



Chapter 8

THE SECRET WAYS OF GOVERNANCE IN SPORT

Imagine that you are getting closer to the end of a two-day-long sports political meeting without any remarkable occurrences in a magnificent ballroom with gold-plated stucco, voluminous chandeliers, and oil paintings of the Hungarian elite looking down on everyone.

Such was the setting on 22 February 2011 when the EU Sport Forum organised by the European Commission gathered all sides of European sport at the Corinthia Grand Hotel Royal in Budapest: Sports federations, Olympic committees, ministries, fan groups, anti-doping agencies, and athlete unions.

As a panel debate with 14 speakers was finally winding up, and many among the 450 participants were thinking longingly about the upcoming gala dinner, something totally unexpected suddenly happened.

A small, compact man stood up on the thick woven carpet, grabbed the microphone, gave a belated welcome to his native country and proceeded to deliver the most astonishing series of declarations:

“We have, we have to talk about corruption,” he insisted. Sport has become a very important source of income “in both civilised and uncivilised countries.”

One of the most corrupt sports leaders in modern times has reason to celebrate. His undisputed control over world volleyball allowed him to cash in at least 33 million US dollars and probably much more in return for his honorary services to sport. The IOC knew about it, but let him off the hook. Photo: Alexander Hassenstein/Bongarts/Getty Images

“Corruption is an increasing trend in sport,” he said. “Purchasing positions applies to all areas of sport, and even the doping controls and the doping laboratories are tainted by corruption.”

He referred to the idea of creating an agency against sports corruption and sent a strong appeal to the EU Commissioner Androulla Vassiliou:



The weightlifting president Tamas Aján studying shining objects at the Olympic Museum of Peru. Aján blew the whistle on corrupt sports leaders in 2011 and later turned out to be a practising expert in the matter himself.

Photo: Raul Sifuentes/LatinContent via Getty Images

“Madam Commissioner, I will emphatically ask you not to neglect this issue. We have to bring publicity into this, we have to open up this issue to the public because the public is the best remedy for stopping the spreading of corruption.”

Referring to his 45 years in sport, he said he could – but did not want to – “give you specific examples in any area of sport.”

“There is no sports organisation today where the appointment to important posts would not be tainted by corruption. In some countries, money seems to be growing on trees, and these countries can buy positions in places where they have no professional influence.”

The speaker was no less than Tamás Aján, president of the International Weightlifting Federation (IWF), honorary member of the International Olympic Committee, and a part of world sport’s inner power circles since 1975.

That such a high-ranking member of the Olympic family would spill the beans about sports corruption was shocking in 2011. Not even the most outspoken IOC members had done so.

It was a breach of the *omertá* – the rule of silence – under which sports leaders had successfully managed to keep the media and the public authorities from looking into their business. The fact that Aján urged the European Union – a public authority – to take action against the autonomous Olympic sport, just emphasised the surprise.

More than a decade later, Aján’s statements seem even more revealing. Today we know that his words were not only a sharp attack on all sports. They were an accurate description of his own corrupt practices as president of the IWF.

Revelations by a German reporter

These practices first came to light in 2013, when investigative reporter Grit Hartmann exposed in German media and on Play the Game’s website how internal critics at the IWF tried to hold Aján accountable for millions of dollars that were missing in the Swiss bank accounts of the federation. Despite the accusations, Aján has since then been re-elected twice as IWF president with an overwhelming majority.

The critics tried to report the mismanagement to the IOC and the Court of Arbitration for Sport (CAS). The IOC coldly dismissed the complaint, stating it was a matter of internal regulation in the IWF. Later, CAS confirmed that the IOC had a right to deny dealing with the case, as the international federations were autonomous.

The doors remained open for the corrupt weightlifting leaders, headed by the president, to continue cheating with doping procedures and paying out cash rewards before elections.

But the doors slammed when Grit Hartmann joined forces with the EyeOpening Media team and in January 2020 produced a TV documentary for German national broadcaster ARD that exposed a number of cases of financial mismanagement and frequent manipulation of doping procedures within weightlifting.

This led the IWF Executive Board to suspend Tamás Aján for 90 days and to hire the Canadian lawyer Richard H. McLaren to examine the allegations.

Dysfunctional and ineffective

In spite of the COVID-19 crisis and the reluctance of most IWF officials to cooperate, McLaren reached conclusions that echoed Grit Hartmann's journalistic footwork.

According to McLaren, the IWF president Tamás Aján had an "autocratic authoritarian leadership style" resulting "in a dysfunctional, ineffective oversight of the organisation by the Executive Board." Aján "disabled anyone other than himself from understanding the overall affairs of the IWF."

The report said that the "financial records are a jumble of incomplete and inaccurate figures distorted by a failure to accurately record cash expenditures and revenues and disclose hidden bank accounts by Dr. Aján."

Aján's ruling style was labelled a "tyranny of cash. Cash collected, cash withdrawn, and cash unaccounted for, of which Dr. Aján was the sole collector. The primary sources of this cash were doping fines paid personally to the president and cash withdrawals of large amounts from the IWF's accounts, usually withdrawn before major competitions or IWF congresses."

"It is absolutely impossible to determine how much of the cash collected or withdrawn was used for legitimate expenses. The McLaren Independent Investigation Team has determined that 10.4 million US dollars is unaccounted for."

"The investigation uncovered 40 positive Adverse Analytical Findings [doping tests] hidden in the IWF records. This includes gold and silver medallists who have not had their samples dealt with."



Grit Hartmann talked about the rampant corruption at the IWF at Play the Game 2013 and in several articles in German and English. Both the IOC and CAS refused to deal with the case. Photo: Thomas Søndergaard/Play the Game

“The two most recent Electoral Congresses were rampant with vote buying for the president and senior level positions of the Executive Board, despite monitoring.”

In the hours after the release of the report, Play the Game asked Richard H. McLaren if the overall legal framework for sport – for instance, the trust in self-regulation and the limited competencies of the Court of Arbitration for Sport – should change:

“It probably should, yes. In the case of the IWF, the federation has a very soft and not very well thought out code of conduct which does not give them the necessary provisions to allow proper internal investigations.”

McLaren doubted that the IOC was the right institution to serve as a watchdog for the Olympic federations and referred back to the fact that the IOC dismissed complaints from IWF insiders back in 2011.

“The response from the IOC back then is standard policy. They think the international federations should handle their own affairs without IOC intervention unless there is a clear cross-connection. This was not the case here, although the critics at the time, including the current Executive Committee member Antonio Urso from Italy, believed so.”

“They thought that the problem revolved around two Swiss bank accounts to which IOC grants were transferred, but it was not the case. The problem occurred further down the chain after the money from Switzerland was transferred to Hungary. So, the critics had the right idea, but they were barking up the wrong tree.”

Takes one to know one

If anyone in 2011 doubted what Aján told the EU Sports Forum, the evidence produced by Hartmann and McLaren confirms the saying that ‘It takes one to know one’. Aján shared a truth about corrupt sports leaders that he knew better than anyone.

But was he right in blaming all other sports? This question is hard to answer.

Those who have the facts may not want to speak. Being a whistleblower in sport comes at great risk as shown in the next chapter.

