the Danish NGO Play the Game and the Danish Institute for Sports Studies in cooperation with several European universities, provides at least some fact-based insight.²²

274 individual indicators are used to determine how sports federations are positioned in four governance areas: transparency, democratic processes, internal accountability/control, and societal responsibility.

The latest edition, published in November 2021, includes data from more than 100 national federations in 15 countries on three continents; for a few countries the NOCs are included. In general none of the countries scored “very good” or even “good” in the benchmarking. With an overall score of only 40 per cent, the federations just rank at the lower end of the “moderate” category. The spectrum is quite broad: Serbia at the top (59 per cent) and Georgia at the bottom (21 per cent).

The result for the few NOCs included may come as a surprise - they do not perform better than federations for individual sports.

In Bosnia-Herzegovina, although the highest scoring NOC, criteria like “term limits”, “Board eligibility rules” or “complaint procedures” received a “not fulfilled”.

The Canadian Olympic Committee, presided over by IOC member Tricia Smith, achieves only 40 per cent for “transparency”.

Spain, with a president in his fifth term and three IOC members in the board, is even worse: 30 per cent for “transparency”, just under 30 per cent for „democracy“ and around 40 per cent regarding „accountability“.

At a high-level panel discussion²³ on the launch of the latest Governance Observer even an NOC General Secretary agreed that there was a need for the public to make demands to sports organisations, including a need to regulate and, above all, intervene. The Portuguese sports administrator quoted a famous saying: “Change or be changed.”

It was used by IOC president Bach almost ten years ago and now testifies to the profound limits of self-regulation in sport.

²² National Sports Governance Observer 2. Benchmarking governance in national sports organisations. Play the Game, 2021. – The NSGO was originally developed with support from Erasmus+ in 2018
https://www.playthegame.org/media/v2cbmyte/national-sports-governance-observer-2_final-report.pdf

²³ Head of NOC: Sports federations need more demands from society. 25.11.2021

4. International (Olympic) Federations: Where Codes can be ignored

After several high-profile corruption cases, many International Federations have enhanced their governance regulations by implementing new Ethics and/or Integrity Codes of conduct, various disciplinary committees, and confidential platforms to report on corruption.

Some federations have joined the voluntary trend reluctantly, typically those with presidents that are tainted by corruption allegations themselves.

However, governance enhancements in self-regulated IFs cannot fully solve the problem when a general lack of democracy, as evident in the majority of IF presidential elections, vested self-interest and co-optation (often through widely tolerated nepotism) stand in the way.

As illustrated by FIFA and the International Weightlifting Federation (IWF), new governance rules can be more about creating a sham protection against corruption risks than about enforcing these rules – which is the case when seemingly independent ethics bodies are at the disposal of those in power.

In the last few years, the international sport federations (IFs) have come to public attention as hotbeds of corruption. To name just the biggest scandals: Athletics with IAAF (2014/2015), Football with FIFA (2015), Biathlon with IBU (2018), Weightlifting with IWF (2020).

All these apex sports governing bodies looked very much like caricatures of autocratic regimes: There was always a bad guy at the top, calling the shots with some cronies who were involved in a variety of mostly criminal activities typical of global sport: extorting money (or gifts and favours) for awarding of hosting rights for their top events, for awarding of sponsorship or broadcasting rights, for covering up positive doping tests, or paying to get elected to key positions.

Without investigative journalists like the late Andrew Jennings, whose research triggered the FBI investigation into FIFA with over 50 indictments to date, or the German Hajo Seppelt, whose revelations about the Russian state doping scandal precipitated the downfall of Athletics president Lamine Diack, and without a few tenacious state investigators mainly in the USA and France, the omertà would have prevailed. The term from the realm of the mafia

is often used in a sporting context: Critics from within the ranks are rare and are quickly side lined, while the emphasis on camaraderie and the ability to co-opt through payments, often so-called “development” money, is much higher than elsewhere in society.

The abuse of power for personal advantage seemed to be part of a wider governance model – just as it is in authoritarian states, which ignore their own rules when it suits them. Has this considerably changed?

4.1. “Substantial progress” – crucial shortcomings

Starting in 2017, the international federations have taken to review their governance structures regularly by themselves. The reviews are carried out and published by the Associations of Summer and Winter Olympic Federations (ASOIF and AIOWF). Until 2020, the reports mentioned, what triggered them: “the context of evidence of cases of mismanagement” – one of the sports system’s creative wordings for corruption.²⁴

In the 2020 edition, ASOIF-chair Francesco Ricci Bitti, former president of the International Tennis

²⁴ See: ASOIF’s Third and Fourth review(s) of International Federation Governance, published in June 2020 and June

2022, and AIOWF: Third Review of Governance of AIOWF International Federation Members. September 2020

Federation (ITF) and former IOC member, attested “substantial progress” in improving governance to “almost all” summer sports IFs. Is the risk of corruption substantially reduced, because there are now strong transparency and accountability structures in place?

By far not; rather, the latest 2022 review still contained disturbing details, above all related to financial transparency and control mechanisms.

Albeit 32 out of 33 checked IFs published annual audited accounts, the level of information included in the accounts varied “substantially among IFs and some were one financial year out of date.” Just 23 federations published “some type of policy” or information on allowances for their top-officials. And more than a third of the international federations (13) still do not hold open tenders for major commercial and procurement contracts – a loophole that served many corrupt officials well, when they dealt away marketing or broadcasting rights with extraordinary kickbacks lining their pockets.

This was matched by two of the lowest scoring governance indicators, which signal that there are still problems with the control of the all too powerful federation rulers. Only nine out of 33 summer sports federations have an internal audit committee that is independent of the Executive Board. And most lack a monitoring/audit process for the use of distributed “development funds”. Yet these funds, and the freedom given to officials around the world to spend them unchecked, are considered a tool to buy friends among the national federations, the IF members who decide in Congress on elections and other matters.

In 2020, Richard Pound, the most senior IOC member from Canada, commented on the state of the IFs’ financial affairs in an interview: They were “more closely guarded than nuclear secrets,” he noted.

That might well be true – especially since even published detailed accounts can be deceptive, as

just demonstrated by FIFA, one of the best scoring IFs, in the financial statements for 2021. The richest Summer Olympic IF with an revenue target of \$6.44 billion in the period 2019-22 reported a post named “other operating income” of \$234 million that left even experts puzzled, because tens of millions were not explained.²⁵

Meeting formal requirements of good governance rarely tells the whole story in global sport.

For example, most federations have introduced term limits for elected officials: 27 out of 33 summer IFs in 2022 and four out of seven Winter IFs in 2020. This sounds good at first – but the terms often extend over 12 years and allow exceptions for presidents who after their tenure can be elected to the board.

4.2. Elected “by acclamation”

The era of strongmen, when corruption could flourish, has not really come to an end.

That is also, because there is rarely competition for the leadership of IFs. Putting alternative programmes up for discussion is usually a good remedy against autocratic tendencies, but not something that is particularly appreciated in sport: “unity” and “harmony” are even bigger buzzwords than “good governance” and “integrity”.

28 out of 40 IF presidents (70 per cent) ran unopposed in the last election, as an analysis of the currently 40 Olympic federations²⁶ for this paper has shown.

This indicates that elections are often just for show. Candidates get through “by acclamation”, as it was the case when Gianni Infantino, president of the reformed FIFA, was re-elected in 2019. No one dared to challenge him, after he had promised to increase the number of World Cup participants from 32 to 48 and to double the development payments for the member

²⁵ David Owen: FIFA’s 2021 not-so-transparent financials. 4.4.2022
<https://www.insideworldfootball.com/2022/04/04/one-way-skin-cat-fifas-2021-not-transparent-financials>

²⁶ Including the so-called associate members: the federations for Sportclimbing, Surfing, Skateboarding, Baseball/Softball, Karate - sports temporarily represented at the Games.

federations, much to the appreciation of federations from Africa, Asia and America – a classic of sports cronyism.

But still, the figure – more than two out of three presidents waived through – paints a too friendly picture. In four of the remaining twelve federations, the top post had become vacant, either because of a scandal (Biathlon) or because the mostly long-standing bosses had retired for old age. This was the case with Canoeing (German Josef Fendt, 26 years president until 2020), Shooting (Mexican Olegario Vázquez Raña, 38 years president until 2018) and Ice Hockey (Swiss René Fasel, 27 years president until 2021).

In the remaining eight federations the incumbent was challenged. Only one time he was beaten – in Sailing the Chinese government official Quanghai Li ousted Denmark's Kim Andersen.

This is an inherent feature of so-called sports democracy: federation bosses, if challenged at all through elections, remain in office. To this end Weightlifting president Tamás Aján allegedly used the financial resources of the IWF as if they were his personal piggy bank when he faced opponents in 2013 and 2017.

As many as 10 out of 40 incumbents have ruled their Federation for more than ten years, not counting the “temporarily self-suspended” Russian Alisher Usmanov, head of Fencing since 2008. The record holder is a German: Klaus Schormann, Pentathlon's top official since 1993. The effects of such undisputed tenures can be seen clearly in his Union Internationale de Pentathlon Moderne (UIPM). Pentathlon United, the independent athlete representation, recently published a survey, which found that more than 90 per cent of athletes believe „the UIPM is not capable of building a strong future for the sport.“²⁷

Notably three of these long-term rulers (the Turk Ugur Erdener, Archery, the Spaniard Marisol Casado, Triathlon, and the Italian Ivo Ferriani, Bobsleigh/Skeleton) are influential members of the IOC.

4.3. Tarnished presidents

In some cases, IFs still live up pretty vividly to the cartoon image of autocracies. That is, because there are no mandatory rules to sweep top officials out of office, if they are suspected of sports-related corruption or even proven corrupt.

The most prominent figure in this category is the Egyptian Hassan Moustafa, also known as “the handball Pharaoh”. He has ruled the International Handball Federation (IHF) since 2000. Moustafa collected over €600,000 as an advisor to a sports marketing company who handled the IHF's television rights²⁸, he billed travelling costs of about €500,000 without receipts, or took part in a match-fixing operation in the context of the 2008 Olympic qualifiers in Asia. The latter was even confirmed by the highest sports court, the CAS. Last year, Moustafa was re-elected unopposed for a sixth term.

The International Volleyball Federation (FIVB) has been led by Ary Graça for ten years. Last year, the Brazilian was thrust into an embarrassing spotlight in his home country. According to an indictment by the Rio de Janeiro state public prosecutor's office, Graça is suspected of “criminal organisation, aggravated theft, concealment of assets, crimes against property, various forgeries and money laundering crimes” during his rule as president of Brazilian volleyball. Accusations that Graça denied, claiming they were only part of an “already closed” case.²⁹

In sport, it is not customary to remove the powerful from office, at least temporarily, if they

²⁷ Pentathlon United published a letter to IOC president Bach citing the poll on 2.5.2022
<https://twitter.com/PentUnited/status/1521006513065799680>

²⁸ Der Spiegel: Moustafa hatte Geheimvertrag mit Vermarktungsagentur, 23.1.2010

²⁹ Lucio de Castro: World's volleyball president at risk of losing his impunity. 9.7.2021
<https://www.playthegame.org/news/world-s-volleyball-president-at-risk-of-losing-his-impunity/>

are under investigation or have been charged. The much-cited presumption of innocence applies. In contrast to athletes, who are immediately removed from the game after a positive doping test, even if the proceedings are still underway.

