

6.2 Combating the risk of corruption in sport: an intergovernmental perspective

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Introduction

Promotion of the Council of Europe's values – human rights, democracy and the rule of law – cannot be reserved for specialists, whether diplomats, officials or judges. These values must be experienced on a daily basis. They are not just matters for the organs of state but need to be adopted by civil society, promoted through education and fully integrated into our culture. It is in this spirit that the European Cultural Convention has, since 1955, taken the work of the Council of Europe into sectors such as education, culture, youth and sport.

The sport movement, in particular, is a part of civil society, which concerns a high proportion of the population as either participants or spectators. It is also an economic sector that is not negligible: economic activities related to sport represent 2 per cent of the European Union's total GDP, and sports activities generate the equivalent of 7.3 million jobs, equivalent to 3.5 per cent of the working population.² Sport can contribute to education by developing knowledge, skills and attitudes such as commitment within an organised group, respect for opponents and rules, team spirit, and so on. Sport can promote these values within society, and also contributes to public health and social inclusion.

The fight against corruption in sport is central to the role of the Council of Europe, which entails the promotion of the rule of law and democracy. Protecting sport from corruption not only makes sport more efficient and its organisations more reliable partners, but also sends out an important message about the fight against corruption in society. The governments that allocate, directly or

indirectly, large sums of money to sports organisations and events are accountable to their taxpayers for the good use made of those funds. Preserving sport's autonomy and ensuring that the funds have been used for the purposes for which they were allocated is a challenge to governments. Quite clearly, both autonomy and transparency are important, and governments must verify that the public money allocated to sport is spent in accordance with the applicable rules and with the commitments made, but without unduly or arbitrarily interfering with the decisions of sports organisations.

Over the past 10 years the fight against corruption in sport has forced its way onto the political agenda. In view of the European involvement in the international sport movement, European states' role as hosts of events or as countries where sports organisations are headquartered, and public authorities' financial participation in sport, the Council of Europe has played a part in this movement, promoting the good governance of sport, combating the manipulation of sports competitions (e.g. match-fixing) and, more recently, combating corruption in the governance of sports organisations or events. This subject, long a 'hot potato' tackled only indirectly by public authorities, is now therefore on the political agenda of intergovernmental cooperation. States, while reaffirming their attachment to the principle of autonomy for the sport movement, wish to back sports organisations' initiatives with a view to better governance and to shoulder their share of the responsibility as partners of the sport movement and as guarantors of the punishment of criminal offences.

Moving towards better governance in sport

The Council of Europe broached the issue of good governance in sport at its 10th Conference of Ministers responsible for Sport (Budapest, 2004). In the wake of the conference the Committee of Ministers adopted Recommendation REC(2005)8 to member states on the principles of good

governance in sport. This recommendation specifies effective policies and measures of good governance in sport, which comprise, as a minimum:

- ‘democratic structures for non-governmental sports organisations based on clear and regular electoral procedures open to the whole membership;
- organisation and management of a professional standard, with an appropriate code of ethics and procedures for dealing with conflicts of interest;
- accountability and transparency in decision-making and financial operations, including the open publication of yearly financial accounts duly audited; and
- fairness in dealing with membership, including gender equality and solidarity’.

The issue has subsequently assumed growing importance in many sports organisations and international organisations.

The promotion of good governance in sport is a long-drawn-out process, entailing cultural and structural changes. Sometimes, however, ‘good governance’ is a concept used as a positive alternative to the word ‘corruption’, a euphemism or a means of avoiding the term. The 11th Conference of Ministers responsible for Sport (Athens, 2008) went further, however, concluding its discussions on sports ethics by identifying ‘corruption in sport’ as one of the new challenges to sports ethics, and asking the Enlarged Partial Agreement on Sport (EPAS) to deal with the subject.

Action against match-fixing: a promising step against corruption in sport

Narrowing down the scope of its work, EPAS decided to concentrate on the manipulation of sports competitions, postponing to a later date the more general issue of the fight against corruption in the governance of sport. This process culminated in the adoption of a recommendation of the Committee of Ministers to member states on the manipulation of sports results, adopted in 2011,

followed by the new Convention on the Manipulation of Sports Competitions (CETS no. 215), which was opened for signature on 18 September 2014 in Magglingen/Macolin (Switzerland). The adoption of this new treaty has placed the Council of Europe in a prominent position in the fight against the manipulation of sports competitions. The Convention is the only rule of international law on the subject. As of May 2015 the Convention had been signed by 18 states and ratified by Norway, and it will come into force after the fifth ratification.

The manipulation of sports competitions has proved to be a complex issue. Not only is the integrity of sport at stake but the fight against organised crime and corruption as well. A closer analysis of manipulation cases has shown that corruption is not the only method used by those who falsify competitions. There have been cases of manipulation involving violence, intimidation, threats, poisoning, and so on. Others may be based on a friendly agreement, without any pecuniary arrangement or promise or without any coercion, while the manipulation may nevertheless lead to a fraudulent gain. Combating manipulation requires the cooperation and expertise of the authorities in fields including sport, gambling, anti-corruption measures, criminal law, cybercrime, personal data protection and money-laundering. In this context, the Council of Europe has obtained the support of numerous networks of governmental experts and managed to unite the sporting movement and betting operators.

There are various reasons why European states have been able to take such an initiative. The development of the betting market, which really took off in the early years of the new millennium, has sometimes taken place in a legal vacuum, but the legal framework has been speedily brought up to date: the states of Europe have equipped themselves with means of regulating the market, granting licences to operators who offer bets on their territory or defending their national lottery's monopoly position. The attention given to regulating betting services, for many reasons (combating of addiction, consumer protection, integrity of sport, taxation, combating of money-

laundering), has made clearer the risks associated with this market. Europe also has the privilege of having at its disposal research and international cooperation institutions that have been able to study the problem and put forward international solutions. The increased attention has led to a huge increase in the number of cases: in 2009 EPAS examined 70 cases of manipulation reported by the press since 2000. There have been revelations of new cases every week since 2012. According to Interpol, the criminal justice systems in 80 countries are investigating or holding trials in cases of manipulation of competitions.