But whistleblowers act in vain if nobody listens. And very few sports have the international attention necessary to ensure that the media takes an interest in wrongdoings in the corridors of power.

And even when the media takes an interest, the case may die out if the revelations are not followed up by public authorities – be it politicians or the police.

Many sports fans around the world have heard about how the most prestigious international sports, athletics and football, have been marred by institutionalised corruption at the top. But other sports go under the radar.

Volleyball, handball, and swimming have been exposed for irregular practices too, but even if they are commercially important, the politics of sports do not draw international headlines.

Take for instance the head of world volleyball from 1984–2008, Ruben Acosta from Mexico – or Dr. Acosta as he preferred to be called though no papers supported this doctoral title.

As a president of the Federation Internationale du Volleyball (FIVB), Ruben Acosta – very actively assisted by his flamboyant wife Malú – introduced a kind of management style that is comparable to absolute monarchy.

Ruben Acosta made the FIVB a resounding commercial success: He changed the point system of volleyball, he decreed tiny shorts for female players, and last but not least, he embraced and developed beach volleyball with its flavour of sun, sex and soft drinks. All these initiatives were aimed at making the ailing sport more appetizing on the TV screens.

Acosta singlehandedly introduced a rule by which every person who signed a TV or marketing contract on behalf of FIVB was entitled to a personal commission of 10 per cent of the contract sum. Eventually, the FIVB congress endorsed that role, accepting Acosta's reasoning that using external agencies would be more expensive.

President signs all contracts

In parallel, Acosta introduced another unofficial rule: That the president signs all contracts. In that way, at least 33 million US dollars were channelled to the Acosta family according to FIVB minutes after Acosta's retirement. Other evidence indicates a much larger amount.

When some volleyball leaders finally began to question Acosta's commissions, a code of conduct was soon introduced, according to which anyone who criticised volleyball or its institutions could be excluded by the president.

On that account, several respected international volleyball leaders were thrown out of the FIVB in the first decade of this century including Lasse Svensson from Sweden, Luis Moreno from Peru, and Mario Gojman from Argentina. They were not even allowed to enter the local volleyball club, so in fact, they were deprived of a basic civic right, the right to take part in association life.

The FIVB also tried to stop Play the Game from raising a debate on the issue at its 2005 conference. In response to Play the Game's invitation to join the conference, the then secretary general of the FIVB, Jean-Pierre Seppey, wrote back threatening legal action against all members of Play the Game's board and programme committee.

Seppey claimed that since FIVB's critic Mario Gojman was involved in legal action against the FIVB in Switzerland, such a debate would be illegal. Play the Game kindly

reminded the secretary general of the facts that Swiss law does not apply to Denmark, and that it was legal for anyone to speak at conferences.

Acosta may be gone, but today world volleyball is led by one of his former trustees who also has a questionable track record. Since 2012, when the Brazilian Ary Graça was elected with a majority of one vote, he has been in full control and gathered a group of compatriots around him within the FIVB management. As reporter Lúcio de Castro from Agência Spotlight revealed in 2014, Graça left a troubled legacy behind in Brazil where he was volleyball president for 17 years. State auditors and the volleyball confederation CBV confirmed that Graça and the now FIVB director general Fabio Azevedo mismanaged volleyball funds, for instance by making lucrative contracts with front companies owned by friends and allies.

But private corruption is not a crime *per se* in Brazil, and criminal cases against Azevedo and Graça have been dismissed. Can players around the world trust the FIVB leadership? Like other federations, the FIVB is under no effective independent oversight, neither from the inside nor outside.

Prostitutes and hunting trips

When Northern European sports leaders defend the sporting system, they often refer to ‘culture’ to explain why the federations may sometimes be corrupt. Although not stated directly, ‘culture’ refers to something rooted in exotic countries far away.

These sports leaders were in for a shock when Austrian and Norwegian police in April 2018 raided the offices of the International Biathlon Union (IBU) and raised charges against its Nor-



The Brazilian president of world volleyball, Ary Graça, has in many ways built on the legacy of his corrupt predecessor Ruben Acosta. In Brazil, he was investigated for embezzlement in the national volleyball federation.

Photo: Adam Pretty/Getty Images

wegian president Anders Besseberg and the German secretary general Nicole Resch. Five years later, Norwegian police formally charged Besseberg for having received expensive watches, prostitutes, and hunting trips paid for by Russian biathlon officials in return for a lenient policy towards the use of doping substances by Russian athletes.

The allegations were also examined by the IBU's own External Review Commission headed by the British lawyer Jonathan Taylor:

“The complete lack of basic governance safeguards previously in place at the IBU meant the former IBU leadership was able to operate without checks and balances, without transparency, and without accountability,” the report stated in 2021.

“The report shows why all integrity decisions should be made by an independent body that is dedicated solely to protecting the ethical values of the sport, not by an executive board that has to deal with a number of conflicting interests.”

Even if some federations like FIFA have given their ethics committees more independence, only the IBU and World Athletics have set up independent outside agencies to deal with violations of rules and principles.

Breaking European hegemony

To date, no international Olympic federation – or the IOC itself – has made thorough governance reform without massive pressure from the media, the public, the politicians, and the police.

Since the 1970s, an almost unchangeable system has been built up by visionary sports leaders with an appetite for big business. It was the Bra-



The head of world biathlon, Anders Besseberg, surrounded by Russian sports officials in 2013. Russian sport bribed Besseberg to obtain protection for their doped athletes.

Photo: Alexander Hassenstein/Bongarts/Getty Images

zilian football president João Havelange who was the first to benefit from the situation that arose when a number of African and Asian nations became independent after decades or centuries of colonial rule.

These countries wanted to break the European hegemony in world sport, and Havelange offered political, commercial, and sporting opportunities that secured him votes for his ascension to the FIFA presidency in 1974.



Tuvalu may not have many athletes – here is its delegation at the Rio 2016 Olympics – but the country has the same voting power in most international sports federations as countries with hundreds of thousands of athletes.

Photo: Cameron Spencer/Getty Images

Havelange set an example that inspired other sports leaders, for instance Primo Nebiolo in athletics, Ruben Acosta in volleyball, and – a generation later – Hassan Moustafa in handball.

Today, most international federations are run by the one nation, one vote system. It ensures global representation, but its downside is that it gives influence to a number of small nations independent of their true engagement in the given sport.

A veteran international athletics leader, Helmut Digel from Germany, who can in no way be considered revolutionary, wrote in October 2023 on the online media ‘Inside the Games’ that the one nation, one vote system was introduced by “authoritarian personalities such as Primo Nebiolo, the late president of the International Association of Athletics Federations (IAAF), Sepp Blatter, the former head of FIFA, and a number of other leaders” who wished to “cement their power”.

“Under the democratic ideal of ‘one country – one vote’ it has become very easy for power-hungry people to manipulate the system [...] in the interest of their own power,” Digel wrote, adding:

“In the past decade, almost all Olympic International Federations have increased their membership to more than 150 countries, with the vast majority of members often having only a very few athletes practising the sport in question. Some of these members exist only on paper but their representatives enjoy the benefits of being part of the International Federation. [It] happens more and more often that delegates vote on the future of a sport who have almost no athletes in their own National Federation.”