Moreover: Despite court-proof evidence of corruption, one can still journey to the presidency of an IF. As it is the case with Husain Al-Musallam from Kuwait, last year elected FINA president. An US Department of Justice indictment in one of the FIFA trials lists him as “co-conspirator” (along with his compatriot Ahmad Al-Sabah), who allegedly paid a total of \$750,000 in bribes to a football official to influence elections. Said official has pleaded fully guilty and faces prison.³⁰

4.4. Integrity Units, Ethics Commissions

In recent years, some IFs – first of all those shattered by corruption scandals of their presidents – revised their statutes and established integrity departments. Some are operationally independent of the federation, for example WA’s (formerly IAAF) Athletics Integrity Unit. It oversees all doping and other integrity matters, including the investigation and sanctioning of cases.

Biathlon (IBU) followed in 2018 with a similarly independent unit. Prosecutions are left to the Court of Arbitration for Sport (CAS). Both have yet to charge the first sports official with a not doping-related corruption offence.

FIFA has taken a different path with an “independent” Ethics Committee, divided into an investigative and a judicial chamber. There is substantial doubt about the degree of independence. In 2016, the Council under the new president Gianni Infantino quickly “dismissed” the first set of independent investigators and judges, which were then

followed by the presidents’ handpicked candidates. The new personnel did not consider Infantino’s private flights at FIFA’s expense or the indictment launched against him in Switzerland to be incompatible with the federation’s Code of Ethics.

This is a significant difference to the way the Ethics Commission dealt with former president Sepp Blatter, who was suspended after allegations of corruption against him became known. As was Frenchman Michel Platini, Infantino’s rival for the FIFA presidency in 2015.

The Portuguese Miguel Maduro, once chair of FIFA’s Governance Committee (the majority of which resigned collectively in 2017 less than a year after their appointment), wrote: “Our experience at FIFA taught us that the latter is not reformable from within. FIFA works as a political cartel with a high concentration of power at the top. Such power requires checks and balances. This is supposed to be the role of independent committees. But how can their independence survive being dependent on those whom they are supposed to control?”³¹

4.5. A case in time: International Weightlifting Federation

There is no satisfactory answer to this question when it comes to preventing corruption by self-regulating sports federations, as another case, the International Weightlifting Federation, illustrates.

The federation elected a new president in June 2022, more than two years after long-term ruler Tamás Aján had to step down. The Hungarian ran the IWF like a self-service shop – at least according to a TV report on Germany’s public broadcaster *ARD*, followed by an extensive report by Canadian special investigator Richard McLaren.

³⁰ Graham Dunbar: Documents show US investigation of 2 Kuwaitis in FIFA case. AP, 2.9.2021
<https://apnews.com/article/swimming-soccer-sports-2020-tokyo-olympics-kuwait-d3a029a8635e50cb6adb88ea674b6277>

³¹ Miguel Maduro/Joseph H.H. Weiler: ‘Integrity’, ‘Independence’ and the internal reform at FIFA. A view from the trenches. In: Arnout Geeraert/Frank van Eekeren: Good governance in sport. Critical Reflections. London, New York, 2022, p. 135

Hiring companies like McLaren's Global Sport Solutions for investigations has proven to be much more effective than any federation's own internal investigations. (It is also expensive, which will have to be considered when it comes to funding the proposed WACA.) McLaren's team found that more than \$10 million were still unaccounted for on the IWF's bank accounts. State prosecutors are now investigating Aján.

The findings were telling with respect to the "external audits" for sports federations, too, that count as a gold standard for good governance. The IWF had been audited by one of the "big five", by the KPMG, and gotten a clean bill of health for a decade.

In any case, it is up to the federations what conclusions and disciplinary measures they want to draw from the reports they themselves commission (and indications of corruption therein) – and if any at all. Aján's Executive Board remained in office and eventually set out to reform IWF. This was done under pressure from the IOC, which had to resort to the hardest stick at its disposal: the threat to throw weightlifting out of the Olympic programme. Introduced were a new Constitution, an Ethics Code, and an Ethics Commission with independent members – all the boxes ticked for good governance.

Yet, when the Ethics Commission started to investigate the Executive Board (with the help of a renowned UK non-profit organisation) and was on the verge to declare a bunch of officials ineligible for the elections, the Congress dismissed its members. Instead, the national federations put new persons in place, without even having their CVs at hand. The new ethics guardians were proposed by the board – and apparently at its service.

They considered almost all of the powerful figures from the Aján era eligible for the elections: Aján's son-in-law, who McLaren alleged was involved in rigging previous elections; Aján's faithful Secretary General / Treasurer, an Iraqi, who turned a blind eye to his boss' cash dealings (and who was elected the "new" president in June 2022); a Qatari official with knowledge of unexplained payments over \$200.000 to Aján; or an official from Peru, who was banned for years from sport in his homeland due to financial irregularities during his reign as the NOC president.

At the Congress where the Ethics Committee was replaced, the Executive Board had not submitted a financial report – a clear violation of the reformed Constitution and Code of Ethics. Not a single national federation filed a complaint, not even those with new people at the helm. Some of the newcomers were running in the upcoming elections, perhaps in the hope of working "for the good of the sport" on an international stage, or because they were counting on the considerable remunerations that are at play even in the smaller Weightlifting Federation.

Either way, they have already been assimilated into the still prevailing culture that is stronger than the new institutional safeguards against it, namely the new Code of Ethics.

As it is common for IFs: Members become accustomed to a seemingly unavoidable but somehow tolerable level of corruption, so that it becomes the norm.

This is typically a symptom of systemic corruption.

5. Russia, Qatar and the sport's dirty money flows

Sport and autocracies are highly compatible. This is most obvious at high-profile sports events in authoritarian states, and less visible in the boardrooms of global sports organisations: Russian oligarchs, for example, often buy into international sports federations with financial promises, thus normalising their country's undemocratic form of government.

Yet, this is not perceived as corruption (or strategic corruption of governments those officials are loyal to) – rather as mutually beneficial business. Global sport, used by powerful players from authoritarian states, serves as a part of transnational kleptocracy, as a legal intermediary for money flows often of unclear origin.

The political sanctions against Russia have not changed the practice – sports officials are largely exempt from bans.

Even bribery by state actors as a tool of (foreign) sports policy, as evident in an US indictment related to FIFA, had no consequences for Russia and Qatar.

The Gulf monarchy is exploiting the genuine need for independent oversight and investigation of sports corruption. Qatar funded an “International Centre for Sport Security”, formally an NGO, ostensibly established to protect the integrity of sport. The ICSS operates transnationally and has significant human and financial resources. However, incidents suggest that the institution works as an instrument of image laundering.

The global response to Russia's war on Ukraine was also a reaction to Putin's kleptocracy: a blow for the oligarchs he created, the billions they looted, the unmitigated influence they wielded as the Kremlin's agents abroad.

With the billionaires in the crosshairs, alleged Western “enablers” attracted fresh scrutiny. This usually refers to lawyers or bankers who navigated loopholes in legislations around the globe for rich clients to obscure their finances and assets.

Global sport, a classic enabler of autocrats, falls through the cracks. This may turn out to be a mistake, as sport can provide a stage for vindication and possibly access to financial and political programmes, even if politicians' sanctions remain in place.

All the more so, as Thomas Bach's IOC continues to protect the Kremlin's men in sport. In response

to the war, athletes have been – for the moment – largely exiled from international sport, “in order to protect the integrity of all global sports competitions”, as the IOC claimed.³² Russia's National Olympic Committee, Russian IOC members and top officials in international federations were not suspended. With very few exemptions, oligarchs (and not just Russian) are still firmly integrated into the Olympic fabric.

Nothing else was to be expected. Russia and its sports officials (a euphemism: most are oligarchs) have bought into global Olympic sport – and sport, across the spectrum, has become dependent on their deep pockets. It is all about the money, as simple as that.

Just one recent event, the lavish \$51 billion party called the Sochi Games, is sufficient to illustrate that Olympic sport has no qualms about dirty money: It was money stolen from Russian citizens that let sports' bank accounts swell – as much as

³² IOC EB recommends no participation of Russian and Belarusian athletes and officials. 28.2.2022
<https://olympics.com/ioc/news/ioc-eb-recommends-no->

[participation-of-russian-and-belarusian-athletes-and-officials](#)

those of the oligarchs. According to Boris Nemtsov, the murdered Russian opposition leader, up to \$30 billion were embezzled. The pattern repeated before the 2018 FIFA World Cup.

5.1. Normalising kleptocracy

However, Russia, as well as Qatar, did not only acquire prestigious events. They are sports superpowers primarily because they sit on the boards of international federations and inject untold millions into global sport, privately or with state-owned companies as sponsors. In return for the cash, they get a reputation as benefactors, philanthropists – and access to fellow travellers from sport as well as political leaders in the VIP stands of sports events. The reputation laundering easily extends to the authoritarian states they come from.

In sports organisations (or football clubs, for that matter, and in the case of Qatar) no one has ever publicly asked questions about the sources of such “funding”, let alone that there are known requirements of financial disclosure. In and through sport, the Russian kleptocracy was pretty much normalised.

The term “sportswashing” does not do justice to what is still happening, and the euphemism “soft power” completely undercuts the overarching problem of corruption. The three Russian presidents of international sports federations are exemplary for sports corruption seen as normality.

There is Vladimir Lisin, president of the International Shooting Sport Federation (ISSF), topping the list of the richest Russians. He has been sanctioned by Australia, but so far not by the EU or the US.

Before he was elected ISSF president, he promised to create a “development fund” of personal funds. With that, the federation increased the spending to national and

continental federations to a total of around \$3 million in 2020/21.³³

But the steel magnate apparently follows the motto: He who pays, calls the shots. So Lisin reportedly changed some competitions rules pretty much in his own. „He’s making the rules up for the sport as he goes along and without consultation with athletes,” one source complained to the online-magazine *insidethegames*.

Putin’s oligarchs bring their autocratic customs into sport, which is already lacking democracy.

So did Umar Kremlev, president of the International Boxing Association (IBA). His only opponent for the presidency was thrown out before the elections in May 2022, ironically, because of “ethical” concerns. Kremlev used to be a member of Putin’s bikers, the Night Wolves, a nationalistic bunch of rockers. He is just a millionaire, not a billionaire, and so he brought Gazprom’s money with him. The contract (details undisclosed) is firmly in place, officials were told in spring 2022 by the IBA top brass. Because a termination of the sponsorship – as UEFA did, for example – would be critical for the organisation.

The IOC raised “concerns” over Gazprom’s sponsoring, claiming that IBA is in danger of being overly dependent on one company.

Similar concerns, however, were never an issue with respect to the International Fencing Federation (FIE), Thomas Bach’s home turf as a former fencer. The federation was run for 14 years by Alisher Usmanov, a mining magnate and tech investor, who is now sanctioned as “Putin’s affiliate.”

Sport helped Usmanov to quite successfully recast himself as a philanthropist. He bought in to Premier League clubs, and he gifted the IOC with the original manuscript of the Olympic Games manifesto, drawn up by Pierre de Coubertin. The memorabilia was purchased at auction for \$8.8 million. To the FIE and fencing, his “great love and passion”, the oligarch contributed nearly \$100 million over the years: In

³³ А что сейчас с Усмановым, Лисиным и Кремлевым – последними людьми из России, которые рулят

международными федерациями? Blog: sports.ru, 11.4.2022

some years, more than 95 per cent of the total FIE revenues came from Usmanov.

Yet, when the sanctions hit, an “unfair decision”, as he wrote on FIE’s website, he suspended his love, and himself from the presidency. That does not mean that his influence and money are gone. The big donor has not been officially voted out. Also, Bach kept the door wide open. After all, he had awarded Usmanov with the IOC’s Trophy of Olympic Values in 2019.

