

# ClearingSport

Towards an agency countering crime  
and protecting integrity in world sport

First report from an open consultation process by Play the Game  
/ June 2023



Grit Hartmann



Play the Game



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Quoting from this report is allowed with proper acknowledgements.

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# Foreword

## Setting sail for ClearingSport

It should not come as a surprise. After all, Play the Game had been arguing for more than 15 years that a global agency against all kinds of corruption in sport was worth considering given the global nature of the challenges that undermine sport's credibility.

Among the many ideas that have been floated in the turbulent waters of international sports politics in this century, this one seemed to be on an inevitable sinking course.

International sports organisations had fought against it nail and toe ever since it was launched, and government officials would burst out in sighs of resignation at the prospect of new expenses for an organisation similar to the World Anti-Doping Agency (WADA), but with an even more complex list of tasks.

So when Play the Game decided to put the topic on the agenda one more time on the occasion of our 25th anniversary conference in Denmark in June 2022, we were genuinely taken by surprise.

Instead of leaving an international anti-corruption agency shipwrecked in the deep dark of the ocean of sport, a sizeable group of the most knowledgeable experts in sports corruption jumped on board and insisted that Play the Game should set sail and one more time let the vessel go up against the winds.

This was an invitation we could not overhear. We accepted the challenge and promised to launch a broad consultation process among all relevant stakeholders. A process with no pre-defined result, no given end date and no restrictions on who can take part.

In this report, you will see the first step of the process documented. Again, we were up for a positive surprise. Among the 251 consulted experts and stakeholders, no less than 79% took time to answer, and more so:

We received more than 800 thoughtful comments testifying to an intense and energetic personal commitment from those who are affected by sports corruption on a daily basis, whether as athlete representatives, ministry officials, public prosecutors, sports officials, academics, and journalists.

We are truly overwhelmed and very grateful for this commitment, and Play the Game send our warm thanks to everyone who set time aside to share their experiences and reflections on this complex issue.

We are encouraged, yes, but equally concerned. The survey fully documents what many people have suspected: There is widespread impatience in the sports integrity environment. In spite of increased political awareness, increased investments, and increased



professionalisation of the fight against sports corruption, the corruptors of sport seem to be very little impressed.

The art of corruption is in constant development. Old-school corruption types – brown envelopes passing hands, secret personal commissions, blackmailing and extortion – are complemented by new and technologically advanced forms of financial crime, sometimes accepted or even backed by state-supported operators.

The survey conclusions do not pretend to give a recipe for fighting all forms of corruption, but the answers point to a number of system failures that continue to enable corruption and abuse.

To mention just a few:

- The claim from sports leaders that they can clean their own governance, as if their corrupt peers would voluntarily give up their perks and profits.
- The belief among governments that corruption, crime and abuse in sport can be countered with declarations, resolutions and non-binding partnerships.
- The lack of legal basis at the national and international level for intervening against sports officials operating under private law.
- The lack of regulations inside sport, or when regulations exist, the lack of willingness to enforce them.
- The uneven playing field between perpetrators who can easily operate internationally, and police forces who run into numerous hurdles for cross-border operations.
- The general lack of safeguarding for athletes.

To organise, analyse and synthesise more than 840 comments is an extremely complex task. I would like to commend journalist Grit Hartmann for solving it successfully, putting all her engagement, resilience, overview, care for detail and great communication skills into the endeavour.

In 2022, Grit Hartmann worked for MEP Viola von Cramon who with great foresight launched a report “Finding a Global Response to Corruption in Sports”.

This report has been an important basis for creating the present survey, and we will recommend reading the material at [www.stopcorruptioninsports.eu](http://www.stopcorruptioninsports.eu) if you wish to understand the recent history of fighting corruption in sport.

Once again, I would like to thank the almost 200 experts and stakeholders that engaged in this report entitled ‘ClearingSport. Towards an agency countering crime and protecting integrity in world sport.’

One important next step will be taken at our upcoming international conference, Play the Game 2024, 4-7 February in Trondheim, Norway.

We invite everyone who share the overall goals of countering sports crime and protecting sport's integrity to engage in the continued consultation process, and we thank you in advance for sharing your commitment.

Aarhus, 8 June 2023

A handwritten signature in blue ink, appearing to read 'Jens SA', written in a cursive style.

Jens Sejer Andersen  
International director, Play the Game

## Introduction

This report underlines a growing worldwide call among athletes, fans, expert observers, governments, parliamentarians and even some sports officials:

Time is up for introducing independent oversight of sports federations.

Since initial thoughts to counter crime and misconduct in sports through a dedicated agency nearly 20 years ago, repeated crises in international and national sports organisations have brought the idea to new timeliness, not least because it is now well understood that more is at stake than just getting a few loose crooks under control.