Member nations without activity

An example of this development was uncovered by the Danish newspaper Politiken in 2016 when it documented that out of the then 204 member federations in the International Handball Federation (IHF), only 84 had a national team active enough to be listed in the sport’s world ranking and more than half of the member nations could not be reached through websites or social media accounts.

But all 204 member nations have one vote when the president since 2000, the Egyptian Hassan Moustafa, seeks re-election. And as this book goes to print, he is heading for a sixth four-year term.

American Samoa, Papua New Guinea, Tuvalu, and Swaziland might not be able to find players enough for a handball tournament, but each of them has the same voting power as Germany with 900,000 players.

“One vote per country looks like a sound basis for democracy, but it may only be an illusion,” the Swedish whistleblower Christer Ahl told *Play the Game* 2013.

Ahl was ousted in 2009 as chair of the Rules and Referees Commission of the International Handball Federation (IHF) after revealing match manipulation orchestrated by the IHF president.

“It can amount to camouflage for a dictator, who will easily be able to take advantage, especially if the vast majority of the member federations are uneducated, uninformed and unaware of what support they should have the right to expect. Handball has its traditions and continued strength in Europe. Only two or three countries in each of the other continents are competitive internationally.”

If the basic building element of sports democracy is a nation, then it is a perfect democracy. If, however, the individual athlete is the cornerstone, the one nation, one vote system is completely unfair and out of proportion.

Fosters vote buying

Professor Jürgen Mittag from the German Sports University Cologne drew up the benefits and pitfalls of the one nation, one vote system in his contribution to the project ‘Action for Good Governance in Sport (AGGIS)’ run by *Play the Game* in 2012–2013.

Based on the approach that countries are composed of people who are naturally equal, the general principle that is applied to international sports organisations allocates each country or federation one vote to exercise in democratic decisions, disregarding its size, financial contributions, or influence in the world.

“The key advantage of this mode of decision-making is that sports federations are all deemed equal, and the one-federation-one-vote system ensures due representation and reveals the sovereignty of the single federations,” Jürgen Mittag said, but he also warned of the risks of this democratic approach.

“Egalitarianism and power come into conflict in all types of political interactions, but international bodies face it most severely,” he said and gave an example.

While there were 6.3 million registered players in the German Football Association and 4.18 million in the US Soccer Federation, the British Virgin Islands counted just 436 registered players and Montserrat no more than 200 players. However, each association had just one vote in voting procedures of the bodies of international sports organisations, for example in the FIFA Congress.

“This constellation fosters the dark sides of sport such as corruption or vote buying,” Jürgen Mittag said.

“Transferring the approach of weighting of votes to international sports organisations may improve the democratic quality of international sports organisations as well as reduce such dark sides,” Jürgen Mittag stated.

Weighted votes in seven sports

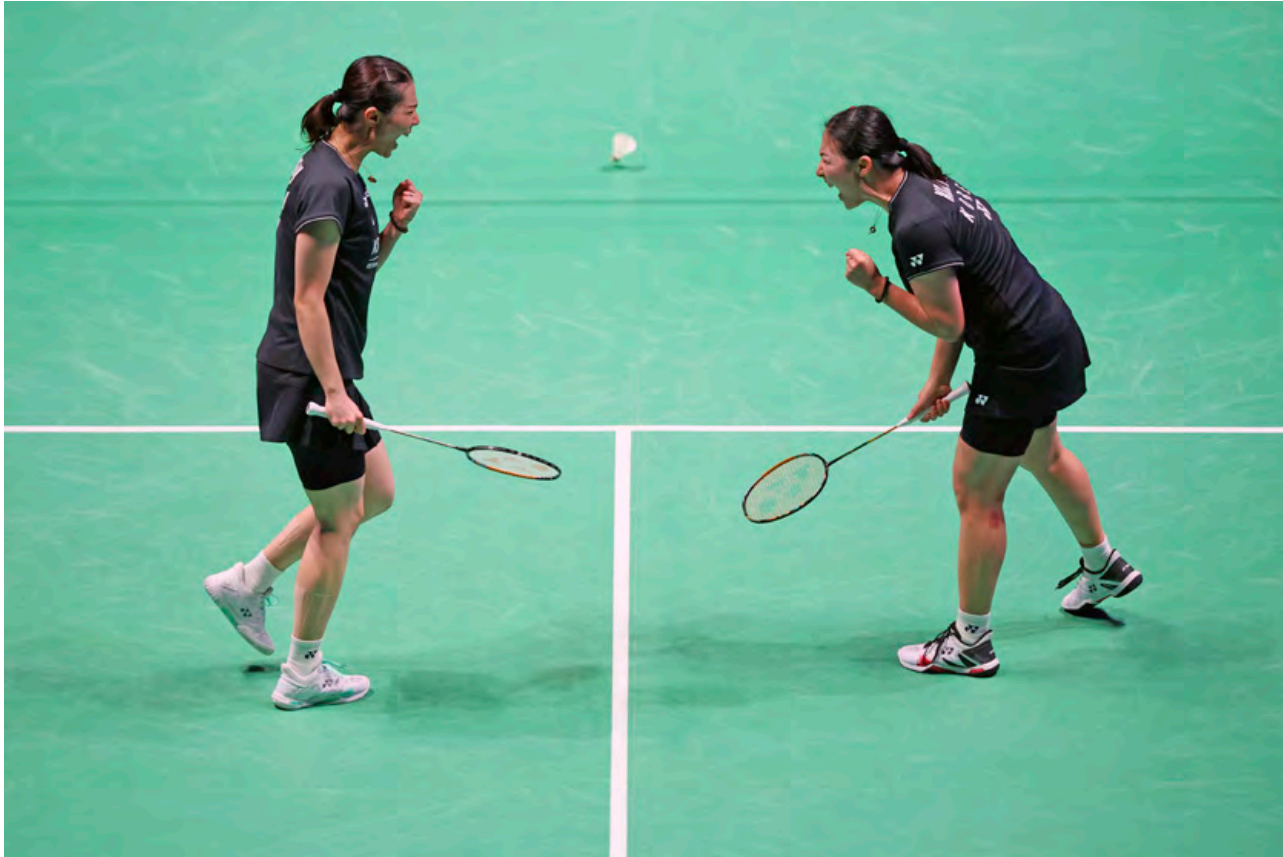
This statement was confirmed when Play the Game decided to analyse how such weighted voting systems could work in practice.

In the report ‘A vote with a weight’ from 2022 authored by PhD Peter Forsberg from the Danish Institute for Sports Studies, it was shown that only seven of 35 international Olympic sports federations currently use a weighted voting system: Badminton World Federation (BWF), World Rowing (WR), World Taekwondo (WT), the Union Cycliste Internationale (UCI), the International Ski Federation (FIS), the International Tennis Federation (ITF), and the International Ice Hockey Federation (IIHF).

These federations see two main advantages of having a weighted voting system. The first advantage is related to being able to reflect a member association’s involvement in the sport in their voting power. This is for example the case in the Badminton World Federation, which has 197 member associations with very different involvement in badminton.

