

WHAT CAN A SPORT ORGANISATION ACHIEVE FACING MASSIVE CRIME AND CORRUPTION?

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In December 2014 a German television program produced by ARD, exposed an extraordinary story of graft and corruption in the sport of athletics, emanating principally from information given by whistleblowers out of Russia. The allegations of bribery and cover up shocked the world. The World Anti-Doping Agency (WADA) reacted by using new powers of investigation that came into being on 1 January 2015 and appointed a three person Independent Commission (the “Pound Commission”, Pound, McLaren, Younger) to investigate the allegations.

When the Pound Commission reported in November 2015, and January 2016, the contents were sensational yet disturbing. For example high ranking officials in the International Association of Athletics Federations (“IAAF”) and the All-Russian Athletics Federation (“ARAF”) had allegedly sought large payments from Russian athletes in response for a promise to cover up anti-doping rule violations, to allow athletes to continue to compete in global track and field events, including the Olympic Games in London 2012.

The second report evidenced “an informal illegitimate governance structure operating under the aegis of the IAAF; corruption and extortion performed by this group; and passed on the information to Interpol who asked the French Police to

take over.

Arrested and charged were the former President of the IAAF, and former IOC member Lamine Diack, his special legal counsel Habib Cisse, and the Head of the IAAF anti-doping department Dr Gabriel Dolle. A warrant for the arrest of Papa Massata Diack was issued by the French authorities.

As an aside but important for this paper, the New York Times published an article in May, 2016, reporting information given to that paper by the Director of the Moscow accredited anti-doping laboratory, Grigory Rodchenkov, that alleged a doping scheme had been initiated in Russia to secure success at the Winter Olympic Games in Sochi 2014. WADA this time asked Richard McLaren to undertake an Independent Person inquiry into those allegations, and his consequent reports have led to further implications for world sport, the IOC and the IPC in particular.

Returning then to athletics, it is fair to say that the IAAF was facing crime and corruption of a sort not previously exposed in any sport. What did it do in response?

1. It suspended ARAF (now called RusAF) from membership of the IAAF.
2. It appointed a Taskforce, chaired by an international independent anti-doping expert, Rune Andersen to advise it on the progress required of ARAF to recover its membership.
3. Although already on the new President's agenda prior to this crisis, it immediately took steps to conduct a full root and branch review of its Finances and operating systems, and established a Working Group to

undertake a review of all the governance and integrity structures, rules and processes.

Within 9 months following an extensive consultation and drafting exercise, the Reform recommended over 200 changes. It culminated in a new constitution which incorporated major reform of its governance structures including the establishment of the Athletics Integrity Unit (“AIU”). A stand alone organization, responsible for investigating and prosecuting all integrity breaches.

Driven by a very committed IAAF President Lord Sebastian Coe, this concept was accepted by the full Membership, and rules were written to give effect to its mandate.

The remit of the AIU is to enforce the new Integrity Code of Conduct which specifies the standards expected of IAAF Officials and International level athletes. This Code replaced the former code of Ethics.

The Code covers:

- (a) Results manipulation
- (b) Age manipulation
- (c) Transfers of national allegiance
- (d) Bribery and corruption
- (e) Illegal betting
- (f) Extortion

(g) Anti-doping

(h) Ethics requirements such as gifts, conflicts of interest, improper benefits.

(i) Other rule breaches, except those which might occur on the field of play.

The membership accepted that trust in the sport was at a low, and not only was there a need to address the issues with an independent body it was also important that there be no reality nor perception of any interference with the operations and workings of the AIU. The Chair and the members of the voting Board were appointed following a vetting process run by a newly created Vetting Panel made up of other independent experts to ensure that the people appointed were people of integrity including ensuring there were no conflicts of interest pertaining for any person.

The Board has now appointed a Head or CEO of the Unit, Brett Clothier and has got down to business quickly. Many anti-doping cases have been prosecuted after the Russian fraud was exposed, appeals have been successfully defended before CAS,, now cases based on the McLaren report evidence have been run with consequent sanctions.

Frankie Fredericks, a member of the IAAF Council, and an IOC member has been dealt with by way of provisional suspension by the newly created Disciplinary Tribunal, emanating from the French Police investigation whereby it is alleged he received a sum of money in return for his vote for Rio and the 2016

Summer Olympics. Others are being investigated.

Russian athletes were able to apply to compete in the IAAF World Championships in London, August 2017, if they could satisfy certain criteria to indicate they were clean athletes. More than 120 applied and several were allowed. Many who not allowed appealed to CAS, but none were successful.

Now the AIU is developing its Strategic Plan, creating an IT program to interface across all investigations, cases and data, advancing its capacity with the hiring of pivotal operational experts, advancing a liaison with athletes and developing educational programs to broadcast its mandate to all, and to ensure athletes, their entourages and others are fully aware of their responsibilities.

These are early days but progress has been significant. It is a model that Federations might usefully follow.

Thank you.