Sports federations and their top administrators have proven capable of inflicting multifaceted harm on individuals and societies. Unease is growing about how sport provides opportunities for state-sponsored corruption and the image laundering that often accompanies it, how sports federations and clubs have opened themselves up to oligarchs and the super-rich, how easily sport can be used as a conduit for organised criminal groups to launder and make millions through the manipulation of sports competitions.

On top of this, sport does not provide a safe space for its protagonists, the athletes, many of them children. So far, sports federations have failed to address the systemic problem of abuse and harassment.

Some state investigations, in the United States, France, or Brazil, have begun to reveal the extent and potential of transnational sports crime. Or we should say “alleged crime”, because those investigations seem to have reached their limits. This is palpable, for example, in the unprosecuted evidence of bribes possibly paid by state actors for hosting FIFA World Cups, or in the cases where national authorities do not prosecute well-documented offences committed by ‘their’ top sports officials because the latter enjoy protection at home.

Crime thrives on the way sports officials are allowed to operate: They are entitled to at the same time regulate their sport and manage its business operations, making conflicts of interest an integral part of sports governance.

In very few countries, legislators have turned from acquiescence to interference in sports affairs, albeit not without teething problems:

In Australia a Sport Integrity Agency is operating; Canada has a government-appointed Commissioner for sport integrity; Germany is in the process of establishing a safe sport agency, backed by the ministry of interior, with the prospect of becoming a national agency to oversee sports; in England, the government has launched a consultation process for a football regulator; in France, the sports minister, spurred by numerous scandals in football and rugby, set up a national committee to strengthen ethics in sport. Elsewhere, some national anti-doping agencies (NADAs), with varying levels of independence from sports

administrators, have their mandate expanded to deal with more integrity challenges than doping.

At the transnational level, credible initiatives are rare. The Council of Europe has created networks of cooperation: the MARS network on the integrity of sport, that connects magistrates and prosecutors responsible for sports crimes, and the national platforms against competition manipulation / match fixing based on the Macolin Convention, with a strong focus on information exchange between governments.

For decades, however, governments have yielded to the Olympic movements' demand for respect of the 'autonomy of sport' without ever defining any limits to sport's self-determination beside the obvious conditions set by national and international law. It has largely been up to sport itself to determine where its own mandate stops and where governments' authority begins.

The 'International Partnership Against Corruption in Sport' (IPACS) can serve as a prime example - within this framework, the Olympic movement, spearheaded by the International Olympic Committee (IOC), has avoided real control by governments and managed to limit streamlined action to the creation of non-binding recommendations and reports.

As it becomes increasingly clear that the trust in volunteering and willingness has failed, and the first governments have begun to intervene, sports officials have recently been considering new regulatory measures - outsourced, but under their own supervision and limited to specific areas of sports crime.

FIFA has committed to supporting the establishment of a global safe sport agency to meet the increasing reports on sexual, physical and emotional abuse and harassment of athletes and children, and to create an environment, where athletes can train in supportive surroundings.

Under the current proposal, this agency would not have the authority to pursue enforcement action against perpetrators. Recently, the IOC allocated USD10 million per Olympiad for finding an approach to establishing safeguarding structures at the national levels.

The catch of such sport-controlled initiatives is obvious: Rigorous action against perpetrators is hardly expected of them. And are they suitable for receiving complaints? They may discourage whistleblowing rather than encourage it.

The need for an independent sports watchdog with a broader remit and a strong mandate is reflected in the overwhelmingly dedicated and insightful responses to Play the Game's early 2023 survey on the feasibility of such a body in terms of its establishment, mandate, governance, structure, and funding.

Nearly 200 investigators, policymakers, sports officials and athletes, investigative journalists, academics, members of nongovernmental organisations, and consultants contributed

their expertise and vision on how to design a framework and practical approach for an agency to protect sport from its own excesses and the threats from outside.

Almost all of the respondents share the belief that a globally acting agency with a clearly defined mandate is a necessary instrument to hold individuals and organisations accountable and to protect the victims.

Respondents emphasise that such an agency would also strengthen the efforts of national law enforcement agencies. Because so far, as it is pointed out, sports crime does not rank high on politicians' priority lists ...

... compared to employment, inflation, cyber security, infrastructure development, foreign investment and diplomacy/ international relations for governments (politicians don't campaign on it and voters don't really consider it when voting).

A very small minority rejected the idea of an agency, citing doubts as to its efficiency. However, the selection of respondents was not designed in a way to ensure representativity among all stakeholders in international sport, and resistance to systemic change as proposed with an agency is certainly more widespread.