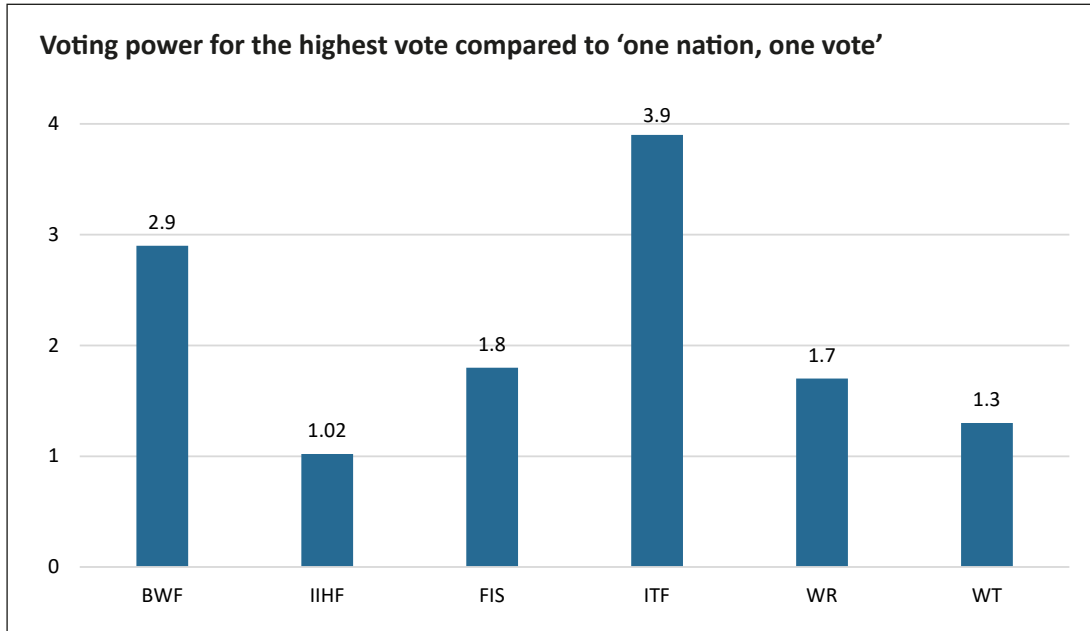
Member associations are given 1, 2, 3, 4, or 5 votes depending on their involvement in badminton. The greater the involvement, the more votes – because this is more fair, the Badminton World Federation argues:

“A ‘one nation, one vote’ system can be seen as unfair, where member associations with millions of players and huge investments in the international badminton system have the same influence on the overall badminton development as a developing member association with only a few hundred players and with very limited involvement/contribution to the international badminton system.”



It would be unfair for nations with a huge activity in badminton to have the same number of votes as countries with little activity argues the World Badminton Federation – but 28 out of 35 international Olympic sports federations are based on one vote per nation. Photo: Naomi Baker/Getty Images

The second advantage of having a weighted voting system is related to good governance. This advantage is explicitly mentioned by the Badminton World Federation, World Rowing, and World Taekwondo. They argue that the weighted voting system diminishes the risk of corruption, vote-buying, and using the voting system as a short-term political tool.



The figure shows how much more voting power member associations with the most votes at each federation have compared to a situation where 'one nation, one vote' is used. The impact is biggest in the International Tennis Federation, where the member associations with the most votes (12 votes) have 3.9 times as much voting power compared to a situation where 'one nation, one vote' was used. The member associations with the lowest number of votes (1 vote) conversely have less voting power than in a 'one nation, one vote' system.

Source: A vote with a weight (Forsberg, 2021)

No separation of powers

Another key obstacle to the well-functioning of sport's democratic communities is the lack of separation of powers into legislative, executive and judicial powers – something that is evident in the work of the supreme judicial body in international sport, the Court of Arbitration for Sport (CAS).

A case in point is the legal battle between WADA, the IOC, and Russia over sanctions in the case of state-sponsored doping of Russian athletes.

The handling of the case by the various institutions created the worst governance crisis

in anti-doping for two decades and was ultimately settled by CAS. However, critics see the structure of CAS as a major part of the problem in sports governance.

“Today, neither WADA nor CAS are independent. As in the rest of society, the world of sport should surely apply some mechanisms which can separate the legislative power, the executive power, and the judicial power,” Michael Ask said in 2019 when he was chairman of the Institute of National Anti-Doping Organisations (iNADO).

His words fell in an interview with Play the Game at a time when both WADA, the IOC, and CAS were accused of trying to protect Russia from being properly sanctioned.

“Sport should still be allowed to organise as it pleases. But when we talk about elite sports, with the many national and economic interests that are at stake in sport at this level, it makes good sense to me if WADA and CAS were independent of both the sports organisations and the politically elected governments. I am talking about a separation of powers which all democratic countries endeavour to achieve.”

Michael Ask referred to the fact that the IOC and the governments of the world share the power of WADA and that the IOC also has a strong influence on judicial decision-making in CAS.

CAS could get a key role

Ask was not the first legal expert to call for a reform of CAS. In 2015, Antoine Duval, a senior researcher in European and International Sports Law at the ASSER Institute in The Hague, noted in his Play the Game comment piece ‘The rules of the game’ that sport was at a turning point and CAS needed to reform.

“As FIFA and the IAAF sink more and more into chaos, it becomes clear that one of the sporting challenges of the 21st century will be to democratise and check the massive transnational organisations fuelled by TV and sponsoring money that govern global sport,” Antoine Duval wrote with a reference to ongoing corruption scandals in two of the largest international sports federations.

“To this end, the CAS has a key role to play. It could become a sort of global administrative and constitutional court for sport, reviewing the legislative and administrative decisions of the sport governing bodies. However, this will be realistic only if CAS itself is reformed to match the level of independence, transparency, and accessibility needed to ensure its legitimating function.”

Antoine Duval identified three pillars for reform of CAS: Independence, transparency, and access to justice, and laid forward a roadmap to reform by introducing ten proposals to reduce the influence of sports organisations in the International Council of Arbitration of Sport (ICAS) which is responsible for the administration and financing of CAS.

The proposals included changing the selection procedure for ICAS, stringent control over the independence and impartiality of CAS arbitrators, publication of all CAS awards and key administrative documents, and a more comprehensive legal aid scheme for appellants to CAS.

Since then, the European Court of Human Rights has ruled that CAS hearings, if requested by one of the parties, must be open to the public in accordance with the right to a fair trial enshrined in Article 6, paragraph 1 of the European Convention on Human Rights.

If sport does not act by itself, others may. As politicians and anti-doping officials in the US were deeply troubled by the way the IOC, WADA and sport in general handled the Russian-international doping scandal, the US Congress voted for a new law, the 'Rodchenkov Act' from 2019, that allows the US to prosecute individuals for doping schemes at international sports competitions involving Americans.

Also, the domestic sexual abuse scandal in USA Gymnastics resulted in a bill that allowed the US Congress to take more political control over American sport. And US law was decisive in the criminal actions against more than 40 football and business leaders connected to FIFA.

But in general, Antoine Duval was not impressed by the legal fight for better sports governance:



Neither WADA nor CAS are sufficiently independent, said Michael Ask, then chair of iNADO, in 2019.