Now, the IOC website lists the sanctioned oligarch – also a member of an IOC Commission – as being “temporarily self suspended.”

There are many more officials in international federations with close ties to Putin and deep coffers. They promise money, fund struggling national federations, allegedly from their own pockets, and are elected. If it were not global sport, there would be investigations: Was the “private aid” to national federations vote-buying? Was it private money at all?

Like their wealthy and loyal sports officials, state actors benefit from the impunity that prevails in sport. One of the most incriminating documents in this regard links Russia and Qatar. It reveals how they won their rights to host a FIFA World Cup on a frosty December day in Zurich in 2010. The 2020 US Court indictment reads:

“Several executive committee members were offered or received bribes in connection with their votes. For example, the defendant Ricardo Teixeira, Nicolas Leoz and Co-Conspirator #1 were offered and received bribe payments in exchange for their votes in favor of Qatar to host the 2022 World Cup. In addition, the defendant Jack Warner was promised and received bribe payments totalling \$5 million and Rafael Salguero was promised a \$1 million bribe in exchange for their votes in favor of Russia to host the 2018 World Cup.”³⁴

That has not yet yielded any consequences for the unknown bribe payers and money launderers from Russia or Qatar. Russia allegedly set up an elaborate network of shell companies, “used to

move money through densely layered transactions between and among offshore accounts.”

Such descriptions are important because entrenched practices in sport do not necessarily disappear with political sanctions. Besides, Russia and Qatar are not the only non-democratic states that have discovered sport as an easy proxy for image laundering: Saudi Arabia, the United Arab Emirates or China, to name the most important, do “invest” massively.

5.2. Reputation laundering made in Qatar

Tamim Bin Hamad Al-Thani, now the Emir of Qatar, was not the first representative of the tiny Gulf monarchy to rise to the highest echelons of global sport when he was elected to the IOC in 2002. There were others before him, like the notorious FIFA official Mohamed bin Hammam, later banned for handing out bribes. But with Al-Thani, more Qataris followed, royalty and business people, in Basketball, Boxing, Gymnastics, Table Tennis or FIFA.

However, Qatar has given the money it pumps into sport a modern makeover. The Gulf monarchy is trying to market itself as a country undergoing reform, also by supporting a rather popular movement: sports integrity. (See also chapter 1.)

Yet, presenting oneself as a frontrunner in sports integrity can be tricky with too many unanswered questions.

This is why the reputation laundering made in Qatar has taken rather aggressive forms of spying on opponents. An investigation by the Associated Press found last year that Qatar had hired a former CIA officer during the World Cup bid and kept him on board in the years after to keep tabs

³⁴ United States District Court, Eastern District of New York: Superseding Indictment USA against Hugo Jinkins et al (17

defendants), 18 March 2020 <https://www.justice.gov/usao-edny/press-release/file/1266856/download>

on critics.³⁵ The ex-spy set up a company in Doha, with the tell tale name “Global Risk Advisors” and carried out several covert operations. One targeted former German football president Theo Zwanziger. He had criticised the Gulf state’s human rights record and the World Cup, saying: “The infinite wealth of this small country of Qatar spreads almost like a cancer through football and sport.”

According to leaked documents, the company spent \$10 million on Operation “Riverbed”, which was supposed to contain also the German. An “influencer network” made up of people connected to Zwanziger would pass on streamlined views: “The interaction always portrayed a consistent message: the 2022 World Cup in Qatar was good for business, brought together the Middle East and the West, and was good for the world.”³⁶

The launching of false narratives did not work out too well. Not with Zwanziger, who later repeated his “cancer”-comment, not with analysts – the latest “Global Organised Crime Index” classifies Qatar as a high-risk country for “transnational human trafficking” and “human smuggling”³⁷ – and not with the broader public. Despite some reforms of the kafala system, that put migrant workers at the mercy of their employers, the awareness that implementation of these reforms is lacking, is pretty much alive. As is the view of the FIFA World Cup coming at a massive human cost, built on the deaths and the suffering of migrant workers.

5.3. The ICSS - integrity as seen in Doha

Qatar’s plans to shape public discourse reach far beyond the World Cup 2022. As it is evident in an NGO named “International Centre for Sport Security” (ICSS), publicly launched in 2011

allegedly to “safeguard the integrity” of global sports. The Centre has set up a Sport Integrity Unit “in response to the growing demand for independent investigations and intelligence services within the sports industry.”

The observation about growing demands is certainly right. But are investigation and intelligence in the right (independent) hands?

In any case, they are in financially strong hands. At times, the ICSS reportedly had an annual budget higher than that of the World Anti-doping Agency, \$20 million, the lion’s share paid for by the state of Qatar.³⁸ However, exact details are unclear, with no financial information on the website. The agency just states that financial accounts “are currently audited by KPMG.”³⁹ That does not seem particularly trustworthy for a non-profit that cares about integrity.

The ICSS does not expose illegal dealings in global sports organisations to the public. Once, in 2019, it gave a “snapshot” of its work, a statistical compilation of alleged “integrity breaches, allegations of corruption and abuse”⁴⁰ that were reported through its hotline. In how many of the 240 cases “the relevant authorities and law enforcement agencies” were involved? The ICSS did not say – in general this happens after internal checks.

This does not inspire much confidence either, as the internal checks seem, at least according to a Football Leaks-investigation, too close to Qatar’s interests. In 2018, based on leaked documents from the ICSS, it was revealed how the ICSS operated: even with clandestine operations, just like the private contractors hired by Qatar.

At an IOC meeting in Lausanne, two employees, former Interpol agents, spied on sports officials from Kuwait (the powerful Sheikh Ahmad Al-Sabah and Husain al-Musallam, now FINA

³⁵ AP: World Cup 2022 host Qatar used ex-CIA officer to spy on FIFA. 23. 11.2021

³⁶ AP: Qatar deploys ex-spies to blunt German’s World Cup criticism. 27.2.2022

³⁷ Global Initiative Against Transnational Organized Crime: Index 2021 – Qatar <https://ocindex.net/country/qatar>

³⁸ Andy Brown: ICSS launches Sports Integrity Global Alliance. 8.4.2016

<https://www.sportsintegrityinitiative.com/icss-launches-sports-integrity-global-alliance>

³⁹ The ICSS: <https://theicss.org/governance/>. Retrieved on 2.6.2022

⁴⁰ The ICSS (2019): <https://theicss.org/2019/10/30/independent-sport-integrity-hotline-first-report-gives-snapshot-of-integrity-breaches-allegations-of-corruption-and-abuse/>

president) by “infiltrating” their laptops. According to the leaked documents, the aim was to discredit the Kuwaitis and possibly replace them by Qatari officials.

When ICSS staff detected a possibly fixed match of the Qatari national team, no action was taken.

And, a last takeaway, about their colleagues in the Council of Europe and in UNESCO, ICSS executives remarked: “They extort Qatari money and they think we are idiots.”⁴¹

That should have been enough to shatter the ICSS’ credibility. It was not. By the end of May

2022, the CEO sat a table with several UN representatives to discuss “the security of major sporting events and promotion of sport and its values ...”

The influence peddling, even more potent with the ICSS’ brainchild, the “Sport Integrity Global Alliance”, may one day succeed – by turning public opinion towards the good values of sport secured by the monarchies and autocrats of this world, and away from the pervasive sports corruption as a tool of national strategy.

⁴¹ Football Leaks, Saison 2: Le Qatar utilise une ONG pour espionner ses rivaux. 25.11.2018

<https://www.mediapart.fr/journal/international/251118/le-qatar-utilise-une-ong-pour-espionner-ses-rivaux>

6. Match-fixing: The mob from outside?

Transnational organised crime groups are playing an increasing role in the manipulation of sports competitions, with high profits and minimal risks, due to a globalised gambling market that is largely unregulated.

Despite vast turnovers for fixers, the number of reported match-fixing-alerts through the monitoring platforms that sports organisations have set up together with betting operators and private companies remains on a low level.

The (international) sports organisations focus on those monitoring systems, they have programmes in place to raise awareness, but many do not even offer, for example, a state-of-the-art protected reporting platform for potential whistleblowers.

However, match-fixing is not a type of sports corruption brought into sport solely by the mob, from the outside. It is often linked directly to shortcomings in the sports system and not connected to betting at all. The underlying reasons are rarely addressed by sports organisations. Recently, the sponsorship contracts between sports and gambling companies have come under criticism.

The involvement of organised crime in sport is commonly associated with betting-related competition manipulation. While this narrative does not do justice to some criminal operations within sports organisations, it serves their need to distract from scandals closer to home. Match-fixing connected to the actual mob is arguably the form of sports corruption that most visibly destroys the integrity of sport and brings the highest profits to criminals on a regular basis.⁴²

In a 2020 report⁴³, Europol estimated the global annual profit for organised crime groups (OCGs) from betting-related match-fixing at €120 million (with betting turnovers on fixed events much higher). That may be extremely conservative, since already the size of the vast online sports gambling market can only be estimated, currently at €2.4 trillion per year. Some 40 per cent of online wagers on sports events go through regulated markets, the rest through non-licensed bookies/websites, which offer the better opportunity for mobsters to launder money.⁴⁴

The percentage of manipulated matches is

estimated to be less than one per cent across all sports. But, as Europol states: “The actual scale of sport-related match-fixing remains an intelligence gap.”

For Europe, data suggest that the OCGs involved are Asian criminal syndicates (as an “engine” behind other groups), Russian-speaking and Armenian mobsters as well as OCGs from EU countries. They are linked to each other, they target events worldwide, often lower level competitions and even junior leagues, mostly in football and tennis, and they usually can rely on a network of connections in sport.

6.1. Dropping alerts

Sports federations are working with a plethora of betting operators and their associations, and with private data companies to monitor the odds for games and to give alerts, for example when betting amounts increase for no obvious reason. Bigger federations such as FIFA, UEFA or the ITF (with their Integrity Unit) operate fraud detection

⁴² The ECORYS, Manoli study (2018) evaluated academic research on sports corruption with the result that match-fixing was by far the most covered type of sports corruption.

⁴³ Europol: The involvement of organised crime groups in sports corruption. Situation report. The Hague, 2020 https://www.europol.europa.eu/sites/default/files/document/the_involvement_of organised crime groups in sports corruption.pdf

[ents/the_involvement_of organised crime groups in sports corruption.pdf](#)

⁴⁴ Asian Racing Federation: The State of illegal betting. Report. Hong Kong, 2022 https://assets-global.website-files.com/5f8e2bde2b2ef4841cd6639c/62844a249c7d1e17ec718f02_State-of-Illegal-Betting-2022_v11-RGB-opt.pdf

systems partially on their own, with tens of thousands of matches on the radar.⁴⁵

In 2020, eleven tennis teams or players received penalties or fines for their participation in suspicious activity. A few athletes, such as a tennis player from Ukraine who had a highest ATP ranking of 440, were banned permanently from the sport. Yet it is often not communicated whether those bans are due to the elaborated online detection systems, whistleblowers or the investigations of law enforcement agencies.

In 2013, rare study on the subject found that less than two per cent of match-fixing cases were detected by sports federations, and more than 40 per cent by the police.⁴⁶ The sports bodies' conflict of interests, not to taint the own product by going after scandals, applies for match-fixing, too.

In general, the alerts on suspicious activity seem few. For 2021, the International Betting Integrity Association (IBIA) reported only 239 alerts (188 from Europe), roughly the same number as in 2018.⁴⁷ Alerts came for matches in 49 countries and 13 sports.

The low number could be due to the fact that the big bookmakers in Asia operate from countries where sports betting is illegal; therefore, they do not issue warnings at all, although they are cheated, too. This makes the monitoring efforts pale in comparison to the transnational organised crime networks on the other side.