Most respondents – including the anonymous ones – provided much more than just ticking in the given options; they made use of the opportunity to comment on those options or offer alternatives. We received stunning 846 comments, documenting the commitment, knowledge, experience, and creativity of the many who are interested in independent oversight for sports.

Only such commitment, underpinned with perseverance, will pave the way from a not-so-new idea to, at last, a global agency to counter crime and protect integrity in sport.

## Executive Summary

### Methodology – respondents and how we proceeded

In January 2023, Play the Game contacted 251 people by email. They were selected on the basis of expressed interest or our estimate of people's relevance to the debate, and to keep the doors open for persons we might have overlooked, we encouraged those contacted to share the invitation to the survey with relevant colleagues.

This procedure of course entails a risk of bias.

The goal, however, was not a Gallup-like poll to establish how many are 'for' or 'against' an independent agency, but rather to launch an open consultation process that will continue in the time to come.

194 respondents took part in the survey. In addition, three statements have been provided; they are part of the full documentation attached to the report, as well as one questionnaire with comments, which was filled in too late.<sup>1</sup>

These 198 respondents represent a 79% participation rate. 106 responded by name<sup>2</sup>, 92 anonymously.

The survey has had a global outreach. The 106 non-anonymous respondents come from 48 countries (with four stating dual citizenship) across five continents: seven African countries, six countries from the Americas, seven Asian countries, Australia and New Zealand, and 26 European countries.

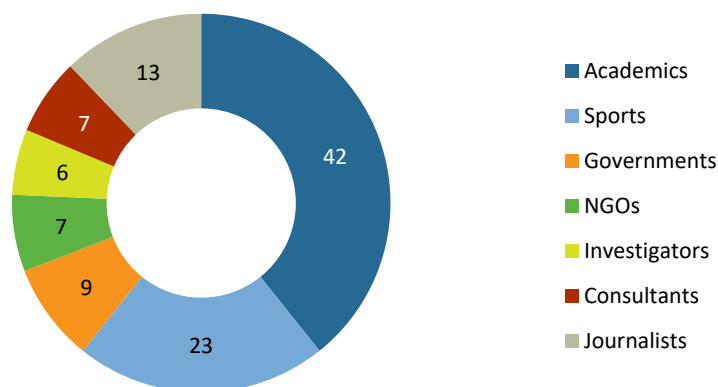
Sorted by their primary occupation, 42 respondents are academics, 23 come from the sports environment (including NADAs and athletes' representative bodies), nine are employees of governments and/or transnational governmental organisations, seven work for NGOs, six as investigators (with private companies), seven are consultants with their own company, and 13 are (investigative) journalists.

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<sup>1</sup> Sophie Kwasny, Head of the Sport Division, Council of Europe; Wilhelm Rauch, Head of strategic legal services, Federal office of sport, Switzerland; Edwin Stier and Johann Koss for Fair Sport, as well as Maximilian Klein for Athletes Germany - their statements are partly included in the comment sections in the report.

<sup>2</sup> In one case, the institution answered, no person's name was given.

**Figure 1: Primary occupation of respondents**



106 non-anonymous respondents, primary occupation

Not all of the respondents answered all questions of the survey. The option to choose only those questions they felt comfortable with or that were important to them was explicitly offered in the cover letter and used by 72 respondents (36%).<sup>3</sup>

A small minority of respondents consented to publicly identifying them with their comments; we have done so in footnotes, also in the interest of protecting intellectual property.

Spelling errors in comments have been fixed; American and British English have been adopted unchanged.

Although the term 'agency' is used throughout the report, no determination is implied.

## Overarching findings of the survey

The main finding of the survey is clear: Respondents are in favour of the establishment of a global independent oversight body to address crime and / or misconduct in and through sport. Only three of 198 respondents (1,5%) outright rejected the idea.

However, some concerns were also expressed by respondents who were in favour of or sympathetic to the establishment of an agency. They are asking, for example, to check whether the benefits of an autonomous organisation would "justify to create new complexity" or if an agency "should devote millions of dollars," given "that U.S. and U.K. law enforcement have become more aggressive in prosecuting corruption and have the money and resources to do it."

To make an overview easier for the reader, here are some key findings and frequently discussed issues.

Each of the findings is further explored in the following chapters of the report.

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<sup>3</sup> See cover letters from Jens Sejer Andersen in the full documentation.

A) **Two main models** are proposed for an agency dedicated to fighting integrity challenges and / or crime in and through sport: An *intergovernmental* agency and a *stakeholder-legitimised* agency.