Photo: Thomas Søndergaard/Play the Game



If reformed, CAS could play a key role as a constitutional court for sport, legal expert Antoine Duval from The Hague argued. Photo: Thomas Søndergaard/Play the Game

“Yes, a few heads are now rolling in football, but so far, the FIFA scandal has not changed the structure of the system. The real issue is the lack of political accountability of the governing bodies and the post-democratic nature of institutions like FIFA and the IOC. If needed, the IOC will fight tooth and nail to defend the autonomy of the Olympic Movement. 20 years ago, American politicians also said they would clean up the Olympics after the Salt Lake City scandal – guess what, it did not happen,” Antoine Duval told Play the Game in 2019.

Flaws of legal system

Two years later, the German journalist Grit Hartmann further documented the flaws of the legal system in sport.

Grit Hartmann's report for Play the Game 'Tipping the scales of justice – the sport and its 'Supreme Court' included a survey showing that athlete groups had largely lost confidence in CAS. Two-thirds of the athletes did not consider the sports court to be independent and impartial, but rather an extension of the sports federations.

Until Play the Game made a media request in April 2020, CAS had not updated the relevant case statistics for four years, Grit Hartmann notes, finding only 40 of 948 awards made by CAS in 2020 in the database on their website.

"Over the last two decades, CAS has published only about 30 per cent of its awards. This alone could earn the judicial apex of the sporting conglomerate the reputation of being the most secretive pillar in the global governance of sport," Grit Hartmann concludes.

"The institution settles disputes for a multi-billion-dollar industry and prides itself on consolidating transnational sports law, but at the same time, it keeps it largely a secret how the law is to be interpreted."

The secrecy of CAS was also questioned by the Swedish professor Johan Lindholm in his 2019 book on CAS and its jurisprudence. Based on 830 CAS awards collected up until 2014, Johan Lindholm said:

"Decisions that in practice establish rules of direct and substantial importance in disputes that directly affect clubs and individuals, and that may lead to severe consequences, including both extensive disciplinary sanctions and monetary damages, cannot in practice be read, reviewed, considered, evaluated, or criticised."

According to the Play the Game report, many of the CAS arbitrators held positions in sport organisations they were appointed to by sports governing bodies, which represents a clear conflict of interest. As an example, IOC vice president John Coates resided on top of the CAS pyramid as president of the court's governing board ICAS, and IOC president Thomas Bach led the ICAS Appeals Division between 1994 and 2013 – during which time he was also vice president and executive committee member of the IOC for some years.

"They have the jurisdiction and the authority over a global order like a court has, but they do not meet the criteria you would expect. The way CAS works does not comply with the right to a fair trial. How is CAS supposed to decide independently in disputes



The so-called high court of sport publishes only a small amount of its decisions, and many of its procedures are kept secret, a Play the Game report from 2021 shows. Photo: Silvio De Negri/DeFodi images/Getty Images

with sports organisations as a party, when representatives of these organisations decide on its composition?” Miguel Maduro, a former advocate general at the European Court of Justice, said in the 2021 report.

Still, by 2023, twelve ICAS members will be selected directly by the IOC, the international sports federations, and the national Olympic committees. These twelve then pick four more members with a view towards safeguarding the interests of the athletes, while

only the last four ICAS members are supposed to be independent of any preceding body.

To Miguel Maduro, the fact that John Coates can be a rule maker inside the IOC and head of the CAS arbitrators shows how far sports arbitration is from the rule of law:

“You cannot be a legislator and a judge at the same time. It is the opposite of the rule of law,” the Portuguese said.

Miguel Maduro has profound experience not only with the inner workings of courts but also with good governance which is one of his teaching areas as a professor.

This qualification earned him a short-lived career on the inside of a sports organisation when he was briefly enlisted as chair of FIFA’s Governance Committee to help clean up football.

The Committee was declared independent by FIFA, but when Maduro tested the independence, FIFA failed.

Less than a year after joining the committee, Maduro spearheaded the decision that the president of Russia’s football federation and head of the upcoming FIFA World Cup organising committee, Vitaly Mutko, could not stand for re-election to FIFA’s top political body, the 37-strong Council.

Mutko had one quality that according to Maduro stood in his way: He happened also to be the deputy prime minister of Russia – a position, by the way, he had been promoted to by Vladimir Putin after Mutko had to withdraw as minister of sport in the wake of the Russian-international doping scandal.

According to FIFA’s regulations, Mutko represented a clear and inadmissible mix of state affairs and politics. In principle, the decision was simple. In practice, the successful blocking of one of Russia’s most powerful men and a key figure for the World Cup meant that not only Mutko but also Maduro was out of FIFA business when FIFA president Gianni Infantino convened his congress in May 2017.



The way CAS works does not comply with the rights to a fair trial, says the Portuguese law professor Miguel Maduro.

Photo: Thomas Søndergaard/Play the Game



World handball hi-jacked by its president

After 32 years in the service of the International Handball Federation, Christer Ahl, a US-based Swedish citizen, was forced out as chair of IHF's Rules and Referees Commission in 2009 when he intervened against the manipulation of Olympic qualifying games for Beijing 2008. The manipulation took place when the Egyptian IHF president Hassan Moustafa and the president of the Asian Handball Federation, the IOC member Sheikh Al-Sabah from Kuwait, had placed a couple of incompetent Jordanian referees to secure that the Kuwaiti male handball team would defeat the favourites from South Korea. Similar fraud was made on the female side. The Court of Arbitration for Sport supported Ahl's decision that the matches should be replayed, and eventually, the best teams made it to Beijing.

Knowing that he would not be re-elected at the IHF Congress in Cairo in 2009, Christer Ahl travelled instead to Play the Game 2009 in Coventry to share this story and many other examples of mismanagement by Hassan Moustafa.

In late 2007, it came to the attention of the IHF Council that for some time the president had received reimbursements without receipts for travel where tickets had been obtained elsewhere. This runs counter to IHF standard procedures but had apparently gone on for some time, with the knowledge of the treasurer. The Council did not insist on retroactive measures but wanted the practice stopped immediately. The president grudgingly backed down and promised immediate change.

Quite amazingly, when the minutes of the meeting later appeared, they claimed just the opposite, that the Council had unanimously agreed that the president could continue his special practices. Every attempt to get the minutes corrected and the illegal practices

stopped has been fruitless, including efforts to get other Council members to speak up and demand a change.

Hassan Moustafa was nevertheless re-elected with a massive majority at the 2009 congress, even if delegates saw how he personally turned off the microphone of his opponent during the presidential election. At Play the Game 2013 in Aarhus, Christer Ahl continued his account of events at the IHF.

Soon after his own re-election in 2009, the president instructed the IHF Council to vote in favour of his proposal to change his own position as an elected official receiving 30,000 Swiss francs annually, to a full-time president with a salary of half a million.

This also gave him the excuse to move his office from Cairo to Basel, where he is now controlling all IHF communications and activities. These changes were never endorsed by the IHF Congress. But it was easy to get the IHF Council to go along, as he also increased their remuneration by an average of 500 per cent.

They now get amounts which for many of them are small fortunes that they could never risk by going against the wishes of the president. The total amount of payments to the Council members exceeds two million Swiss francs, i.e., more than the entire budget for IHF development aid. The president also found other ways of ensuring his personal enrichment.

