

The battle against corruption in international sport: limits of a regulatory system in the context of Switzerland

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Aim of contribution

This contribution aims at giving a better understanding of the international sport regulatory system and its current limitations in the specific context of Switzerland. By analysing cases relating to corruption in international sport handled by the Swiss judiciary system and by presenting recent changes in the Swiss legal framework, the aim is double: evaluate the role of Switzerland in the fight against corruption in international sport and through this scope, observing the shortcomings of the regulatory efforts.

Theoretical background

In the course of the 20th century, sport has considerably evolved. Starting from a mostly amateur activity, sport has become a lucrative activity generating billions of dollars as well as a phenomenon of the greatest importance, socially, culturally and politically. However, for more than 25 years sport has been facing threats to its integrity in various forms, most importantly: corruption at various stages in the process of attributing events or broadcasting and sponsorship rights, doping and match-fixing (Maenning, 2005). Even if many efforts are done to battle these threats, the global regulation of sports remain largely perfectible as demonstrate the recent scandals at the Fédération Internationale de Football Association (FIFA) and at the International Association of Athletics Federations (IAAF). These wrongdoings and unethical issues do not only damage the image of sports organisations, they represent serious threats to the fundamental values of sport and jeopardize the unique status that makes it a public good worth protecting.

Being the host of many International Sport Organisations (ISOs), Switzerland and its legal framework hold an important role in the governance of international sport. The majority of these organisations are indeed constituted as not-for-profit associations under Swiss law. As a consequence, several cases relating to corruption in sport have been handled by Swiss courts in the recent history. It is also a sign that ISOs, which have been used to a certain degree of autonomy and self-regulation over time, need to better collaborate with other actors, mainly governments, in order to address threats to the integrity of sports (Chappelet, 2012).

Methodology

In order to assess the current shortcomings in the global governance of sports through the scope of the Swiss context, this paper adopts a qualitative approach and studies different cases relating to corruption in sports that have been judged by Swiss courts. Analysis is done using court verdicts with an historical approach. Observations are analysed using a conceptual framework developed in the public management theory: the "triangle of management control" (Santo & Verrier, 1993) offers to analyse the relationships between goals set, resources employed and outcomes obtained. This approach

allows to evaluate the efficiency, efficacy and opportunity of a measure or system in place.

Research findings and implications

This contribution is part of an on-going research. The data collection and the analysis are conducted at the moment. The first findings suggest weaknesses both in the efficacy and in the resources employed. They also underline the difficulty of gathering convincing evidences and thus the importance of internal information and whistleblower contributions. The analysis is designed to then lay ground for specific recommendations for improvement. This contribution will try to evaluate if the latest changes in the relevant Swiss legislation can remediate to observed weaknesses and expand Switzerland's role in the fight against corruption in sport.

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