

Alignment of sport governance to fight against corruption and cheating

Authors: Sandro Arcioni PhD, researcher and head of a company (1), Patricia Vandewalle, Lecturer (2)

Institutions:

1. Company, Switzerland
2. Institut National des Sports, de l'Expertise et de la Performance, France, Paris

E-mail: sandro.arcioni@gmail.com

Keywords: governance, agency, regulation, assessment, IOC, IFs, World of Sport

Research question

The world of sport with its organisations is a complex system by the multiplicity of its component parts and the ambiguity of the relationships between its members, their forms of governance and the environment. The International Sports Federations (IFs) are united by the rules of the Olympic system, but each IF is an independent association based on Articles 60 and the following ones of the Swiss Civil Code. In this context, how can the world of sport be consistent, that is to say, control and improve its governance?

For example how can FIFA cope with the situation after the suspension or arrest of football dignitaries such as Sepp Blatter and the election of Gianni Infantino and now UEFA with the Panama Papers scandal, and the dismissal of Platini, the corruption scandal of IAAF with its former President Lamine Diack, etc.

The objective of this communication is to demonstrate that the creation of a regulatory agency (the World Sport Governance Agency: WSGA) based on the literature on the governance of NGOs, non-profit organisations (NPOs) and models existing in the business for profit as well as some NGOs would allow fighting against cheating and corruption by aligning their sanctions, thus improving the governance of each IF.

Theoretical background

The creation of a WSGA has become urgent due to the different recent scandals such as the successive investigations and arrests at FIFA (2014 à 2016), and also at UEFA (2015 – 2016), the "Panama Papers", the suspicions about the new president Gianni Infantino (2016), the corruption scandals concerning IAAF (2015) the rigged football matches and money laundering for the mafia (UEFA 2010), the allocation of the World Football Championships (FIFA 2010), the election of FIFA's President (2011), and the low impact of recommendations such as IOC 2000, "Basic Universal Principles of Good Governance of the Olympic Movement sports" and resolutions 41 and 42 in the IOC report in Copenhagen 2009: "the Olympic Movement in Society".

In the USA, private economy has proved this necessity thanks to the « Sarbanes Oxley Act » and the discussions on sport governance at the European Commission. Yet, the benefit of creating this WSGA would be to remedy a legal loophole at the international level and also to prevent the UN-Watch or the European Commission to dictate their laws to the world of sport.

Our study demonstrates the usefulness of a rapid implementation of the World Agency for the control of sport governance globally. This approach is based on seven key principles of corporate governance by Henry and Lee (2004),

on the system of "Policy governance" proposed by Carver (1997, 2001) for non-profit organisations, on reflections by Chappelet (2006, 2010) and on the analytical framework of governance by Pérez (2003) as well as other authors in political science. This approach also takes into account the assessment of the governance of IFs as described by Arcioni (2007) which aims at fighting against induced corruption in the current governance models by aligning the jurisdiction models and the sanctions at every level.

Methodology, research design and data analysis

To demonstrate the urgency and the merits of creating an independent agency for the control of governance, we proceeded in four steps:

- A longitudinal analysis of scandals and dysfunctional governance of the IOC, IFs, NOCs from 1996 to 2012, using questionnaires (sent to the General Secretaries of 35 IFs regarding their governance principles) and field research, an analysis of IOC documents and literature on management and control of sport set against the literature and the functioning of the world of economy;
- A longitudinal analysis of scandals and corruption of FIFA, UEFA and IAAF from 2014 to 2016 with field research, an analysis of documents and press reviews;
- An analysis of improvements to prevent future scandals thanks to an alignment in the:
 - Systems for IF elective boards;
 - Controls on how money is spent in sport;
 - Legal hierarchy;
 - Fight against corruption;
 - Penalties (doping, cheating, embezzlement, electoral fraud, ...);
 - Etc.
- The results in the form of immediate actions to be taken by the World Sport Governance Agency (WSGA).

Results, discussion and implication, conclusions

Based on our field research and analysis of the literature as well as on the operation of the UN-Watch, the codes of good practice, the work by Arcioni (2007, 2008, 2010, 2011), the functioning and the organisation of the Court of Arbitration for Sport (CAS), the IOC and IFs, we have highlighted the following main improvements:

- The regulation of elective systems;
- The alignment of controls related to the spending of money in sport;
- A proposed aligned scale of punishments;
- A hierarchical model of jurisdiction
- A separation in the powers (operational and strategic): for example, at the FIFA the president should not be allowed to act as an executive president;
- The term of office for a president should be (for example 8 + 4 years : as the IOC)
- The last "customs" should be changed into "measurable" rules (Votes are promised for candidacy elections) ;
- A control from the beginning to the end regarding the support to football projects worldwide as an example.

All these improvements should be achieved with the support for the procedures by the World Sport Governance Agency (WSGA). This agency should be based on the organization and governance principles used at World Anti-Doping Agency WADA; however WSGA should be totally independent.

In conclusion, this communication provides all the elements necessary for the world of sport perhaps via the IOC to take a decision in favour of the creation of a global agency for the support and regulation of the international governance of sport: a World Sport Agency Governance (WSGA). This presentation also provides an analysis of the risks in case no action is taken as the three last American legal investigations against FIFA and IAAF showed, therefore escaping totally the world of sport.

Considering that this agency is a supra international organization, this raises the following question: is the world of sport (IFs, IOC, WADA, NOCs, ...) ready to accept such an organization?

References

- Arcioni S, and Vandewalle, P, (2013) Aligement of sport governance globally to fight against cheating, for the 21th Conference of the European Association for Sport Management in Istanbul, 11 – 14th September 2013.
- Arcioni, S., (2007). Les modalités de la gouvernance dans les organisations internationales à but non lucratif : le cas des Fédérations internationales sportives, Thèse pour le Doctorat en Sciences du Sport, Université Claude Bernard Lyon 1, UFR-STAPS, 2007.
- Carver, J. (2001). Carver's Policy Governance Model in Non-profit Organizations. The Canadian journal Governance, Vol. 2. nos. 1, pp. 30-48.
- Chappelet, J.-L. (2010). Vers une solution globale pour lutter contre les dérives du sport. Conférence "La corruption dans le sport" organisée par le Panathlon Club Lausanne, Lausanne, 28 avril 2010.
- Henry, I. & Lee, P.C. (2004). Governance and ethics in sport, in Beech & S. Chadwick (Eds), The business of sport management, England: Prentice Hall., 21, 414