He arranged with SPORTFIVE, the holder of the IHF TV rights, to give him a personal services contract for 600,000 euro, an unethical arrangement that got IOC president Rogge to condemn the action in public.

But this was still a small matter in comparison with the accusations surrounding these TV rights for the following period. The president's main collaborator at SPORTFIVE had left to establish UFA Sports, and suddenly UFA's bid was the highest one.

The handling of the supposedly secret bids caused the authorities in Germany to start a criminal investigation involving police searches in the homes and offices of both the president and the UFA boss. [...] *[Editor's note: The criminal charges were later dropped due to lack of evidence].*

Not long after the bid process, all three key employees of the IHF were fired by the president, despite being regarded very highly. But they had one argument



Preventing the manipulation of Olympic qualifiers ended 32 years of service in international handball for Christer Ahl, here in a break during Play the Game 2009. Photo: Jens Astrup/Play the Game

against them: They were the persons who witnessed the president's handling of the bids!

Two of these officials were replaced by one person, who was made general manager, Amal Khalifa, the president's loyal assistant from his days in Egypt. [...]

[After an earlier dispute with WADA] it seemed that things were under control through the efforts of a very competent head of the IHF Anti-Doping Unit. But this person was too much inclined to follow WADA regulations, such as correctly keeping the plans for testing secret.



The Egyptian Hassan Moustafa took office at the IHF in 2000 and has since then been the undisputed ruler of world handball with very little appetite for opposition and transparency. Photo: Jan Christensen/FrontzoneSport/Getty Images

When he kept refusing to share all the confidential information with the president, it was soon time for him to be fired. Eventually, the president found his person also for this job, of course yet another acquaintance from Egypt. This man had the relevant experience, so this is not the issue, but obviously, the president likes to show the world of handball that he does not care about appearances, and that nobody can stop him from doing what he wants. And of course, one wonders about the confidentiality issue these days.

Another area that invites controversy is the awarding of events. When the host for the Men's World Championship in 2015 was to be decided, France as defending champion was the clear favourite. But who came out ahead instead, if not Qatar? So, their sudden success did not start with football. I am sure they will be able to do a good job, and at least the climate will not be an issue here.

Qatar has already had a cosy relationship with the president for many years, arranging annually a so-called world championship for clubs, where Qatar gets to field several teams with borrowed players. [...]

The president has made major efforts to change the IHF by-laws to support his quest for autocracy and centralisation. It is good to know that one can get away

with ignoring the regulations, but it is even nicer if the by-laws allow what the president wants to do. Most important decisions, including financial matters, can now be handled without involving the Council.

Continents and national federations find that they have lots of duties, but very few rights. The clubs are not even regarded as stakeholders. Recently, some of the very top clubs took the IHF to court, as the IHF refuses to negotiate critical issues such as the competition calendar and compensation to clubs for releasing players for IHF events. The IHF president unilaterally dictates what the clubs get. If they disagree, then they get nothing. [...]

However, if you did not already know it, you will not now be surprised to learn that the president and his closest collaborators were all re-elected for four more years earlier this week, without anyone finding it even worthwhile to try to oppose their candidacies. If you are loyal to the president, then you have the votes secured...

By the end of 2023, Hassan Moustafa is still president of the IHF and declares himself open for a sixth four-year term.

Sports Governance Observer: A set of tools to minimise corruption and maximise legitimacy

At the turn of the century a new term started appearing among sports researchers. In 2004, it was raised for the first time at the political level among the sports ministers in the Council of Europe. And when it rose on Play the Game's horizon in 2005, it was like a revelation:

Good governance in sport.

It immediately appeared as a term that could unite – and potentially solve – the very diverse challenges that had been raised as individual and separate matters at the first three Play the Game conferences in 1997, 2000 and 2002:

Corruption, abuse, systemic doping, discrimination, mismanagement...

Consequently, Play the Game 2005 got the title 'Governance in sport: The good, the bad and the ugly' – and honestly, the former was not as well represented as the two latter!

Today, one of Play the Game's dictums is: "Good governance does not solve all problems in sport. But without good governance, no problem will be solved."

On its way to that conclusion, Play the Game got the chance to gather some of the best international experts in sports governance, when the European Union co-funded the project Action for Good Governance in International Sports Organisations (AGGIS).

The project originally set out to define guidelines for better governance in sport, but at the very first meeting among the researchers there was a unifying call: The world had enough guidelines, what was needed was a benchmarking instrument.

Over the next years, the researchers developed the Sport Governance Observer tool and set out to benchmark the 35 Olympic Summer and Winter sports federations.

A complete version of the tool was developed and applied by PhD Arnout Geeraert, a senior research fellow at KU Leuven and associate professor at Utrecht University, who presented an astonishing conclusion at Play the Game 2015 in Aarhus:

More than two-thirds of the international Olympic federations could not even comply with half of the very basic criteria for good governance as the researchers had defined them.

A few of the key findings:

- A minority of 12 federations (35 per cent) published externally audited annual financial reports on its website.
- Only 11 federations (31 per cent) had some form of limitation of terms for elected leaders in place.