The *intergovernmental* model is fuelled by a great deal of scepticism as to whether sports organisations would, or even should, participate in the agency. Therefore an agency set up by a coalition of interested governments is suggested. This could be an EU agency, though this approach is met with objection from respondents from other continents.

Governments involved would agree on a set of common sports crimes, harmonising legislation to criminally prosecute the offenders, possibly agree on cross-border jurisdiction, and mandate their national law enforcement agencies to cooperate with the agency.

The agency's mandate would be mainly limited to fighting sports-related crime, and by defining what constitutes sports crime, it would set standards for national sports federations, which could then be linked to public funding.

The *stakeholder-legitimised* model relies on the participation of a range of stakeholders, reflecting sports' societal impact, and including independent athletes associations as well as sports organisations. Proponents of this option also argue for maximum independence of the agency with no influence of sports governing bodies on executive decisions.

However, they note that "such an agency must have collaboration and support from the main global sports federations at the outset for any chance of success."

The two models are not entirely exclusive; the intergovernmental agency might be open at some point for sports federations to sign a code that, however, is offered by the governments or, as it is put: "Provisions could be made for non-members to participate in and eventually join the coalition upon satisfying specified criteria."

Proposals based on these two models shape the approach of the respondents to the agency and the comments in most chapters of this report. For example, proponents of an agency set up by governments consequently prefer a legislative act (legislative acts) to create the agency, while proponents of the stakeholder model tend to consider a convention the best way to give the agency sufficient impact.

The two models and the implications for the agency's key objectives, potential path, mandate, governance and operational structure, and funding are explored in detail in a final chapter to this report.

B) A number of **guiding principles** that should shape the agency and its work, such as full operational independence, geographic and gender diversity in the staffing of its governing body, of the executive and of advisory commissions, are shared by all respondents.



Special care should be given to a Human Rights conscious approach, to protection of and multifaceted support for whistle-blowers and victims.

C) The **World Anti-Doping Agency** (WADA) and the **Court of Arbitration for Sport** (CAS), both set up as foundations dominated by sports governing bodies, have inspired numerous comments and reflections on how to irrevocably enshrine independence in the new agency – if not the intergovernmental model is preferred for this very reason.

With reference to WADA, clear distinction already in the name is urged to avoid comparisons, with the acronym WACA being considered too similar.

Instead of accepting the CAS as the final instance for disciplinary sanctions, respondents suggest that **the agency should set up a separated disciplinary tribunal**, offer dispute resolution service and mediation.

D) Numerous respondents favour an agency that has a **global remit** from the outset and caution against an overly EU-centric approach. Regional bias, they argue, should be avoided not least because it can provide a pretext for certain players ‘not to participate’. Requests are made to “engage countries from the Global South,” and to establish regional offices of the agency.

E) An agency empowered to **investigate without a formal complaint**, at its own discretion, is expected as well as a **zero-tolerance approach** in investigating and sanctioning cases.

F) Two areas of purview of the agency are controversial among respondents: **abuse** and **match fixing**. The indisputable fact that both require their own very specific expertise and skills as well as existing or planned entities mostly under the auspices of sport (and betting operators in the case of match fixing) have prompted comments throughout the report expressing pros and cons as to whether the agency should deal with these crimes.

G) The agency should support the establishment of national agencies and act as an **umbrella organisation**.

## Recommendations for further reflection

These recommendations, by their very nature, represent a set of conclusions that can reasonably be drawn from the survey results and the diverse and sometimes controversial 800+ comments.

They are, however, provisional conclusions that are primarily meant to qualify the continued consultation process.

### Name

- 1) Focusing exclusively on the notion of anti-corruption could limit the mandate of the agency, including with regard to the protection of athletes, and discourage

sports organisations from participating in the initiative to establish an agency. While the term 'integrity' is more inclusive, it also has drawbacks, such as being overused by sports organisations.

- 2) Having considered the multitude of comments, Play the Game has opted for replacing the WACA working title with 'ClearingSport' and the current subtitle: 'Towards an agency countering crime and protecting integrity in world sport.'

## Path

- 3) Convention, charter or legislative act(s) are not mutually exclusive ways to create the agency. A next step will be to consider: Where to start?
- 4) An expert-working group, ideally supported by governments or an intergovernmental organisation, could develop a draft charter that includes the agency's mission, scope, and structure – a proposal that is open for input and signature by the parties (sports organisations, governments, or both). This could be done with the participation of sports organisations or with their consultation only.
- 5) For the intergovernmental model exclusively combatting sports crime, legislative act(s) would be a prerequisite. These could harmonise national legislation to allow prosecution of sports offenders operating under private law, enshrine cross-jurisdictional powers, and empower the agency to act.
- 6) An international convention against corruption in sports should be put on the back burner for the time being: Although it might eventually give the agency sufficient global impact, the diplomatic process at the UN level before ratification could create unnecessary delays.

