



UNODC 1 - QUESTION OF CORRUPTION IN SPORTING EVENTS

Introduction of Topic

Sports are a vital part of societal life. It is an activity all may participate in, irrespective of age, culture, and ability. Not only does it enhance physical and mental wellness, it also instills the values of discipline, integrity, fairness, teamwork and respect in athletes. Unfortunately, individuals do not always respect the rules and jeopardize the positive influence sports has to offer.

Corruption in sports dates back to when sports competitions first began; one of the first cases of bribery was at the Olympic games in 388 BC. However, today, sports is evolving at a much faster pace, leading to many challenges. The world of sports has expanded, with the number of professional athletes increasing exponentially over the years.

There are many ways sports corruption can take place: referees can accept bribes, bids and sports bets can be manipulated, or athletes can blatantly transgress policies. Two of the most relevant types are doping, illegally taking drugs to enhance performance, and match-fixing, determining the outcome of a game before it has even started.

Definition of Key Terms

Management Corruption

Non-competition decisions made by sporting officials and governing bodies during sporting events, manipulated by means of corruption.

Manipulation of sports

“An intended arrangement, act or omission aimed at an improper alteration of the result or the course of a sport competition in order to remove all or part of the unpredictable nature of the

aforementioned sport competition with a view to obtaining an undue advantage for oneself or for others.” (*the Macolin Convention*). Match fixing and doping are examples.

Match fixing

Fraudulently controlling the outcome of a sports competition before it has even begun. For example, in 2010, the Pakistani National Cricket Team was found guilty of match fixing. Machar Majeed, their agent and bookmaker, was recorded saying he could influence the outcome of a few balls on video.

Doping

An athlete's use of illicit drugs or methods to improve athletic performance and sporting results. Race horses may also be doped to ameliorate their race performance.

Sports-betting

Placing a wager (a bet) on the outcome of a sporting event in pursuance of winning money.

Background Information

Growth in illegal sports betting

Illegal and legal sports betting are two different matters. Generally, legal betting consists of bettors placing wagers, also known as bets, through sports bookers online or in select kiosks. Before placing the bet, the bettor must pay the broker. On the other hand, illegal betting occurs through privately run businesses. Unlike the sports bookers, they don't require payment beforehand, and only require money from the losing bettors, which can result in bettors being in debt to them. However, states may have differing policies concerning this matter. For instance, while betting for most sports is legal in Australia, it is illicit in Brazil.

Globalisation and the Internet have played a key role in expanding the illegal sports betting industry in the last decades. Nowadays, one can bet on a match from across the globe and go unperceived, as the Internet limits the risk of being caught.

This industry is directly correlated to match-fixing, a great concern which must be addressed. Gamblers use their financial rewards to convince players or teams to play in a certain manner for there to be a predetermined game result, so that profit may be maximized. It is both illegal and defying of the values of sports.

In 2013, fears of the industry heightened even further after Europol, a law enforcement agency, claimed that 680 football matches had been fixed by criminal networks.

Doping

Doping directly opposes the principles of sports: it is a form of cheating and hinders all athletes from having a fair playing field. Furthermore, it damages the health of millions of athletes each year.

Undue influence is a form of doping, as an athlete is interfered with, without their knowing, so that their performance ability peaks. This occurs most often in animal sports, such as horse racing, because their riders are unaware of what has been done to them and cannot do anything to change it. However, sometimes the riders are the ones to dope their horse.

Famous cases of doping include Lance Armstrong, who had become the symbol of doping in Tour de France. After numerous allegations over the years, Armstrong was stripped of all his titles and banned for life after the United States Anti-Doping Agency (USADA) confirmed that he was involved in a massive doping scheme. Another famous case includes the Russian suspension from the International Olympic Committee (IOC) after it was accused of state-sponsored doping, leading to the suspension of 100 Russian athletes from the 2016 Rio Olympic Games and the a complete ban from the 2018 Winter Games in PyeongChang. However, on September of 2018, the World Anti-Doping Agency voted to lift the ban on the country, meeting deep criticism.