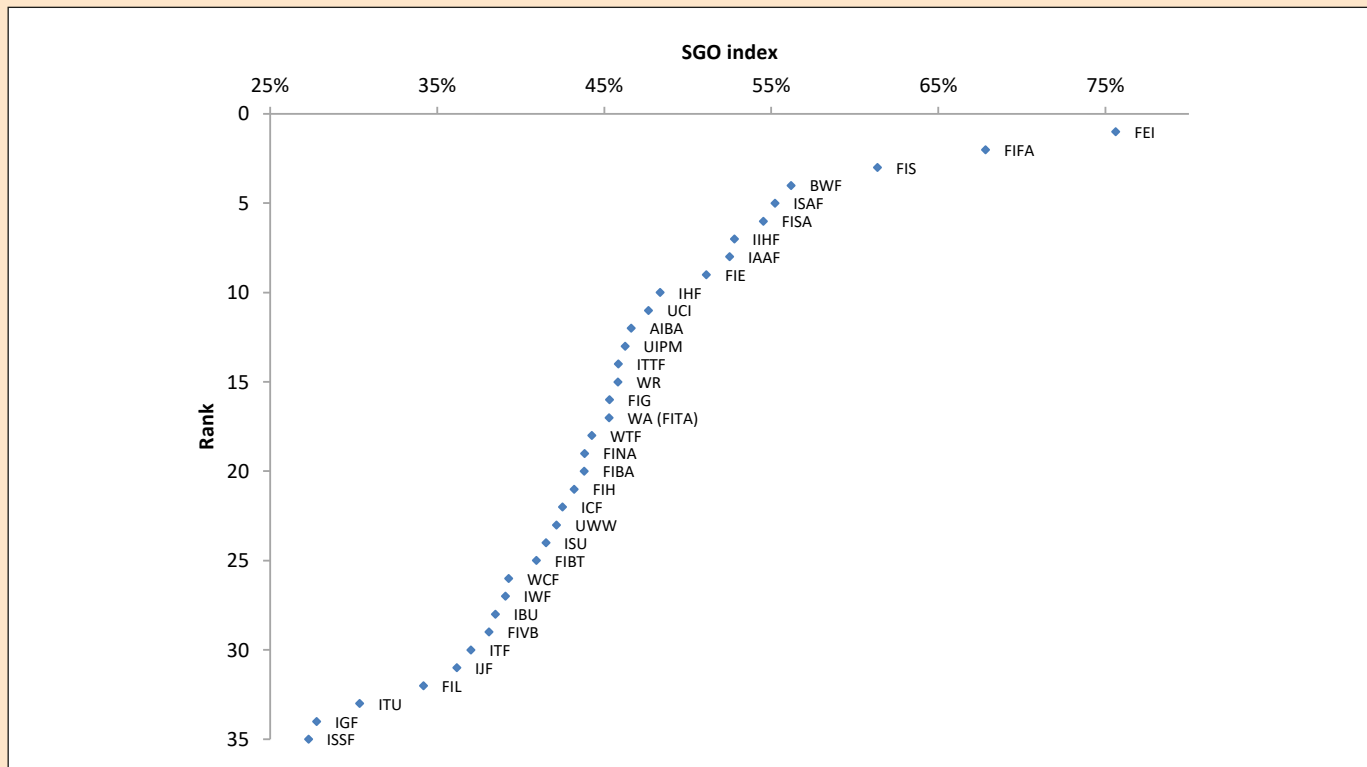


Arnout Geeraert (speaking, right) is the main author of the Sports Governance Observer tools that have been developed in a collective effort mainly between sports organisations and academics. On the panel from Play the Game 2017 were also some of the other co-creators from the Netherlands, Poland and Brazil. Photo: Thomas Søndergaard/Play the Game

- None of the federations published reports on remuneration, including per diem payments and bonuses, of its board members and senior officials.
- A minority of six (17 per cent) federations had clear conflicts of interest rules. Seven (20 per cent) federations did not have conflicts of interest rules in place at all.

- In none of the federations, the selection of host candidates for major events took place according to a transparent and objective process.

The conclusion was not lost on IOC president Thomas Bach who – without referring to Play the Game’s benchmarking – announced that the governance of the federations would not be monitored by an independent organism.



The first benchmarking of the 35 Olympic federations in 2015 showed that the vast majority failed to meet 50 per cent of the governance criteria laid out in the Sports Governance Observer. Source: Sports Governance Observer 2015 /Arnout Geeraert

At the end of the day, the IOC chose the family solution. Since 2016, the Association of Summer Olympic Federations has been in charge of the independent evaluation of its own members, plus the federations of Olympic Winter Sports. Independence the Olympic way.

Hierarchic self-governance

In 2015, good governance had long been pursued in the corporate world, and the call for good governance had finally also reached sports.

“The AGGIS project and its new tool, the AGGIS Sports Governance Observer, is reflecting this call, which has emerged in sport much more slowly than in other sectors due to the traditional closed hierarchic self-governance of the sporting world,” Arnout Geeraert said when he presented the four good governance dimensions of the Sports Governance Observer: Transparency and public communication, democratic process, checks and balances, and solidarity.

To the senior researcher, ‘hierarchic self-governance’ meant that international non-governmental sports organisations are the supreme governing bodies of sport since they stand at the top of a hierarchic chain of commands, running from continental, to national, to local organisations.

Those at the very bottom of the chain such as athletes and/or clubs are subject to the rules and regulations of the governing bodies, often without being able to influence them to their benefit.

“But a long list of rule or norm transgressions and scandals in the sports world has prompted the debate

for more public oversight and control over the world of sports and it is at the highest level of sports organisations that these practises seem to coalesce in their most visible and blatant form,” Geeraert said.

Good structures are necessary

Eyebrows were raised for other reasons when the first Sports Governance Observer gave FIFA one of the highest scores in 2015 after years of evident corruption. But this reflected both the fact that FIFA had made important rule changes and that the benchmarking did only cover rules and regulations, not behaviour.

“As for FIFA, [...] they remain far from what could be expected. A score of 68 per cent is nothing to boast about when you consider FIFA’s magnitude and financial strength – not to mention the long history of corruption among leading figures in the federation. Remember, we are only measuring basic governance criteria,” Geeraert said, and Jens Sejer Andersen from Play the Game added:

“No governance measure can once and for all stop people with a firm decision to steal and manipulate. But good governance structures are necessary for honest leaders to curb corruption and deliver effectively on the objectives of their organisation.”

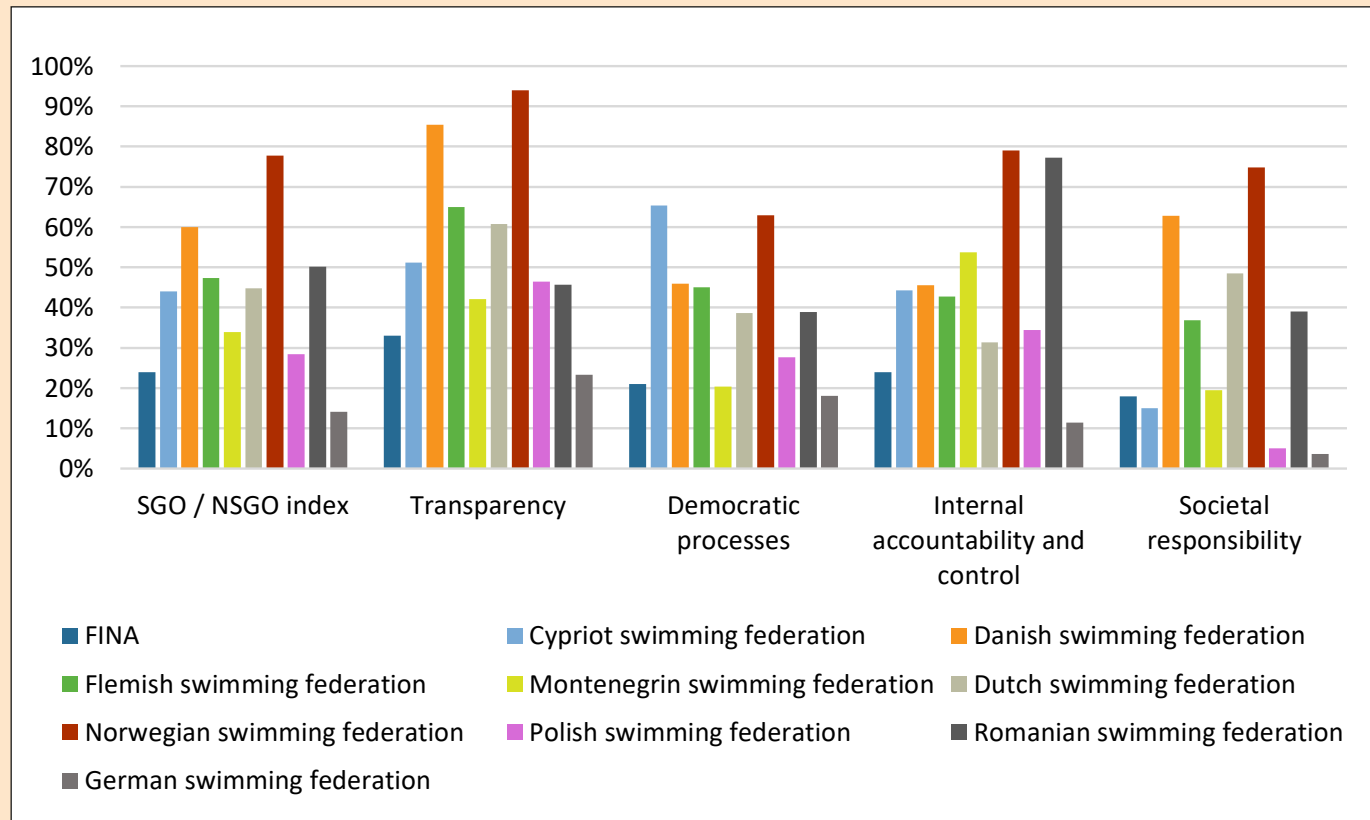
“Our aim has been to make the Sports Governance Observer report critical enough to be a wake-up call and constructive enough to be a useful guide for better action. It is not just a question of avoiding corruption but also of getting federations that are up to their tasks in a rapidly changing sports environment.”