## Code

- 7) The agency's work (in the stakeholder model) is eventually to be based on a universal code including a sports sanctioning framework covering a broad range of offences that is mandatory for international sports organisations, and that could become the standard for national sports organisations and eventually be linked to public funding.
- 8) In order to tailor the new code to sports in a timely manner, an assessment should be conducted upfront to identify the most common violations and threats, as well as gaps not covered by existing documents, be they laws, conventions, sports codes and best practices from other (business) sectors.
- 9) This will require innovative work around governance and modus operandi (monitoring and enforcement procedures) of the agency itself, and around enshrining areas such as human rights/safeguarding, whistle-blower protection and incentives, victim protection, redress/compensation in the code's provisions.

- 10) Consideration should be given to whether a new code in the sense of a full code of governance and conduct is necessary as a first step. Instead, a code could task the agency with enforcing existing rules in the sports environment, be they sports regulations, civil and criminal law, conventions on corruption.
- 11) For the intergovernmental model, a treaty should give the agency teeth. It should require signatories to facilitate the agency's cooperation with law enforcement and transnational coordination.
- 12) Signatory countries – to the code or to the treaty – should be required to establish national agencies with which the global body can work.

### Foundation

- 13) For a stakeholder driven model, a foundation is suggested, albeit with a high degree of independence from sports organisations, already in the supervisory board, but first and foremost when it comes to executive decisions.
- 14) To meet 'self-governance' and 'autonomy' as promising features of a foundation, binding arrangements are required to establish external oversight mechanisms for accountability, transparency, and the agency's funding / finances.
- 15) A standalone-agency initiated by national governments or a transnational organisation and based on a treaty, would maintain closer relations with authorities (law enforcement agencies) from the outset, which would benefit its crime-fighting objective. As to how independence (from vested diplomatic interests, for example) can be secured requires special consideration.

### Board

- 16) A skills-based, diverse supervisory board with no influence on executive decisions / operations is considered appropriate.
- 17) For the stakeholder model, the board would be composed of mostly independent members – experts and academics that are not linked to sports organisations but bring varied critical expertise with respect to the mandate of the agency to the table, with limited terms. Further board seats can be allocated to the most senior member of the agency's staff and possibly to representative members of key stakeholders, i.e., one member representing sports organisations, independent athletes' associations, and governments respectively.
- 18) If seats on the board are not reserved for representatives of stakeholders, they should be given observer status.
- 19) A set of consultative/advisory commissions with representatives of stakeholders including a strong representation of independent athletes' associations, should be constituted anyway.

- 20) Advisory committees should include people from a broad spectrum of society, taking into account which sectors and groups are affected by the social impact of sport and, conversely, which companies influence sport (e.g., sponsors and television rights holders, betting industry), and which groups (e.g., survivors, human rights groups, fans, lawyers, law enforcement, investigative journalists) could provide valuable input.
- 21) For the board composition of an intergovernmental agency the above-mentioned principles (mostly independent experts, skills-based, diverse, with term limits) should be applied as well. Although the highest governing body to determine principles and measures for the agency to reach its objectives, approving funding and reviewing would be the General Assembly of member states.

#### Mandate and operational structure / units

- 22) The agency should be given a strong mandate and corresponding departments for monitoring, investigation and enforcement (code monitoring and compliance unit, intelligence and investigations, legal department).
- 23) A secure reporting platform that ensures whistle-blower protection is critical.
- 24) The impact of the agency will depend on cooperation with national law enforcement agencies. An adequate mandate/ department for coordination and international relations is recommended.
- 25) A mandate to provide pathways for effective remedy for victims is undisputed.
- 26) Research capacity should be developed to continuously analyse aspects of corruption and integrity in sport. This will serve to further develop the code, to provide policy advice, and to link the agency's anti-corruption work with like-minded international actors/institutions and their work, as well as with related and overlapping areas such as tax evasion, money laundering, and organised crime.
- 27) Abuse and match-fixing/illegal betting should not be excluded from the agency's mandate; instead, units with the necessary skills and expertise should be established, including specialised divisions within the reporting hotline. Leaving the responsibility for combating these crimes entirely to other entities (as envisaged by some sports organisations) risks producing inconsistent and unpredictable results in terms of the problems to be solved, most of which are related to the same structural deficiencies of the sports system.
- 28) In these areas, however, the focus could be (at least initially) on a monitoring approach toward sports organisations' actions, and in cooperation with law enforcement, with a mandate to intervene in cases where other bodies fail to act.