Match-fixing

As mentioned previously, match-fixing, fraudulently controlling the outcome of a sports competition before it has started, is one of the most prevalent types of sports corruption. It can include deliberately losing a game, underperforming, or misapplying rules (by an official). Interference with the equipment, how the game is played, and where it takes place, called spot-fixing, is also considered match-fixing. This mostly occurs in football, tennis, and cricket. It is also important to note that a variety of groups of people are involved in this activity, ranging from athletes, referees, and sports officials to sports agents and managers.

Major Countries and Organizations Involved

Fédération Internationale de Football Association (FIFA)

The Fédération Internationale de Football Association (FIFA), the governing body of association football, was connected to the disclosed cases of corruption released in 2015 by United States federal prosecutors. An investigation by the United States Federal Bureau of Investigation (FBI) and the Internal Revenue Service Criminal Investigation Division (IRS-CI) led to the indictment of fourteen people for money laundering and fraud. They found a collusion between football officials and football bodies such as CONMEBOL (South America), and CONCACAF

(Caribbean, Central and North America), along with sports marketing executives, who held media rights for tournaments such as FIFA and Copa America.

On May 27th, 2015, seven FIFA officials were arrested in Zurich, right before the FIFA presidential election, for having received US\$150 million in bribes. Two days later, Sepp Blatter was re-elected as FIFA president. However, due to his untrustworthy past and growing criticism, he stated that he would only remain president until 2016. Nevertheless, due to the decision of the FIFA Adjudicatory Chamber of the Independent Ethics Committee, Blatter was banned for good as of 2015, and Issa Hayatou became interim president.

Additionally, FIFA faced allegations of accepting bribes after it accepted the bids of Russia and Qatar for the 2018 and 2022 World Cup Championship.

UNODC (United Nations Office on Drugs and Crime)

UNODC works closely with organisations to promote initiatives which fight corruption, aids in strengthening national legal frameworks, and develops tools and manuals to reinforce countries' abilities to deal with this illegal activity. They developed a handbook which display detailed measures on how to tackle the threat of corruption, and are consistently updating their information in order to spread awareness about the issue at hand to the many people that are unaware.

Transparency International

Transparency International is a non- governmental organization whose sole purpose is to fight corruption. They aim to spread awareness about this prominent issue through diverse initiatives such as their "Corruption in Sport Initiative", in which they work with partners to form key recommendations that are voiced to the public. As of April 2015, they began publishing commentaries by experts in the field to publish further information. This organization's main goals include strengthening the frameworks and integrity of sporting events and prevent match-fixing.

Europol

The European Union Agency for Law Enforcement Cooperation, best known as Europol, is a law enforcement agency which manages international crimes. Since 2011, they have been working closely with EU member nations and their authorities by analyzing and investigating cases of sports corruption and have launched their own sector committed to this: Analysis Project Sports Corruption. Moreover, they have joined the "Keep Crime out of Sport" project launched by the Council of Europe. Europol's contributions to ceasing sports corruption are the following: "analysing criminal intelligence, producing analytical reports, hosting operational meetings, and deploying mobile offices and experts to provide on-the-spot assistance during law-enforcement operations."

IPACS (International Partnership Against Corruption in Sport)

The International Partnership Against Corruption in Sport is a platform composed of many organizations including the International Olympic Committee (IOC), the Council of Europe, the Organisation for Economic Cooperation and Development (OECD), the United Nations Office on Drugs and Crime (UNODC), as well as the United Kingdom and numerous other sports and governmental organisations. It was first launched in February 2017 with the objective of bringing world-wide institutions together for the common purpose of eliminating corruption and ensuring integrity and good governance in sports. This June, they met in Lausanne to revise their agenda and establish further goals they wish to accomplish in the following years.

Relevant UN Treaties and Events

- Corruption in Sport, Resolution, November 2017, Resolution 7/8
- The Global Corruption Report (GCR), 22 February 2016
- The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events, Sep 2013

Main Issues

Lack of transparency of organizing agencies

A major issue facing members states is the lack of effective communication between the organizers of sports events and the public. Major sports events are often organized by special delegated teams or agencies that are not always direct or open about their management structure, processes, and fund managing. Thus, the decision-making necessary to organize events may stray from correct practices without any governing body being aware.

Recruitment of personnel and partnership with other agencies

The large-scale contracting of personnel further increases possibilities of corruption and malpractice. It becomes a problem when measures are not set in place to ensure that all those hired are adequately selected and have a history that strongly stands the test of justice. Moreover, many agencies engage in partnerships yet do not enter formal agreements guaranteeing the other is acting in an honorable manner.