The strong focus on monitoring and sanctioning (mostly athletes) by sports federations can even be seen as a downside, insofar as it obscures the view of other causes for match-fixing such as the widespread unequal distribution of income in

many sports.⁴⁸ Some of the leading experts on match-fixing like Declan Hill or Steve Menary, both academics and journalists, have frequently highlighted these links – without sufficient response in the sports federations, but similar results when looked closely at match-fixing there.

The Tennis Integrity Unit's data for 2019 pointed to direct links between match-fixing and shortcomings of the sports system: Nearly all players sanctioned had never broken into the top 100. Playing professional tennis can cost up to \$40.000 per year, and prize money is low, especially at lower levels. Not even four per cent of male players (and five per cent of female professional tennis players) break even at the end of a season.⁴⁹

Further testimony to how flaws in sport's governance are facilitating match-fixing came from a scandal in Moldova's top football division in late 2020. Five out of ten clubs were part of a scheme with bets regularly placed mainly on Asian markets on rigged matches. Club executives and managers were believed to orchestrate the fixing that generated €600 000 in profits. The players were threatened that they would not receive their salaries if they did not participate in the scam. One player told the *Josimar* football magazine: "I think that some clubs only exist as businesses to make money from match-fixing, not for playing football."⁵⁰

None of the clubs were taken out of the game. UEFA did not take any action in this regard either.

Fixers are not only taking advantage of globalisation and unregulated markets in Asia or elsewhere in the world, but also of the gaps in

⁴⁵ In 2014, the IOC introduced an Integrity Betting Intelligence System (IBIS), a system for „exchange of information and intelligence“ available to IFs and NOCs, event organisers. Allegedly, the platform provides alerts of betting operators to the clients, after they have been “analysed” by the IOC. There are no public reports on how many alerts have been passed on.

⁴⁶ Declan Hill: Why sport is losing the war to match-fixers. In: Transparency International: Global Corruption Report Sport, (2016), p. 233
https://www.transparency.org/files/content/feature/4.1/WhySportsLosing_Hill_GCRSport.pdf

⁴⁷ International Betting Integrity Association: Annual report 2021 <https://ibia.bet/2021-annual-report/>

⁴⁸ Steve Menary: Time to look beyond organised crime to stop match-fixing, 12.10.2020
<https://playthegame.org/news/time-to-look-beyond-organised-crime-to-stop-match-fixing>

⁴⁹ According to Canadian lawyer Richard McLaren, who led the Tennis Integrity Unit until 2021.

⁵⁰ Emanuel Rosu and Dumitru Garcaliuc: How match-fixing ruined football in Moldova, 19.5.2021
<https://josimarfootball.com/how-match-fixing-ruined-football-in-moldova>

sports governance. Despite the rise of private ownership, suitability tests for owners of football clubs are not common across Europe.

6.2. The fraudsters within

It does not always take mobsters from outside to bring match-fixing into sport. There are numerous reported cases of players from the lower leagues, where little salary is paid, placing bets on their own matches to keep their heads above water.

Often the fixing is not connected to betting (and OCGs) at all, the fraud happens purely for sporting reasons. The Europol report even made a point of this: “Non-betting related match-fixing has been only occasionally reported to Europol, however, this type of match-manipulation is also largely occurring and should not be underestimated.”⁵¹

In 2020, the Copenhagen Group (Council of Europe) published a “Typology framework for sports manipulation”.⁵² The first two categories refer of match-fixing caused from within the sport, such as “exploitation of governance – abuse of a dominant position” (owners of two sports clubs agree on the outcome of a competition), and “exploitation of power/influence – abuse of financial, contractual position” (a sponsor interferes by promising contracts, for example).

Cases in football are numerous; across Europe clubs have bought or sold points in exchange for player transfers or money. In the closed US professional leagues, “tanking” is a phenomenon: deliberately losing games to get better players during the draft for the next season.

6.3. Zero tolerance?

In some countries, a common practice has recently come under fire: sponsorship contracts

between sports federations or clubs and the betting industry. Leagues and teams increasingly enter into partnerships with gambling companies, granting them rights and titles of “official betting partner”, including advertising in stadiums and on players’ shirts.

While these are law-abiding, licensed companies, it is widely accepted that the overwhelming presence of betting operators in sport can encourage gambling addiction, not least among athletes, and thus could increase vulnerabilities to approaches of organised crime.

In the UK, a ban on betting firms on jerseys of Premier League Clubs was to be included in an updated gambling law in 2022 – the attempt failed.

The IOC issued new guidelines for such sponsorships, which, albeit “a great opportunity for funding sports organisations,” would also carry risks.⁵³ Federations are supposed to warn athletes of betting on their own sport because of “conflicts of interest.”

The idea that those sponsorship-deals might create a conflict of interest for sports organisations to be less inclined to combat betting-related match-fixing is not pursued.

While sports organisations make public commitments to a “zero tolerance” policy towards competition manipulation, across sports even simple measures are little used. A report by a multinational EU-sponsored training programme took a look at the implementation of protected reporting systems against match-fixing and found sports organisations to be “relatively unable, so far, to build autonomously appropriate policies to prevent and fight match-fixing.” Instead, top decision makers in sport would resign themselves to the lack of financial resources.⁵⁴

In 2019, UEFA even came up with the idea to create a pan-continental integrity body against

⁵¹ Europol (2020), p. 22

⁵² Council of Europe, Group of Copenhagen: Typology framework of sports manipulations. Strasbourg 2020

⁵³ IOC: Guidelines for sports organisations on sponsorships by sports betting operators. Lausanne, June 2020

⁵⁴ T-PREG: Guidelines for optimising EU policies related with the creation, promotion and proper use of protecting reporting systems on wrongdoing at grassroots level and professional sport, mainly match-fixing, p. 18 ff.

“on-field corruption”. The idea never came to pass, instead UEFA focused on its internal unit – despite a feasibility study (unpublished) had demonstrated „that intelligence, investigation and prevention“ were key to combat match-fixing.⁵⁵

While individual sports organisations, including the big federations, certainly are not equipped to take on organised crime groups, they could do a lot better in combating match- fixing.

An independent World Anti-Corruption Agency for Sport could contribute:

- by intelligence and investigations, smaller international federations often claim not to have the financial and human resources for
- by establishing a safe hotline for whistleblowers to report match-fixing, independent of the betting industry as well as sports organisations
- by monitoring existing alert mechanisms and coordinating them
- by serving as a focal point for law enforcement, and

- by introducing minimum conflict of interest provisions with regard to betting of athletes, their entourage, referees and officials in a Code.

The WACA should also coordinate the efforts not only of different actors, of sports, betting companies and law enforcement, but also between sports organisations. According to Europol, this appears to be necessary.

Currently, the agency criticises, only single instances of manipulated games are being investigated individually.⁵⁶ This approach is considered a constraint, especially “when the same OCG is behind different corrupted sports practices.” Law enforcement actions would therefore be “limited to the level of sportspeople, and/or intermediates,” while the higher echelons of the OCGs would escape prosecution.

http://www.tpreg-training.eu/sites/default/files/Guidelines_COs_EN_FV.pdf

⁵⁵ UEFA (2021):

<https://www.uefa.com/insideuefa/mediaservices/mediarel>

[eases/news/026b-12bb0fc10121-f3232b0fec14-1000--uefa-to-increase-resources-in-the-fight-against-match-fixing](https://www.europol.europa.eu/newsroom/news/026b-12bb0fc10121-f3232b0fec14-1000--uefa-to-increase-resources-in-the-fight-against-match-fixing)

⁵⁶ Europol (2020), p.23

7. “Safe sport”: When association trumps protection

Only in the last few years, athletes have begun to speak out about what since has become abundantly clear: Young people are at high risk of abuse in the very area they should have no fear – on the playing fields.

As many accounts of victims have shown, the prevailing interest of sports federations to protect their own reputation (instead of protecting athletes), perpetuated by their autonomy, facilitates abuse. This applies globally, to sports federations in developed countries, to international federations, and despite numerous claims to put athletes interests at the heart of sports.

A few countries, most recently Canada, therefore back “safe sport” institutions under the premise that independence and survivor-centred support for victims are key. Some of these institutions are (new) government agencies with a broader mandate to safeguard integrity in national sports federations.

A brave US gymnast, referred to as “Athlete A” in court documents to protect her identity, was one of the first to find the courage to speak to investigators about her suffering in sport. Maggie Nichols, her real name, would be followed by more than 300 fellow female gymnasts. Their accounts of years of abuse by USA Gymnastics doctor Larry Nassar – who was found guilty in 2018 of abusing hundreds of gymnasts, many of them minors – shed an unforgiving light on elite sport.

Since then, the floodgates are open, and athletes around the globe are coming forward with harrowing reports. The scale of abuse in sport has been confirmed by recent surveys, some examples:

- The World Players Association found in a first global „census on athlete rights experiences“ that one in three athletes suffered physical abuse while training or competing as children. 13 per cent of minor athletes were victims of sexual assault.⁵⁷

- A survey among 10.000 athletes in six European countries came up with the result that three of four athletes had at least one experience of abuse before the age of 18. The most common experience was psychological violence (65 per cent); followed by physical violence (44 per cent); neglect (37 per cent) and verbal sexual violence (35 per cent). 20 per cent were victims of so-called contact sexual violence.⁵⁸ Most athletes did not disclose their experience while in sport.
- Before the Tokyo Games, Human Rights Watch added insights from Japan to the accounts abuse of children and young adults in pursuit of Olympic medals. The title of the report was telling: “I was hit so many times I can’t count.”⁵⁹

Until recently, abuse in elite sport was mostly attributed to opportunities for perpetrators in locker rooms or when travelling to competitions. The high competitive pressure was mentioned, a general culture of obedience, or the particularly

⁵⁷ World Players Association: CARE Report. Census of Athlete Rights Experiences, 2021

https://files.cargocollective.com/c520687/World-Players_CARE-Report-2021-.pdf

⁵⁸ Hartill, Michael; Rulofs, Bettina; Lang, Melanie; Vertommen, Tine; Allroggen, Marc; Cirera, Eva; et al.: CASES: General Report. The prevalence and characteristics of interpersonal violence against children (IVAC) inside and

outside sport in six European countries. Edge Hill University (2021), p. 14ff.

<https://doi.org/10.25416/edgehill.17086616.v2>

⁵⁹ Human Rights Watch: ‘I was hit so many times I can’t count’. Abuse of child athletes in Japan. July 2021

<https://www.hrw.org/report/2020/07/20/i-was-hit-so-many-times-i-cant-count/abuse-child-athletes-japan>

unequal power dynamic between coaches (or other staff, or officials) and athletes that made the latter, especially children, vulnerable.

But with the Nassar-case, the perception changed. Its perhaps most upsetting aspect was the extent to which the sports system went to cover up the abuse over decades. In sport, it became evident, institutional failure more than anything else puts athletes at risk, creates opportunities for abuse and serves perpetrators who can count on impunity.

Looking the other way when a scandal could destroy the reputation and the product facilitates abuse as much as other forms of corruption in sport.

For the 2022 Games in Beijing, the IOC provided a particularly toxic example of how association trumps protection. The Chinese tennis player Peng Shuai had accused the former deputy prime minister of sexual abuse and then temporarily disappeared – to much global outrage. All dictators' friend-in-chief, Thomas Bach, became part of an operation likely orchestrated by the CCP to suggest that it was all just a big misunderstanding.

7.1. Safer sport in Canada

So far, very few governments responded accordingly by placing their sports federations under independent oversight.