- 29) For the stakeholder model, a mandate for prevention, risk assessment in federations, certification (of concepts and by vetting of persons), and education is advised.
- 30) A Member Protection Unit should be particularly dedicated to (child) safeguarding and anti-retaliation policies.
- 31) The possible constitution of a (disciplinary) tribunal associated to the agency should be part of further debate on the mandate.
- 32) Consideration should be given to establishing a special unit to deal with football, which, because of its popularity and the sums involved, is a gateway for various types of crime, from state-sponsored corruption to money laundering to human trafficking, etc.

### Funding

- 33) A clear policy for funding must be developed, with the overarching principle that funding the agency can in no way be linked to influence over its operations.
- 34) For the stakeholder model, sports organisations and governments, including transnational intergovernmental organisations, should be the primary funders. Institutionalised ways for indirect but consistent funding are seen as beneficial.
- 35) The introduction of a sports integrity tax should be re-examined: for example, a certain percentage on marketing contracts, transfers, and other transactions concluded in the sports business, or on profits from mega-sport events.
- 36) Involvement of private businesses such as sports sponsors and media rights holders must be based on firm and openly communicated rules and principles, but should not be excluded.
- 37) A compelling rationale for including or excluding the betting industry must be developed.
- 38) The agency can generate revenue from fees (should it be entrusted with certain tasks, for example) and fines, as well as from the recovery of assets.
- 39) More unconventional avenues, such as fundraising via social media from sports fans, etc., or through funding campaigns for specific projects, should be considered.
- 40) For the intergovernmental model, funding would be mainly secured through membership fees and supplemented by grants/donations.

### Benefits for sports organisations

- 41) Profitable sports organisations like the IOC or FIFA are not likely to be convinced

of an agency by emphasising its benefits. However, the strong arguments in favour of an agency with respect to restoring reputation and credibility of sports organisations for the public as well as for (potential) business partners should be clearly and widely made public, and the opposition named.

- 42) In smaller federations with fewer resources, the idea that an agency can assist in complying with relevant laws and regulations might be met even with approval.
- 43) Likewise, independent athletes' associations, expecting protection (also of minors) and restoration of a safe and fair environment, are sympathetic to an agency. Sports' main stakeholders should be involved in the further consultation process and later in the set-up of the agency.
- 44) The benefits provided to governments should be propagated just as actively: effectively assisting law enforcement in combating sports related crime, which poses special challenges due to its transnational character and global reach, can endanger athletes and children and damages the core promise of sport to provide a stage for fair competition between nations.

## Challenges

### High expectations vs. initial capabilities

The expectations of the agency as outlined in the report are notably high and carry the risk that implementation will lose momentum or that an agency (to be built up gradually to its full potential) may initially represent a disappointment.

Therefore, in further stages of the consultation process, particular weight should be given to considerations on how to gradually build-up the agency's remit – with highly transparent communication about that process –, of partnership mechanisms and, possibly, of an initially more oversight-centred approach in certain areas, with a mandate to act in cases where others fail.

### Separation of powers and oversight

Given the envisioned strong mandate for the stakeholder model agency – including being focal point for whistle-blowers, investigating, sanctioning, and possibly an arbitrary tribunal to boot –, it will be a challenging task to avoid an all-powerful body.

Separation of powers within the agency is mandatory; robust oversight arrangements ('watching the watchers') need to be in place.

### Sport's own integrity efforts

Consideration needs to be given on how to collaborate with or separate from the work of committees and units (e.g., on governance, integrity, ethics) that have been established by sports and differ considerably in their degree of independence from governing bodies.

For the stakeholder model of the agency, a monitoring approach, with a mandate to act in specific high-profile cases, or to intervene in cases where these entities fail, may be considered.

### Cooperation with law enforcement and recourse to civil courts

The stakeholder model may present challenges in guaranteeing the agency opportunities to fully cooperate with law enforcement. Another can of worms pose questions as to the role of the agency in possible recourse of cases to the civil justice system if, for example, people fail before the sports tribunal or see their rights violated. These issues should be addressed in the process of creating the agency.

### Issues not addressed in this report

Matters that we did not specifically ask about in the survey and therefore are only touched on in comments should be included in the next phase of the consultation process.

They relate to very different questions, first and foremost the scope of individuals and organisations/entities that would fall under the jurisdiction of the agency: International sports organisations – and their regulatory bodies – only, or are NOCs and high-profile national level cases to be included? How to include sports' associates, among others sponsors, event hosts, etc.?

The scope of the agency's jurisdiction would have implications for the admissibility of complaints. Further issues to address include the rights of both the complainants and the accused as well as how the agency, although handling sensitive data, can ensure the highest possible transparency in its work.