Accountability is no threat

The culture of secrecy in international sports governance was also an important issue for Barrie Houlihan, a professor at Loughborough University and a partner of AGGIS. To him, the sports family had a particular

duty to accept their social responsibilities and explain in public what they are doing and why they are taking the actions they are:

“International or regional sports federations hold an almost unique position in organisational life as they are



With data from national and international federations alike, it is possible to compare the world umbrella organisation with its national members. This figure compares the international swimming federation (FINA) with national swimming federations. Source: Sports Governance Observer 2018/Arnout Geeraert

to a very large extent legally permitted monopolies. Given the economic power of the federations and their significance for the lives of sportsmen and women, I think they now have a much stronger obligation to be open about how they are making their decisions and to justify the decisions they make,” Barrie Houlihan said.

But the most important point about accountability, he said, was that it generally equates to good business practices and good management. Successful organisations understand that they need to manage their relationship with key stakeholder groups and that is an ingredient in their success, it’s not a threat.

And there were some very simple steps international sports organisations could take which would not in any way threaten what they do.

“One such step is in relation to transparency: How do they organise themselves, where are their key decisions taken, who is involved in the decisions, how are their senior decision-makers chosen, what is the electoral process? Enhanced transparency, like many other aspects of good governance, is part of everyday practices in modern democracies,” Barrie Houlihan argued.

New tools developed

Over the past ten years, Play the Game has updated the Sports Governance Observer methodology and developed a version aimed at the national level in partnership with sports organisations, academics, and the Council of Europe.

As of 2023, the National Sports Governance Observer has been applied by the project partners and numerous other stakeholders in a total of 25 countries.

Moreover, at the request of a group of anti-doping agencies, Play the Game coordinated the creation of the National Anti-Doping Governance Observer, benchmarking anti-doping agencies in 11 countries. This was, like the other projects, co-funded by the Erasmus+ programme of the European Union.

The benchmarking tools developed over the past decade have always been freely available. But in 2021, it became even easier for people to do their own benchmarking when Play the Game presented interactive online versions of the two key tools, the Sports Governance Observer and the National Sports Governance Observer.

“Benchmarking sports governance is not a simple exercise, but we hope the tool will be useful for all the sports leaders, athletes, researchers, fans, journalists, and other stakeholders who have a serious interest in improving the governance of their sport,” said Jens Sejer Andersen from Play the Game, who coordinated the projects.

“The online tools can give an indication about how efficient an organisation is at countering corruption and mismanagement, but it also shows how good an interaction the organisation has with its members, stakeholders, and the society at large,” Andersen explained.

A series of benchmarking tools in sports governance

1. Action for Good Governance in International Sports Organisations (AGGIS / 2013)

In 2012-2013, Play the Game/Danish Institute for Sports Studies cooperated with six European Universities (Loughborough University, Utrecht University, University of Leuven, German Sport University Cologne, IDHEAP Lausanne, and Ljubljana University) and the European Journalism Centre on the topic of good governance in international sports organisations. The cooperation took place under the framework of the Action for Good Governance in International Sports Organisations (AGGIS) project, which received financial support from the European Commission's Preparatory Actions in the field of sport.

2. Sports Governance Observer (2015)

After the funding period of the AGGIS project, Play the Game/Danish Institute for Sports Studies engaged in a project with the University of Leuven with the aim and view of elaborating the Sports Governance Observer from a checklist into a practical benchmarking tool.

3. National Sports Governance Observer (2018)

In 2017-18, Play the Game along with sports organisations and academic partners from nine European countries received a grant from the EU's Erasmus+ Programme to create the National Sports Governance Observer tool to assess the level of good governance in national sports federations. In the first round of the project, the NSGO tool was applied to sports organisations in Cyprus, Denmark, Belgium, Germany, The Netherlands, Norway, Poland, Romania, Brazil and Montenegro.

The partners were the German Sports University Cologne, Germany, KU Leuven, Belgium, Molde University College (MUC), Norway, University Bucharest, Romania, University of Warsaw, Poland, Utrecht University, the Netherlands, Cyprus Sport Organisation (CSO), Danish Football Association (DBU), Flemish Sports Confederation (VSF), International Council of Sport Science and Physical Education (ICSSPE), Norwegian Football Association (NFF), Polish Golf Union (PGU), Romanian Football Federation (FRF), Enlarged

Partial Agreement on Sport (EPAS), Council of Europe, and from Brazil, the NGO Sou do Esporte and the Federal University of Paraná.

4. Sports Governance Observer (2018 and 2019)

Based on an updated methodology inspired by the NSGO project, a new round of benchmarking of 11 international federations was carried out in 2018 (by Arnout Geeraert, KU Leuven) and 2019 (Jens Alm, Play the Game).

5. National Anti-Doping Governance Observer (2021)

From 2019 to 2021, the NADGO project developed a code of good governance and a tool to evaluate the performance of national anti-doping agencies. Later, the tool was used to benchmark 11 national anti-doping agencies.

The partners were KU Leuven, German Sport University Cologne University of Warsaw, European Elite Athletes Association (EU Athletes), Fair Sport, Institute of National Anti-Doping Organisations (iNADO), Anti Doping Denmark (ADD), Sport Ireland, National Anti-Doping Agency (NADA Germany), Polish Anti-Doping Agency

(POLADA), Slovak Anti-Doping Agency (SADA). In addition to the home countries of these agencies, the project also benchmarked the agencies of Bulgaria, Brazil, Kenya, Norway, Portugal, and India.

6. National Sports Governance Observer 2 (2021)

In the second round of the project, with support from a special Danish government grant, the NSGO tool was applied to sports organisations in Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Georgia, Iceland, India, Indonesia, Lithuania, Portugal, Serbia, Slovenia, Spain, Ukraine and the United States of America. The findings were published in the report 'National Sports Governance Observer 2' edited by Sandy Adam, Leipzig University.

7. Interactive online tools (2021)

In 2021, Play the Game presented free and interactive online versions of the NSGO and SGO tools for benchmarking national and international sports organisations.

More information about the projects can be found at www.playthegame.org