In the USA, a Centre for Safe Sport (a non-profit) was established in 2017 and has handled more than 7.000 cases since. Australia works with a new Integrity agency (a government agency) with exceptional powers (see chapter 10) beyond "safe sport". In May 2022, the UK government introduced a Sport Integrity service. It is delivered by Sport Resolutions, an independent sports-specific dispute resolution service, which provides for a confidential reporting line (run by a charity) and an independent investigation process to deal with allegations.

Most recently Canada has had its "pivotal moment", as media put it. A "Sport Integrity Commissioner" started working in mid-2022. Actually it is a well-funded office that the federal budget injected with \$16 million (just under €12m) for the first three years and with a mandate beyond "safe sport". The new sports minister Pascale St-Onge, a former competitive swimmer, announced the office would also look into the governance of the sports organisations including finances, "so there is going to be no stone unturned."⁶⁰

Notable for Canada: The creation of an institution to monitor and intervene in sport's matters has been for years in the making. Preparations included the draft of a universal code against maltreatment in sport.

So the awareness is there – and yet, the cases in Canada keep surfacing: In 2021/22, athletes from bobsleigh and skeleton, rowing, synchronized swimming, women's soccer, gymnastics came forward. Some of them because of years long abuse by administrators and coaches, which are still in office. On May 2022, the latest open letter came from 121 boxers: „Boxing Canada has cultivated a toxic culture of fear and silence. There has been a consistent trend for over a decade where Boxing Canada athletes and coaches who spoke out against wrongdoing ... end up outside of the organisation."⁶¹

Common to the cases: Although athletes sent internal complaints to their federations, all with a "safe sport officer" (mandatory in Canada), no federation had launched a formal investigation into one of their officials or administrators. Apparently even in countries with a strong culture of accountability, and even at times, when society is on high alert, the sports inherent deficits can prevail.

Across the globe, athletes are pushing for change. However, their chances to succeed globally are often limited by the federations.

⁶⁰ Lori Ewing: Canada's sport minister vows to leave 'no stone unturned' in tackling toxic sport culture, CBC, 31.3.2022

⁶¹ Open letter signed by 121 Canadian boxers, 5.5.2022
<https://globalathlete.org/our-word/boxing-athletes-open-letter>

Of course, regulations against abuse and harassment are part of every Code of Ethics; there are “athlete welfare programmes”, and educational “toolkits” are distributed. But as usual in sport, enforcement is a different story.

7.2. Football and the blunt sword of ethics

FIFPro, the union of tens of thousands of professional footballers, sees their sport at a significant risk of abuse. The organisation supported many victims of abuse, players from Afghanistan, Haiti, Venezuela, countries where the society’s awareness of abuse is lower, but also from Spain, USA, Australia, among others. „In almost all cases,” a stock taking reads, “abuse was accompanied by poor financial management and insufficient financial transparency, a lack of diversity in decision making structures, leadership that had remained in power for long periods of time.”⁶²

Recently, FIFPro was compelled to address the fundamental question “about how professional football keeps players safe”⁶³ to the global governing body, to FIFA. It was triggered by one of the many cases that are part of the day-by-day culture in sports and, despite all the nice Codes of Ethics and Commissions, are often struck down in the federations.

Five female footballers from Argentina had credibly reported years of abuse and sexual harassment by a high-ranking official, a technical director of the national girls’ teams, a man who was supposed to protect them as teenagers and young women. The investigatory chamber of FIFA’s Ethics Committee came to the conclusion that he indeed had violated numerous provisions of the FIFA Code of Ethics. The adjudicatory chamber, however, acquitted him and considered the official’s denial more valid than

the players testimonies. “How much evidence is required for disciplinary proceedings?” asked FIFPro. Certainly, the decision would “discourage other players from standing up to perpetrators of harassment and abuse.”

The most astonishing part of the case: One year after FIFA launched proceedings against the Argentinian official, he was promoted by the very same FIFA – to the roles of a “FIFA Instructor for women’s football” and „FIFA technical expert and mentor.”⁶⁴

Neither the players nor FIFPro have a right to appeal the decision.

Examples of sports federations not fit for purpose are numerous. If abusive conduct is tackled at all, disciplinary bodies are often not equipped to deal with the trauma of survivors and the special challenges, these cases present.

Two years ago, even Gianni Infantino seemed to concede that something went wrong with sports putting athletes at risk on a large scale: “We know that unfortunately sport and football is not immune from abuse,”⁶⁵ said the FIFA president in his typical manner, which lends an average touch to even the most serious issue. “What I am proposing is to study together the creation of an independent agency, some sort of a mix between sports bodies, institutional, governmental, international organisations, who can help our children who want to play sport to be and to move in a safe environment.”

The somewhat independent agency was proposed in a meeting, where Infantino and the representative of the UN Office on Drugs and Crime assured each other how tirelessly they were fighting against corruption. Although this year’s UNODC report on “Corruption in Sport” features a comprehensive chapter on abuse, the most obvious countermeasure – an independent

⁶² FIFPro: Abuse in football. (2021)

⁶³ FIFPro: FIFA Ethics Committee Decision: Argentina Coach. 23.5. 2022 <https://fifpro.org/en/supporting-players/safe-working-environments/sexual-abuse/fifa-ethics-committee-decision-argentina-coach>

⁶⁴ Decision of the Adjudicatory Chamber of the FIFA Ethics Committee. 19. 1.2022

https://digitalhub.fifa.com/m/6a34f060dbcbea61/original/DG_FED-159_Anonymised-decision.pdf

⁶⁵ FIFA: FIFA and UNODC launch cooperation tackling crime and abuse, 16.9.2020 <https://www.fifa.com/legal/football-regulatory/news/fifa-and-unodc-stress-importance-of-cooperation-in-tackling-crime-threat>

institution against it – seems to be no longer on the table.

The establishment of a World Anti-Corruption Agency for Sport would follow the path that only a few countries have taken so far against the widespread abuse of children and adult athletes in sport.

Independence, safe reporting mechanisms and investigations, which take the particular

challenges of abuse cases and sex crimes into account, is crucial to provide support for victims.

The WACA would provide a single point of contact for victims of abuse, and conduct assessments and investigations to establish details and facts of a complaint. It would allow sports to take the appropriate disciplinary action. The agency with strong investigative powers would also work as a liaison to law enforcement for criminal prosecution.

8. The CAS: By design not equipped for corruption cases

The Court of Arbitration for Sport (CAS), the “supreme court” of the sports system, is not independent of sports organisations, which basically act as legislators and judges at the same time.

Some recent decisions, close to high-profile political and financial interests of sports’ governors, have increased the doubts about the CAS’ impartiality in dealing with sports corruption.

Aside from that, and as a general principle, the CAS only sanctions what the codes of individual sports federations prohibit. For athletes and other individual complainants, potential whistleblowers in cases of corruption, proceedings before the CAS are often too expensive.

To suspend corrupt officials, sport has its own instruments: the various disciplinary bodies of the federations. These bodies are rarely completely independent of the federations’ leaderships, as shown by the examples of IOC, FIFA and IWF.

The next instance to which complainants then can turn in pursuit of justice calls itself the “supreme court” – the Court of Arbitration for Sport (CAS) in Lausanne. The CAS is in fact not a “court” but an arbitral tribunal that operates on the basis of “forced arbitration”, as the European Court of Human Rights ruled. Athletes must recognise the CAS as the highest arbitration body in order to be allowed to practise their sport. This is to protect the sports system from expensive proceedings in civil courts. In legal theory, however, there is no such thing as “forced arbitration”. Here begins the dilemma of a “court” that is dominated – by structure alone – by one of its most frequent parties, the sports organisations.

How well equipped is the CAS to deal with corruption cases of sports officials?

This depends on the individual case; a consistent case law is not apparent, which may also be due to the fact that the CAS is not an independent institution. That is by default: the majority of its supervisory body, the International Council of Arbitration for Sport (ICAS) is made up of people delegated by the IOC and other sports

organisations, with an IOC vice-president chairing the institution. They appoint the arbitrators. Far more than half of over 400 arbitrators are associated with sports federations. They are elected sports officials themselves, or have side jobs in committees and commissions of national and international sports organisations.⁶⁶

According to a 2021 survey among independent athlete organisations, representing some 10.000s of elite athletes, the CAS has a considerable credibility-problem. Athletes do not trust the sports’ own dispute resolution: Nine out of 12 organisations were “not confident at all” or only “slightly confident” about the CAS in terms of impartiality and of independence. No athlete organisation was “completely” or even “fairly confident”.

The CAS is perceived as a court that serves the powers to be, the sports federations. In recent years, some CAS-awards have raised doubts among those who are worried about integrity in sport, especially decisions that were close to high-profile political and financial interests of the sports system. At the top ranks an award that dealt with the Russian state-organised doping. Three CAS arbitrators watered down the sanctions for one of the biggest fraud scandals in sporting history, or lifted them wholly for Russian sports officials.

And even if a CAS award confirms corruption – that does not mean that corrupt behaviour will

⁶⁶ Grit Hartmann: Tipping the scales of justice. The sport and its „supreme court“, November 2021

<https://www.playthegame.org/media/hfefk4em/tipping-the-scales-of-justice-the-sport-and-its-supreme-court.pdf>

be punished. This happened in the case of the powerful Sheikh Ahmad al-Sabah from Kuwait. He tried to pay a female candidate not to stand in elections. Because the woman refused to be bribed, the attempt, as decided by a CAS panel with prominent arbitrators, “did not, in the end, have an effect on the elections.” The affair had no consequences for al-Sabah.

Apart from such questionable decisions, which show that some CAS arbitrators are putting the interests of officials first, the sports “court” can only sanction what the codes of the individual federations prohibit. Forms of corruption such as influence peddling or abuse of power are often neither covered, let alone banned.

Other factors impede the internal justice of the sports system, such as:

- Where loyalty is paramount, like in many federations, there is often no complainant, and accordingly no culprit.
- Individual sports officials (as well as athletes) often lack the financial means to appeal decisions of their federation’s disciplinary bodies before the CAS. The ICAS grants legal aid, but based on non-

transparent criteria and often inadequately.

The WACA, however, can mitigate such problems – first by reducing loopholes in anti-corruption provisions with the establishment of an universally adopted anti-corruption Code for sport.

This Code – see chapter 11 – would entail obligations to report suspected violations, thereby increasing the number of cases investigated.

Enquiries into integrity matters carried out by the WACA, also an independent investigative service with suitable qualified staff, would be more likely to result in evidence (or exoneration) that would stand up in the sports tribunal.

Finally, like the World Anti-Doping Agency, the WACA would have a mandate to bring cases before the CAS when sports organisations do not act on violations, or impose sanctions (or acquittals) that do not comply with the anti-corruption Code.

9. Legal frameworks, law enforcement and loopholes for offenders

The criminal prosecution of sports corruption is tricky for reasons inherent to the sports system, such as the previously described inherent conflict of interest and a prevailing culture of impunity.

It can also be slowed down or hindered by law enforcement agencies that are disinclined to take action against prominent sports officials, or have limited resources and expertise.

The transnational dimension of sports corruption makes it easier for perpetrators to evade prosecution. They are often beyond the reach of authorities that might be interested to target them, because extraterritorial jurisdiction is still rare or rarely enforced.

When the USA adopted the Rodchenkov Act to prosecute networks behind doping fraud with extraterritorial reach, the IOC was not amused.