## Structure of the chapters

Given the diversity of ideas and opinions in the comments, it has been a challenging task to organise this report. A majority of comments have been included; some were omitted for redundancy reasons but can be read in full in the attached documentation with all comments received. In some cases, comments were moved to another chapter, because respondents discussed questions that were asked at a later stage of the survey. For the same reason, some comments were split or shortened.

The chapters roughly adhere to a standardised structure: A brief introductory discussion ('overview') of the actual survey results, presented in the chart's figures, is followed by a section of 'comments on the options offered.' This is usually followed by a section of 'general comments' on our query and/or a section of comments providing alternative ideas we asked for.

Particular emphasis has been placed on including conflicting opinions / suggestions in the comments sections. This also applies to criticism that was sometimes expressed about our approach as evident in the questions of the survey.

Introductory notes and explanations to comments are kept brief and factual. Their primary purpose is to point out certain trends and facilitate the intake of the many comments, beyond what was possible by the arrangement of the comments alone. The latter is usually based on the matching of opinions and suggestions, complimenting each other unknowingly – or contradicting each other.

No definite evaluations are made. But advice and ideas provided by the respondents' comments are summarised – admittedly, in reductive form that cannot reflect the diversity of the many considerations given – in 'Recommendations and challenges' at the end of each chapter. This initial report, however, is intended as a pool of ideas for future working groups. Several respondents recommend the establishment of working groups as a follow-up to the survey – if not fully official, then ideally supported or recognised by governments.

In the final chapter, derived from a smaller number of respondents' comments, the two main models proposed for the agency (intergovernmental and stakeholder-legitimised) are spelled out in more detail.



# RESULTS OF THE SURVEY

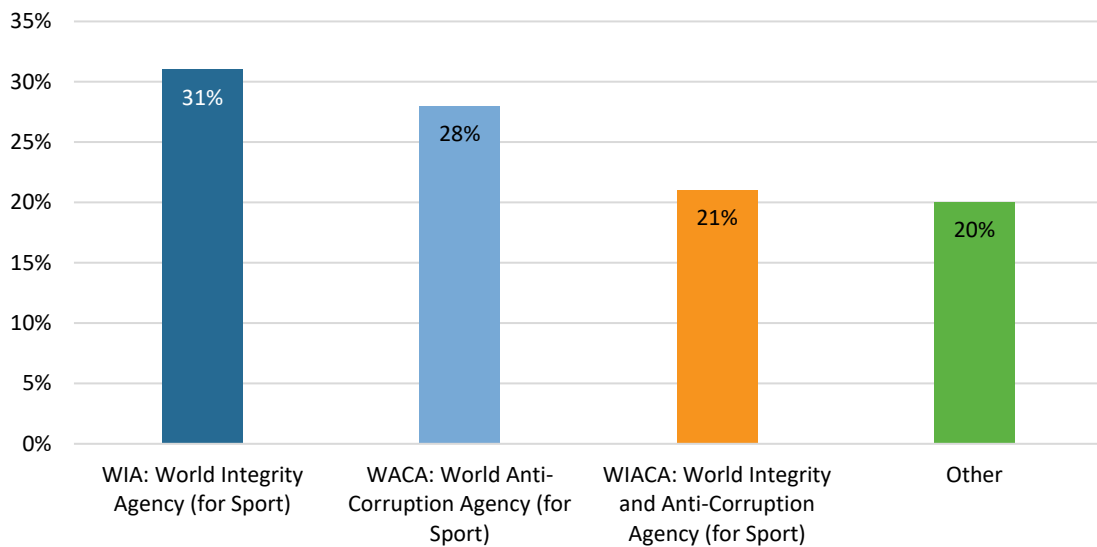
# 1. Name of the agency

To map the presumed differences in approaching sports through the agency and its preferred scope we first asked:

In the working title 'World Anti-Corruption Agency' the term 'corruption' is meant to encompass a multi-faceted approach that covers the entire spectrum of corrupt activities in sport. A broad definition is needed because threats to the integrity of sport can be found in a wide range of activities, from serious and/or organised crime to 'minor' issues of ethics and behavioural values. There are suggestions that it would be better to speak of an Integrity Agency for this captures a wider range of behaviours.

Which name would you prefer?

Figure 2: Preferred name of the agency



## Overview

To have the term Integrity in the name is the preferred option at 31%, albeit by a small margin. Integrity is seen as 'all-encompassing', including the fight against corruption as well as, among others, the mandate to protect victims and establish governance standards. Proponents also emphasise that the agency should present its positive alignment rather than one 'against' something, and that a name including 'integrity' could make it more likely to win over sports governing bodies.