Lack of enforced punishment

In order for prevention to be effective, corruption must be sanctioned. Yet, guilty individuals do not always undergo the proper punishment and only face loose enforcement of the law.

This is due to numerous factors. Many sporting bodies fail to identify the wrongdoers, particularly when they are part of their own organisation as executives or business associates. Also, although players are reprimanded, ethics committees in charge of punishment aren't geared to sanction the organization itself, allowing the injustices to continue. Since sports federations aren't always recognized as businesses, they aren't provided with same regulations and checks and balances systems as other corporations, meaning they can circumvent penalties other businesses usually wouldn't. Moreover, the agency involved is not always cooperative with the investigation and so the flagrant dismissal of justice loses attention.

In addition, properly enforcing punishment is difficult when there is no common legal basis between Member States regarding fighting corruption. For example, penalties in Europe are different for each country: common offences in Finland call for 2 years of penalties while Romania demands 15. Prison penalties for fraud can be up to 13 years in Latvia yet only 2 in Slovakia. Especially for transnational crimes, imposing sanctions for sports corruption can be very complicated when there is no unified framework for all nations to follow.

Previous Attempts to solve the Issue

Numerous measures have been taken in order to tackle the corruption in sporting events. Below are a few notable ones.

One of Transparency International's greatest contributions is the Global Corruption Report, which is considered one of the most thorough and comprehensive analysis of corruption, including in sports. It addresses past efforts and how they can be improved with new approaches. It includes articles from 60 experts in the field: sports organisations, governments, athletes, sponsors, and more.

Europol partnered with Eurojust to form the Joint Investigation Team, JIT, which was made up of thirteen European countries and organisation experts. This sports-fraud investigation analysed and researched certain sports events and discovered that over 400 matches were suspicious of corrupt activity. Matches identified included the Euro 2016 and World Cup qualification games, and European national league matches. Furthermore, more than fifty individuals were arrested. Europol also collaborated with the Union of European Football Associations in 2014 as they both committed to strengthening the measures being taken to fight corruption in football.

The Convention on the Manipulation of Sports Competitions is the only rule of international law on the subject of sports corruption to that currently exists. The convention has greatly advanced the efforts to stem the issue as it presents clear definitions, co-operation mechanisms, and many frameworks that are used internationally in all sports sectors. Since its publication in 2014, over 30 countries have signed it. However, for it to enter into force, five ratifications are required, and currently, only three countries have done so. Therefore, establishing measures that will help with its ratification could be encouraged for further advancement.

Possible Solutions

Increasing transparency with public administration

A possible solution is increasing transparency in public administration. The organization of a major event should require measures that ensures the organizing agency makes transactions transparent. Implementing laws and systems to make it easy access to information concerning public administration is also very important. A solution could be to guarantee the right of certain officials to access information on public administration. Of course, privacy and personal data protection must be taken into account.

Taking preventative measures with recruitment and partners

Precautions concerning hired teams and partners should be taken. A possibility would be establishment for the recruitment of teams. Moreover, agencies must systematically ensure that potential partners have anti-corruption policies and practices that are match their own. Formal agreements are necessary and the agency should not hesitate to end any partnership with agencies whose practices and policies are inconsistent with their standards of integrity.

Implementing and enforcing clear consequences for malpractice

In order for prevention to be effective, corruption must be sanctioned by criminalizing those involved. Effective enforcement of anti-corruption measures requires mechanisms that clearly hold the guilty individuals liable for their acts. A solution would also to be ensuring that the organizing agency cooperates with the investigation of any acts of fraud/corruption.

For Further Inquiry

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Appendix or Appendices

i. European perspective on what is currently being done, as well as resolutions and associated work which could be used for further research: <https://www.coe.int/en/web/sport/tackling-corruption-in-sport>

ii. A deeper look at resolution 7/8 drafted by the UNODC, focused on battling corruption in sport. https://www.unodc.org/documents/Safeguardingsport/Session_2_b_Corruption_and_Sports_-_Candice_Welsch_-_UNODC_.pdf

iii. More information about the different types of sports corruption.
<https://www.itrustsport.com/sports-corruption/>