This is not a specifically European problem, however, and the challenge today is to expand intergovernmental action to other continents, inter alia by welcoming all the states interested in signing the Convention, whether they are European or not. Some promising signals have been sent by various states that are not members of the Council of Europe (Australia, Belarus, Canada, Israel, Japan, Morocco and New Zealand) but took part in the negotiations.

The Community institutions have also been active on the issue, for the manipulation of sports competitions is on the agenda of the Commission, Council and Parliament, which are looking at the combating of corruption, the fight against organised crime, the regulation of the gambling market and sports ethics. The Commission took part in the negotiations on the Council of Europe Convention alongside the EU member states, and on 2 March 2015 it proposed to the Council of the EU that the European Union sign the Convention.

Combating the corruption that affects the governance of sports organisations

Notwithstanding the thorough work done to promote good governance in sport and some promising developments in the fight against match-fixing, allegations and cases of corruption in sport have continued to hit the headlines and be the subject of questions in parliament. Corruption relating to the governance of sport, tendering processes or the preparation of major sports events

has drawn the attention of governments and national parliaments in such countries as Switzerland and the United Kingdom.³

Thus a subject that has long been a ‘hot potato’, dealt with only indirectly by governments, is now on the political agenda of intergovernmental cooperation. States, while reaffirming their attachment to the principle of the autonomy of the sport movement, wish to back sports organisations in their initiatives with a view to improved governance and to shoulder their share of the responsibility as partners of the sport movement and as guarantors of the punishment of criminal offences. The risk of corruption in the governance of sport was the main theme of the 13th Conference of Ministers responsible for Sport, held in Macolin/Maggingen on 18 September 2014. It discussed numerous examples of corruption in sport, the challenges presented to public authorities by this scourge and the initiatives that might be coordinated.

Conclusion

For the past 15 years or so states and sports organisations have shown a greater capacity for dialogue and cooperation. The introduction of coordinated arrangements to combat doping and the manipulation of sports competitions is evidence of this. So far as the risk of corruption is concerned, the current tendency is towards recognition that there is a common interest, towards awareness among the various players of their own limitations and towards complementary means of action available to each. Effective cooperation and creation of the requisite trust are realistic longer-term objectives. It is possible that the development of cooperation on less sensitive issues (combating the manipulation of competitions and the trafficking of doping substances) will open the way for closer cooperation on punishing corruption.

Another line of action would be to increase collaboration with the anti-corruption and law enforcement authorities, not only at governmental authority level but also in the context of

cooperation between the sport movement and the public authorities. In this context, the reports written on the implementation of anti-corruption rules, including those produced by the Council of Europe's Group of States against Corruption (GRECO),⁴ might be helpful in the preparation of standards and policies. These reports could inter alia look at the state of cooperation between the sport movement and the public authorities in the effort to prevent and combat corruption in sport and to preserve sport's values, image and benefits to society.

Greater coordination is necessary in respect of international sports organisations. Countries applying to host international sports events and those where international sports organisations have their headquarters should play a leading role. As most international sports organisations are located in Council of Europe member states, over 70 per cent of the posts of president and secretary general at international sports federations are held by Europeans⁵ and many international sports events take place in European states, these countries, which have made firm commitments on the combating of corruption, have a particular responsibility to bear.

Finally, it is not only international sports organisations and states that are concerned. National sports organisations must also set an example, and, within their continental and international structures, could demand greater accountability. Athletes could be more involved in decision-making. There should also be a role for other players, such as sponsors, who should also contribute to the promotion of ethics in sport through their businesses' social responsibility programmes. Civil society holds sports organisations and governments to account. The media, too, are in a position to raise awareness of corruption in sport and to show what is being done to curb it. By taking action in this way, the sector could rediscover its reputation for fair play.

Notes

¹ Stanislas Frossard is the Executive Secretary of the Enlarged Partial Agreement on Sport of the Council of Europe. The opinions expressed in this article are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

² European Commission, 'Sport as a Growth Engine for EU Economy', Memo 14-432 (Brussels: European Commission, 2014).

³ The Parliamentary Assembly of the Council of Europe adopted a resolution in 2012 concerning the good governance and ethics of sport, backed up by a report that highlighted recent scandals and decisions taken in relation to the governance of international football. In April 2015 it adopted another resolution on football governance, based on a report analysing, in particular, Union of European Football Associations (UEFA) and Fédération Internationale de Football Association (FIFA) rules of governance, and condemning the procedure that led to the award of the 2022 World Cup to Qatar. Other international organisations have also tackled in a more head-on fashion the subject of corruption in sport. The declaration adopted by UNESCO's fifth World Conference of Sport Ministers (MINEPS V, Berlin) places corrupt practices in sport on the same footing as doping and the manipulation of sports competitions.

⁴ These reports are available on GRECO's web page: www.coe.int/greco.

⁵ Arnout Geeraert, Jens Alm and Michael Groll, 'Good Governance in International Non-Governmental Sport Organisations: An Empirical Study on Accountability, Participation and Executive Body Members in Sport Governing Bodies', in Jens Alm (ed.), *Action for Good Governance in International Sports Organisations: Final Report* (Copenhagen: Danish Institute for Sports Studies, 2013), www.playthegame.org/fileadmin/documents/Good_governance_reports/AGGIS_Final_report.pdf.