Most countries have laws in place that criminalise corruption. Provisions for example against active and passive bribery in the public sector can often be applied to sports organisations and their officials. However, as the aforementioned IPACS analysis (a stocktaking of laws in 180 countries) notes, the absence of legislation explicitly addressing bribery in sport “is not unusual.”⁶⁷

Some countries have introduced sports-related anti-corruption laws, often criminalising match-fixing and/or doping. For 2021, the UNODC report ⁶⁸ identified 45 jurisdictions that specifically criminalise the manipulation of sport competitions – a considerable increase compared to the five countries with such laws in 2013.

However, these figures tell little about the enforcement of the relevant laws or about the capacity to detect violations.

As state investigators, prosecutors and many anti-corruption experts like to point out, corruption offences are particularly difficult to detect, with over 90 per cent of cases estimated to go undetected. Corruption, in the narrower sense of bribery, often does not follow the classic culprit-victim model. There are only perpetrators

– givers and takers, without the classic victim (and witness) who would file a complaint.⁶⁹

This is no different in sport, but some sports-specific factors amplify the problem – as can be seen in the fact that indictments, let alone criminal convictions, of officials for bribery-related offences are still very rare.

Effective assistance to law enforcement agencies is often not encouraged by national and /or international sports organisations. On the contrary and as demonstrated by the IOC, sport can put investigations on hold, when governments and law enforcement agencies begin to look into possible corruption cases.

Other sports-specific factors that hamper cooperation are:

- a general disposition to ignore violations of even existing rules designed to protect sports federations against corruption, also due to conflicts with revenue gains;
- a prevailing culture of loyalty within the family;
- co-optation of possible whistleblowers among officials through cronyism.

On the part of national governments, and not only where sports officials are representatives of those governments, the unwillingness to

⁶⁷ See IPACS report on „Tackling bribery in sport“ (2021), p.15, p.67ff

⁶⁸ UNODC (2022), p. 67

⁶⁹ Jens Weinreich: Die globale Spezialdemokratie. Korruption als strukturelles Problem des Sportsystems. In: Korruption im Sport. Leipzig, 2006

investigate and/or convict sports officials may be due to:

- the prestige that the position of these officials on the global stage of sport means for a country;
- lacking means of human resources and specialist skills to investigate crimes that often are transnational.

9.1. Switzerland as a special case

Switzerland, home to more than 50 international sports governing bodies, can serve to highlight some of these problems. According to a report, mandated by the IOC, international sports organisations contribute “economic benefits” of CHF 1.68 billion annually in Switzerland and employ more than 3.300 people.⁷⁰ Most are in Lausanne in the canton of Vaud; the city carries the epithet “Olympic Capital” and is the location of choice for the IOC and many other international federations.

Switzerland is attractive to sport for many reasons: international federations do not pay tax, and the law grants them association status. As such they are not even obliged to publish their accounts.

In the last years, the legislation has been tightened to address the rampant corruption in global sports. Money laundering laws relating to cash transactions have been strengthened, senior sports officials were included on the list of “politically exposed persons” (PEPs) – a status that carries obligations of increased diligence by banks. Since 2016, active and passive private-sector bribery – including in sports federations – even trigger a criminal investigation ex officio, public prosecutors have a legal mandate to look into respective allegations without a complaint.

Despite the improved legal framework, the first serious guilty verdict has yet to be handed down to a sports official. Admittedly, the former FIFA

Secretary General Jérôme Valcke was given a suspended prison sentence and a fine in a forgery case and for accepting bribes, and Switzerland is no longer a trial-free zone either. But compared to the numerous verdicts in the US against FIFA officials, the country looks just “like a banana republic,” as Carlo Sommaruga, a senator for Geneva, recently admitted.⁷¹

The interim record includes:

Investigations into possible bribery against German football officials related to the FIFA 2006 World Cup – terminated due to statute of limitations.

An Attorney General resigned over suspected improper collusion with FIFA president Gianni Infantino (both have since been indicted).

The powerful Qatari Nasser Al-Khelaifi, chairman of the broadcasting company beIN Media Group, who also runs the French team Paris Saint-Germain and was recently elevated to the role of chairman in the European Club Association (ECA), got a first and second instance acquittal. He was accused of offering a rent-free luxury villa to Valcke, for World Cup broadcast rights. Al-Khelaifi is also an esteemed member of the UEFA Executive Committee and well on his way to become the most powerful figure in European football.

As concerned senator Sommaruga said about Switzerland’s very own FIFAgate: “One can’t help wonder whether there’s been a quiet agreement somewhere that there are never to be any convictions in this case.”

Switzerland illustrates at least that sports-related corruption is not particularly high on the authorities’ list of priorities. Worldwide, this is the rule, not the exception. Many of the football officials convicted in the USA have never been brought to justice in their home countries, although more and similar corruption offences are well documented.

⁷⁰ Claude Stricker/ Giovanni-Battista Derchi: The Economic Impact of International Sports Organisations in Switzerland 2014 – 2019. Report mandated by the Canton of Vaud, the

City of Lausanne and the International Olympic Committee, 2021

⁷¹ Martine Brocard: Why Switzerland remains at the heart of corruption in sport. Swissinfo.ch, 1.3.2022

9.2. Transnational dimensions

A significant obstacle for combating corruption in sport is the transnational dimension. Violations usually involve multiple actors in various jurisdictions. Sport seamlessly crosses borders, as do sports criminals. And rarely do the perpetrators come from the country that might be interested in investigating them, let alone from only one country.

Law enforcement usually has no jurisdiction over crimes that may not have taken place within their own borders, something many governments⁷² have been reluctant to change, because they worry others do the same to them.

Extraterritorial enforcement also worries top sports officials. This became evident in the debate on the US Rodchenkov Anti-Doping Act of 2020 (RADA). The new law is named after Grigory Rodchenkov, the former head of Russia's doping testing lab, who turned whistleblower after he had helped building the systematic doping scheme at the direction of the Russian government.

RADA gives US law enforcement and judges the power to prosecute and imprison organisers of systematic doping fraud around the globe. The law is not directed against athletes, but against the criminal networks behind them, including sports officials.⁷³

The IOC took "issue" with the extraterritorial jurisdiction; reportedly even lobbyists were paid (by the World Anti-Doping Agency, then headed by an IOC member) to prevent the law.

The Racketeer Influenced and Corrupt Organizations (RICO) Act, used by the US Department of Justice (DOJ) to prosecute foreign

FIFA criminals (at least those who used US banks for their transactions or worked with US companies), is not a common approach. Rather, the FIFA case indicates that the bar is high to tackle sports corruption under this legislation. In most cases, evidence is not as crushing nor is fraud in the hundreds of millions at stake.

An US lawyer and former federal prosecutor raised corresponding questions: „When does the US government's interest ... rise to the level that justify the time and expense of a federal investigation? And when an investigation is warranted, what component of DOJ will lead the investigation, with the understanding that most relevant evidence and witnesses will likely be located overseas?“⁷⁴

The establishment of a World Anti-Corruption Agency for Sport would alleviate the problem of extraterritorial reach for many countries that consider the investigative burden of prosecuting sports corruption too high or lack the expertise to do so.

The agency with a broad mandate to investigate sports organisations and their affiliates, would serve as an entry point for law enforcement agencies, and could enhance their success substantially – provided there is an anti-corruption Code for sport that obliges sports stakeholders to provide information to the WACA under threat of sanctions.

As for countries that are generally less inclined to target "their" sports officials, or where anti-corruption safeguards are particularly weak: They would at least have to show their hand in the event of a request for legal assistance by the WACA.

⁷² In 2010, the UK Bribery Act asserted universal jurisdiction over bribery, as a rare exemption.

⁷³ RADA is applicable for competitions that include at least one US athlete and either receive sponsorship or other financial support from an organisation doing business in

the USA, or receive compensation from an organisation for the right to broadcast the competition in the USA.

⁷⁴ Hank Bond Walter: A new front in the US government's war on global corruption: sports doping. In: Sports Business Journal, June 2021

10. The WACA: An independent watchdog

There is little reason to believe that corruption is less damaging to the integrity of global sport than doping. And corruption is no less rooted in the specifics of the sports system than doping. Yet there are two agencies to fight doping, but none to fight corruption.

The World Anti-Doping Agency (WADA) and the International Testing Agency (ITA)⁷⁵ both operate on the basis of the legally binding World Anti-Doping Code, they can enforce its provisions before the CAS, they can co-operate with law enforcement, and they command investigative capacities.

All of this would also be as necessary against corruption.

Besides the fundamental conflict of interest (being first and foremost the promoter of sport), other sport-specific factors – as described in previous chapters – prevent sports organisations from detecting or investigating corruption. In addition, most of them lack the material capacities and human resources to run compliance programmes or to investigate.

At WADA, in recent years, the expansion of the Intelligence & Investigations Department has led to comprehensive investigative reports on officials in biathlon or weightlifting related to doping cover-ups. There, they see what is missing in global sport: „Some investigations reveal not only doping infractions but also conduct constituting corruption in the broader sense. It is necessary to think about what to do with these files requiring follow-up, given that this is not within WADA’s purview. Should a supranational body responsible for this issue be created? Who would do it?“⁷⁶

The question of a watchdog with the power to act in cases of corruption was raised in an

independent auditor's report of last year. It is noteworthy that the auditor, Jacques Antenen, is a former investigating judge and commander of the police in Vaud, the Swiss canton responsible for investigating international sports federations and their officials, if they are not handled by the Federal police.

WADA has demonstrated that a legally binding cooperation between governments, supranational institutions and sport can lead to progress.

Learning lessons from WADA, the World Anti-Corruption Agency for Sport (WACA) can be made efficient and effective from the start.

10.1. A mistake not to be repeated

In the process of establishing WACA, a flaw that continues to harm WADA’s credibility more than 20 years after its inception, can be avoided.

First and foremost, the agency’s “inherent lack of independence”⁷⁷, as evident in the composition of the Foundation Board and the Executive Committee, is criticised (not only) by athletes. The Foundation Board is composed equally of representatives from the Olympic movement and public authorities/governments. Both are dominating the Executive Committee as well. Ensuing conflicts of interest have undermined WADA’s work and have been exposed for example in the poor handling of the Russian doping scandal.

The WACA, with a focus on fighting corruption, would probably target more sports officials than WADA ever has. Therefore, the WACA should not be controlled (let alone be run) by personalities from sports organisations.

⁷⁵ The ITA, set up by the IOC in 2018, manages anti-doping programmes for some international federations or event organisers, including testing at Olympic Games; it investigates on behalf of some IFs after positive tests.

⁷⁶ World Anti-Doping Agency: Intelligence and Investigations (I&I) Department - Annual audit conducted by the Independent Supervisor (Jacques Antenen), 2021

⁷⁷ WADA continues to refuse meaningful reform. Declaration by Global Athlete, Athleten Deutschland e.V., The Athletics Association, International Swimmers’ Alliance. 23.11.2021 <https://globalathlete.org/our-word/wada-continues-to-refuse-meaningful-reform>

10.2. Composition, scope and mandate

To ensure independence and to open up avenues for funding, WACA (like WADA) should be set up as a **foundation**. Depending on the location of the headquarters, the requirements for the organisational structure may vary.

Executive level

Possibly people with experience in law enforcement; a past in sport can be an asset, however, recent or current ties to sports organisations are an exclusion criterion.

Board (of non-executive members)

Not involved in the day-to-day management of the WACA but monitoring the executive activity and contributing to the development strategy.

The board members appoint the Chief Executive Officer. The Executive is accountable to the board.

Sports organisations should not delegate more than a third of the members.

- Representatives of governments and of transnational governmental organisations like the EU, Council of Europe, OECD (anti-bribery task-force) and the United Nations;
- Representatives of (independent) athlete organisations and unions, sponsors, fan organisations (football);
- Representatives of the International Olympic Committee, the International Sports Federations, and ANOC, preferably with the right to propose independent personalities to the board;
- Possible: Europol, Interpol, civil society with Transparency International and others.

Scope of application of the Code

International level and national top-level

- IOC members (including members of IOC commissions), its administration +

affiliates of the IOC (continental Olympic federations)

- International Federations and administration, their continental affiliates (boards, commissions)
- NOCs + boards of national federations, the latter if the offence has a transnational dimension
- Athletes, coaches + support personnel, referees, agents, if involved in corruption and/or match-fixing cases
- Sponsors and rights holders
- Members of bidding and organising committees of international competitions + event organisers
- Cities and their officials taking part in any type of candidature procedures for hosting a competition

Mandate

The WACA's mandate covers all types of corruption in sport, including match-fixing and abuse. It does not cover doping violations.

The agency ensures compliance with the Code-to-develop (including monitoring). It has a broad mandate to detect, investigate and sanction violations, and to liaise with law enforcement agencies to facilitate prosecution of criminal offences.

The WACA shall handle alleged/reported violations of the anti-corruption Code as well as having the mandate to proceed upon becoming aware of any information that may constitute a violation any other way.

Essentials:

- Operating a confidential whistleblower-platform/hotline for reporting
- Investigating/evidence gathering: having the mandate to fully investigate alleged/suspected cases of corruption, including the right to search sports offices etc. without prior notice
- Enforcement: having the mandate to issue disciplinary bans against individuals or groups who violate the Code, and suspend those who are under

investigation either by WACA or by law enforcement agencies; bans which could then be appealed at the CAS

- Co-operation with law enforcement: having the mandate to co-operate with law enforcement, either to bring cases to national/international police agencies and/or state prosecutors and/or to investigate on behalf of law enforcement agencies
- Monitoring that the Code is respected

WACA should report its findings publicly on a regular basis, at least in annual reports, as WADA does, and when (bigger) cases are closed.

Whether the WACA should run prevention programmes, too, remains to be debated.

Funding

To guarantee permanent funding, a model close to WADA is recommended, for which governments and sports equally pay annual contributions.

Alternatively, the idea of requiring the IOC, sports federations and NOCs to contribute a certain percentage of revenues should be pursued.

However, top Olympic sponsors and other sponsors (above all from the betting industry, among others) should be more involved in the funding than they are at WADA. The tasks of the WACA to safeguard the integrity of sport should be in the interest of sponsors (at least those from democratic countries) who currently have to deal with an ecosystem that poses risks to reduce the brand loyalty rather than lifting it through fan (customer)-identification with sports.

Sports organisations can reduce own investigative bodies and save the expenses for private companies, which are often hired to investigate the big corruption cases. That could

partially pay for the WACA. Such companies can then be hired by the WACA, if necessary.

Location

Not in Switzerland, home of the Olympic family, but the WACA should be located close, i.e., in a European country with a robust justice system and traditions of respect for the rule of law, strong law enforcement and a culture of accountability, where the WACA would have the political support from its host nation to proceed according to its broad mandate.

Since cooperation with Europol/Interpol is likely in many cases, the Netherlands or France come to mind.

10.3. Sport Integrity Australia – a model for the WACA?

Around a dozen countries have created separate sports integrity bodies with a mandate that includes tackling corruption. Some operate as units within law enforcement agencies such as the FBI in the United States; others are working under the umbrella of sports regulating bodies such as the Integrity Unit of the Japan Sports Council.⁷⁸ They vary considerably in terms of independence and powers.

The closest to the intended WACA in terms of tasks and powers is Sport Integrity Australia (SIA), established in 2020 as an all-in-one clearinghouse by the government.⁷⁹ SIA operates as an independent regulator and investigator, with an office of 120 staff and the field additional 200 staff. It has authority, among others, over the Australian Human Rights Commission, the Australian Criminal Intelligence Commission, the Federal Police, and is, overall, an agency with access to 60,000 police officers across Australia.

CEO is David Sharpe, a former federal police officer with 30 years of experience in

⁷⁸ Among others: Finland, Italy, Japan, Belgium, India, Spain, USA, see: UNODC (2022), p. 69, p. 89ff. In May 2022: UK, Canada

⁷⁹ Detailed in: Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020 and Sport

Integrity Australia Regulations 2020
<https://www.legislation.gov.au/Details/C2020A00011> and
<https://www.legislation.gov.au/Series/F2006L00765>

investigating gang crime and terrorism. A valuable experience, he told the *Sydney Morning Herald* in February 2022, because sports organisations are becoming increasingly attractive to organised criminals: „We’ve got to give intelligence to sport. If we don’t tell sports where the threats are, how do they have the capability to understand them?”⁸⁰

If sports organisations do not comply with the SIA’s recommendations, the government has the option of restricting or cutting off funding.

The agency has considerable powers at its disposal: It can launch investigations, or, at its discretion, allow sports organisations to handle them internally. For the latter, SIA has put together a list of qualified investigators/companies who offer independent investigative services to sports organisations. In Australia, individual sports organisations are responsible for engaging external investigators, which then work at the direction of the sport.

⁸⁰ Sam McClure: Why sport needs an anti-gang and anti-terror police officer on the beat. *Sydney Morning Herald*, 4.2.2022

11. The WACA Code: A first approach

An anti-corruption code that is binding throughout global sport and for stakeholders (sponsors, host cities and their Organising Committees for competitions) with harmonised sanctions is a prerequisite for the work of the WACA.

The Code would not only provide reliable standards for appropriate conduct with specific anti-corruption regulations as well as regulations regarding good governance, but also significantly increase the accountability of actors in sports federations by imposing sanctions for offenders.

The obligation to report violations of the Code and the obligation to cooperate with WACA would have to be included to effectively implement the Code.

Some initial thoughts on the WACA Code:

The provisions should be **minimum standards** that take into account both the specifics of individual sports and the existing Codes of international sports organisations. Alignment with already accepted standards (and prevailing social norms) can include aligning the WACA Code with the relevant UN, OECD, and Council of Europe conventions. This in itself would already increase the range of anti-corruption measures in sport.

Relevant international Conventions are:

The **UN Convention against Corruption** (UNCAC) and the **UN Convention against Transnational Organized Crime** (UNTOC). These conventions already represent global standards to fight corruption and transnational organised crime, and UNCAC is almost universally supported.

UNCAC criminalises not just basic forms of corruption such as active and passive bribery or embezzlement in the public and private sector, but also abuse of function, influence trading, money laundering, or the concealment of corruption, and obstructing justice.⁸¹ It has no

extraterritorial reach, does not require signatories to criminalise foreign nationals for the solicitation or acceptance of bribes. Sports organisations or officials are not explicitly addressed.

UNTOC includes provisions against human trafficking and smuggling of migrants, sports organisations should be obliged to follow, for example regarding player transfers or in relation to host cities and their construction projects.

The **OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions**. It criminalises the supply side of bribery, offering or giving bribes to foreign public officials not just by individuals but also by companies.

The sports business and sports officials are largely excluded from this definition, but the Convention's detailed provisions regarding bribery "to obtain or retain business or other improper advantage" (for sports: by bidders for events, media and marketing rights), money laundering or accounting are useful for the WACA Code.

Also, the OECD has developed "**Guidelines for multinational enterprises**" that provide standards for responsible business conduct in a global context. They can prove beneficial to the multinational non-profits with billions of revenues in sport, when it comes to developing a WACA Code.⁸²

The **Council of Europe Convention on the Manipulation of Sports Competitions**. The Macolin Convention offers a legal framework for public authorities to co-operate with sports organisations, betting operators and competition organisers to prevent, detect and sanction the manipulation of sports competitions. It includes proposals to sports organisations such as prohibiting competition stakeholders from

⁸¹ See also: UNODC (2022), p. 53ff

⁸² OECD: Guidelines for multinational enterprises (2011)
<https://www.oecd.org/daf/inv/mne/48004323.pdf>

betting on competitions in which they are involved, the appointment of relevant officials for a sports competition at the latest possible stage, in particular judges and referees, or to report immediately any suspicious activity, and many others.

The Code also can benefit from various **Codes of Ethics** and/or Conduct of sports organisations, such as the IOC Code of Ethics. Worth mentioning, among others, is the set of rules developed by World Athletics and the Athletics Integrity Unit – an Integrity Code of Conduct, Manipulation of Sports Competition Rules, and Reporting, Investigation and Prosecution Rules (non-doping). Other federations (FIFA, IWF) have developed similarly elaborated Codes. WACA can adopt the best provisions.

Sport Integrity Australia has implemented a wide-ranging set of standards, which national sports organisations and federations will be required to comply with (the process is not yet finished). The “National Integrity Framework” (a suit of policies) establishes minimum standards of what is prohibited conduct⁸³ and provides mechanisms for that behaviour to be addressed. These policies relate to “member protection”, “safeguarding children”, “competition manipulation and sports wagering” (and doping offences).

To protect athletes and other sports personnel from abuse, the “**Universal Code of Conduct to Prevent and Address Maltreatment in Sport**”, including sanctions, was developed in **Canada**. It is probably the most advanced document in this area and based on a 400-page report on the subject.⁸⁴

The World Players Association launched a

Universal Declaration of Player Rights in 2017. The WACA Code can benefit from the Declaration and similar documents issued by independent athletes organisations by including provisions protecting athlete rights.⁸⁵

Benchmarking tools for measuring governance in sports organisations like the Sports Governance Observer (for international federations) and the National Sports Governance Observer⁸⁶ also provide valuable clues to develop binding regulations with regard to required internal standards of **transparency, democratic processes, accountability** and control mechanisms.

Some of the specific issues that need to be addressed with the Code (match-fixing and safe sport not included):

- prohibitions, restrictions and obligations - regarding open tenders for broadcasting and marketing rights and in preparation of competitions, elections, election of hosts, acceptance of gifts and hospitality, distribution of tickets and merchandise
- general obligations for federations regarding financial transparency
- conflict-of-interest regulations for board members in sports organisations as well as, for example, members of Host-City-Organizing Committees with: declaration of assets, income, liabilities and interests, prohibition or restriction of certain activities

⁸³ Sport Integrity Australia: National Integrity Framework https://www.sportintegrity.gov.au/sites/default/files/SIA_NIF_PROHIBITED%20CONDUCT_ACCESSIBLE.pdf

⁸⁴ Universal Code of Conduct to Prevent and Address Maltreatment in Sport <https://www.tribc.org/wp-content/uploads/2020/01/UCCMS-v5.1-FINAL-Eng.pdf> and „Final Report on Independent Approaches to Administer the Universal Code of Conduct to Prevent and Address Maltreatment in Sport in Canada“, authored by McLaren Global Sport Solutions, October 2020 [https://sirc.ca/wp-](https://sirc.ca/wp-content/uploads/2020/12/MGSS-Report-on-Independent-Approaches-December-2020-rev.pdf)

[content/uploads/2020/12/MGSS-Report-on-Independent-Approaches-December-2020-rev.pdf](https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf)

⁸⁵ World Players Association: Universal Declaration of Player Rights (2017)

<https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>

⁸⁶ Play the Game: Overview on Sports Governance Observers (2022) [https://playthegame.org/theme-](https://playthegame.org/theme-pages/the-national-sports-governance-observer)

11.1. Recognising the victims of corruption

Corruption causes damage, both directly and indirectly, to individuals, teams, organisations, and to societies.

As a first, FIFA was awarded over \$200 million in compensation by the US Department of Justice from forfeited funds of former officials and companies seized during the corruption probe.

To align the WACA Code with the UNCAC would include asset-recovery (stated to be a fundamental principle of the Convention) and compensation to the victims of corruption.

However, compensation goes beyond material aspects. For sports organisations, it is rather typical that there is no remedy: regular grievance mechanisms do not exist. “Access to effective remedy remains the ‘forgotten pillar’”, as the World Players Association put it in a paper that focused on human rights violations in and through sport.⁸⁷

The WACA Code should address the issue how to enable and facilitate the participation of victims in proceedings and the reparation of both individual and collective harm caused by sports corruption.

⁸⁷ World Players Association: Ensuring access to effective remedy Nyon, 2021 <https://uniglobalunion.org/wp-content/uploads/WPA-Access-to-Remedy.pdf>

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Annex

i. International sports organisations and their biggest scandals

ISL: 140+ million across the Olympic movement

International Sport and Leisure (ISL) was a sport marketing company set up by the late adidas founder Horst Dassler in the 1980s, when the Olympic movement discovered marketing. The ISL group went bankrupt in 2001, leaving a damage of more than 3 billion euros. Until then, the company had secured TV rights and sponsoring packages from across the Olympic movement, starting with the new IOC marketing programme (called TOP), and contracts for the FIFA World Cups 2002 and 2006.

How did they get all these contracts? With plain and simple bribery, through foundations and companies the ISL had installed in tax havens. A court case in Switzerland established that ISL had paid at least CHF 142 million to senior sports officials between 1989 and 2001. According to Swiss law, bribery was not a crime at that time. The case was dropped in 2010; only two officials had to pay restitution, but they denied criminal responsibility.

Mainly due to the work of journalists such as Andrew Jennings (UK), Jens Weinreich and Thomas Kistner (Germany), Jean-François Tanda (Switzerland) a few names became known: at the top FIFA president (1974 – 1998) and IOC member João Havelange from Brazil, and IAAF president Lamine Diack, IOC member as well. A list researched and published by Jennings and Weinreich contained 216 transactions, mostly to companies whose owners remained unknown.

“It was like paying salaries. Otherwise they would have stopped working immediately!” one ISL manager told the Swiss court about sports officials. Aside from IOC, FIFA and IAAF, the company held contracts with FIBA (Basketball), FINA (Aquatics), ITF (Tennis), and with continental federations and organisations such as UEFA and CAF (football) or the Olympic Council of Asia.

FIVB

For 24 years, until 2008, the Argentine Rubén Acosta, also an IOC member, reigned over the International Volleyball Federation. He was believed to have put \$ 20-30 million into private accounts, obtained through secret commissions for selling FIVB's commercial rights, falsified expenses, dubious property deals. A Swiss court cleared Acosta from charges of “intentionally deceiving the FIVB congress”, but stated that an “objective falsification” had taken place. The Acosta-Gate was the one big corruption scandal made public by a whistleblower: Mario Goijman, a former president of the Argentine Volleyball Federation. For him, the involvement in international volleyball ended in personal ruin.

Against the current FIVB president Ary Graça criminal charges have been initiated in Brazil. He remains in office.

IHF

The Egyptian Hassan Moustafa, known as the “handball pharaoh”, has been president of the IHF since 2000. Moustafa was the subject of a criminal investigation by Swiss public prosecutors on suspicion of embezzlement. He had submitted insufficient receipts for around 400,000 euros in expenses, earned 602,000 euros as a consultant for a sports marketing company (Sportfive) to which the IHF sold rights. In 2009, his “salary” was increased from CHF 30,000 to around CHF 500,000. However, like so many in Switzerland, the criminal investigation was dropped. Moustafa was also involved in match-fixing incidents during the 2008 Olympic qualifiers in Asia. Although this was confirmed by the Court of Arbitration for Sport, he remained in office.

FIFA

For decades, FIFA had been a safe haven for corrupt officials (and arguably it still is). Until May 2015, when the U.S. Department of Justice brought charges and high-ranking football officials were led away from a Zurich hotel wrapped in bed-sheets, state authorities rarely put an official stamp on that. (Though a few journalists across the globe did, with Andrew Jennings triggering the FBI investigations.) In the case, known as FIFAGate, charges against more than 50 individual and corporate defendants from more than 20 countries have been issued, because of bribery, wire fraud, money laundering, among others. FIFAGate revealed the picture of a global criminal circuit, with football officials getting rich through secret deals with TV and marketing companies and their intermediaries. The latter paid untold millions to put the most attractive entertainment of the globe on their screens or get sponsoring and ticket packages. However, convicted have been football officials from the Americas and from Caribbean countries. In 2021, an FBI investigator took stock: “Not one official in this investigation seemed to care about the damage being done to a sport that millions around the world revere.”

How the World Cup bids were won by Germany (2006), South Africa (2010), Brazil (2014), Russia (2018) and Qatar (2022) has never been fully investigated by state prosecutors. Although there have been indictments indicating large-scale bribery schemes during the bidding campaigns, the bribe payers were not brought to justice (with the exception of Brazil, see below). In FIFAGate, no criminal sentences were passed on football officials from Europe, Australia, Africa or Asia.

FINA

A spin-off case from FIFAGate saw a former football official from Guam plead guilty to taking bribes from the Olympic Council of Asia. One of the identified “co-conspirators” was current FINA president Husain Al-Musallam from Kuwait, who had allegedly paid. The U.S. embassy in Kuwait made a formal request for assistance in securing evidence, including records of multiple bank accounts held in the Gulf state. The outcome is unknown. In 2017, the *Times* (London) and *Spiegel* (Germany) presented a leaked recording of sponsorship-negotiations between Al-Musallam for the Olympic Council of Asia (where he was general director) and a Chinese company. The Kuwaiti appeared to be demanding a ten per cent cut for himself. He denied any wrongdoing, and got elected FINA president in 2021.

IWF

In 2019, a documentary of German broadcaster *ARD* exposed the decades-long cover-up of positive doping tests in weightlifting and alleged that millions had disappeared from the bank accounts of the IWF under Hungarian president Tamás Aján. These allegations were later confirmed in a report by independent investigator Richard McLaren and his team, who had been commissioned by the IWF. He

described an „autocratic authoritarian leadership“ resulting in a „dysfunctional, ineffective oversight of the organisation by the executive board.“ Several board members appeared to have been involved in vote rigging for elections. In June 2022, Aján and one of his vice-presidents were banned for life for doping cover-ups. Aján is under criminal investigation in several countries (so far without result). Corrupt acts by other officials have not been examined by the sport's ethics bodies.

IBA (AIBA)

The International Boxing Federation has been run by dubious presidents for decades. There was Anwar Chowdhry from Pakistan, at the helm for 20 years until 2006: hundreds of thousands of dollars were illegally spent by him (as auditors found after he was dethroned). Chowdhry's tenure was marked with controversy that he was hand-picking judges for tournaments. In 1988, during the Games in Seoul, those judges awarded a gold medal to a Korean boxer despite being out-punched by U.S. silver medallist Roy Jones. It became one of the biggest Olympic match-fixing scandals.

His successor was the Taiwanese IOC member Ching-kuo Wu. He guaranteed with the federation for a \$10 million loan from Azerbaijan. The money was burned by Wu's "World Series of Boxing", which ceased to operate by 2019 due to financial losses. The tournament at the 2016 Rio Olympics was marred by corruption allegations. Wu stepped down as IBA president in 2017 due to mounting debts, and in 2020, after 30 years, he left the IOC (where he once wanted to become president) "on medical advice".

Then came a few interim presidents, among them „businessman“ Gafur Rakhimov, until then vice-president. The Uzbek was under sanctions of the U.S. Treasury Department, accused of being part of the Brother's circle, an OCG involved in heroin trafficking. Even the IOC intervened after his election: IBA was deprived of organising the boxing tournament at the 2020 Tokyo Games.

Russian Umar Kremlev became the last elected president. He brought Gazprom's sponsorship to the IBA. Kremlev was involved with a Russian mafia gang in the 2000s and was convicted. In 2022, his re-election was annulled by the CAS because Kremlev had wrongfully kicked out a competitor. A new president has not yet been elected.

IBU

In 2018, Anders Besseberg, the president of the International Biathlon Union, had to leave his throne after 25 years. Initially, a WADA-report suggested that he had covered up Russian systemic doping. In 2021, a report by an External Review Commission (hired by the IBU) claimed "systematically corrupt and unethical behaviour". The Norwegian allegedly was paid with luxury trips, expensive watches, hundreds of thousands of dollars and prostitutes to protect Russian interests. A criminal verdict was never issued, although state prosecutors in Norway and Austria investigated.

IAAF

Lamine Diack, Athletics' president for 16 years, is the one and only federation president, who was sentenced to prison. In 2020, a French court handed him a verdict for corruption related to covering up positive Russian doping tests. The judge spoke of "full protection," that squeezed Russian athletes suspected of doping of about 3.2 million euros in hush money. Other allegations are still investigated. The late Diack and his son Papa Massata Diack allegedly were the spiders in the web when IOC



members sold their votes to the winners of bids for various Olympic Games. At least \$1.5 million is said to have been paid by Rio and \$1.5 million by Tokyo.

The 2019 World Cup in Qatar (and some others) has also reportedly been linked to bribes.

IOC

Many of the aforementioned corrupt sports officials have been long-term members of the IOC.

However, reports of corruption in the IOC surfaced much earlier – starting with the groundbreaking book “The Lords of the Rings” by Andrew Jennings and Vyv Simpson, published in 1992. It was not until 1998 that the IOC had to admit that something was wrong – due to massive public outrage and criminal investigations in the U.S. A respected IOC member, Marc Hodler from Switzerland, had publicly discussed the common practice of “vote-buying” and “vote selling” during bidding campaigns for the Games since the 1990s. The so-called Salt Lake City scandal broke. Several IOC members had accepted lavish gifts and favours in exchange for votes to award the 2002 Winter Games to Salt Lake City. The IOC expelled some members, reprimanded a few more, and adopted a Code of Ethics, which, as it turned out, still does not deter anyone. Hodler got the rebuke from his IOC colleagues less than a year later: In the vote for the 2006 Winter Games, Turin (Italy) beat the favoured Sion (Switzerland).

In the recent cases, only one politician admitted bribery during a bidding process for the Olympics: In 2019, Rio’s ex-governor Sérgio Cabral confessed his involvement. Like many politicians he was charged (and later sentenced) with large-scale passive bribery related to the World Cup 2014 and the Games 2016 – companies had channelled millions to politicians for public contracts in preparation of the sports bonanza. Cabral had, together with his compatriot, IOC member Carlos Nuzman, brokered a deal with a businessman for buying votes of IOC members. It is still not known who exactly got the money. Allegedly half a dozen IOC members were involved.

Tokyo had a top executive at the IOC, too: Tsunekazu Takeda, a great-grandson of Emperor Meiji and boss of Japan’s Olympic Committee. When the suspicions, gathered in Paris-based investigations against Diack & Co., became too solid, Takeda resigned from the IOC.

Russian state doping: The scandal resulted in hundreds of Russian athletes being banned for doping and a mass re-allocation of Olympic medals, but it was as much a scandal about corrupt sports officials as it was about doping. Already mid-2013, British journalist Nick Harris had informed the IOC on a Russian doping conspiracy centred in the Moscow “anti-doping” laboratory. Weeks later, he wrote about it in the *Mail on Sunday* with colleague Martha Kelner. Until the end of 2014, when German broadcaster ARD published a report by Hajo Seppelt, nothing was done about it. The IOC had allowed the Sochi Olympics to be corrupted. As did the World Anti-Doping Agency; they had information as early as in 2012 and did not act on it.