On the other hand, there are clear objections to this term: Respondents believe that it "does not carry any particular weight" or can "easily be used as a remit to move away from corruption."

Accordingly, the name WACA is controversial, but also broadly supported (with an approval rate of 28%), often by those in favour of an intergovernmental agency:

It is about international crime and corruption. That is what such an agency has to deal with.

Proponents of the name WIACA (at 21%) with both terms in the name emphasise the wider but precise approach:

It encompasses broad term 'integrity', but stresses 'corruption' as the main pillar.

Common in comments of those 20% of respondents that provide other ideas: The name should contain the term 'sport' and make it clearer that this is a globally operating agency, by including 'global' and/or 'international'.

Also, the name should be "simple, memorable".

Some survey respondents explicitly emphasise what the majority of comments indicate: The name of the agency may ultimately depend on the mandate.

## Comments on the options

Having the term **integrity** in the name provides the following upsides, according to respondents:

It has a wide remit but, more importantly, it does have a more positive outlook.

Better a positive name rather than one "against" something. On the other hand, integrity allows much more actions than fighting corruption.<sup>4</sup>

I think that Sport Integrity is the core issue that inevitably incorporates activities against sport corruption. I think it's better to have a positive message in the title (Sport Integrity) instead of a negative (Corruption).

Keep it simple. Integrity is all encompassing (incl. corruption).

The name World Integrity Agency includes anti-corruption, equal opportunities, equal rights, protection against physical, psychological and sexual violence.

Integrity is a better umbrella term. Corruption would be subsumed under it; for many, corruption is far removed from risks to individuals.<sup>5</sup>

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<sup>4</sup> Alberto Carrio, Spain

<sup>5</sup> Maximilian Klein, Athleten Deutschland, Germany

I prefer integrity as it covers wider as I see it.<sup>6</sup>

Integrity incorporates other elements such as governance and legitimacy. The term corruption limits the name of the organization.<sup>7</sup>

... Also, it would be preferable that the agency is 'for' something, rather than 'anti', unless the plan is really to set up a disciplinary system that cuts through all existing sport disciplinary infrastructure and is equipped with supra enforcement powers that can punish legal and natural persons subject to its jurisdiction anywhere in the world. The name should ideally be more transparent about the end purpose of this agency. Fighting corruption is important (I dedicate my life to it) but it's not an end goal - it's rather a means to something bigger.

"World Integrity Agency" is concise and all encompassing: it suggests both combatting corruption and building ethical practices.

If the idea is to have sports bodies buy into it, then the word should be "Integrity" not "Corruption".

Many sports bodies will claim that they "don't have a corruption problem", whereas nearly all acknowledge their responsibilities in relation to maintaining integrity. For this reason it is important that integrity is in the title.

If you use the word corruption - it is important that the agency is bound and limited by the definition. That's why integrity will give it a broader scope and can serve as a broader definition of the playing field.<sup>8</sup>

Integrity is broader than corruption and affords the agency the opportunity to extend its legitimate reach into other activities (beyond corruption) that bring sport into disrepute.

Integrity better allows for an expansion of topics.

While I prefer "Integrity" - because it emphasizes what we are for rather than what we are against - I fear that mega sports' reputations are presently so weak that claims to promoting integrity would be taken as a joke.<sup>9</sup>

Supporters of the term '**anti-corruption**' in the name of the agency argue:

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<sup>6</sup> Jeppe Laursen Brock, Denmark

<sup>7</sup> Nestor Ordoñez Saavedra, Colombia

<sup>8</sup> Jesper Olsen, Denmark

<sup>9</sup> Andy Spalding, USA

It has to be clear from the beginning that the agency is established to fight corruption as the biggest threat to sport. The word "integrity" in some parts of the world and in some sport disciplines does not carry any particular weight and people might get confused if we would talk about "Integrity Agency".<sup>10</sup>

It is about international crime and corruption. That is what such an agency has to deal with. So-called minor issues can remain with the sports associations; you can't take everything away from them anyway. Of course, the dividing lines are blurred.<sup>11</sup>

The word "integrity" should be left out of it. Sports bodies can set up their "integrity" bodies to promote integrity and transparency, while WACA uses their "integrity" books and other developed laws to prosecute erring officials.

The term "anti-corruption" is unambiguous. It articulates clearly that there is a problem in sport and it needs to be dealt with.

Having the word Corruption in the title will attract wider interest and attention than Integrity.<sup>12</sup>

Depends on where you want to pitch it - integrity can easily be used as a remit to move away from corruption and just focus on on-pitch matters i.e. match fixing rather than general stuff.

The main problem with using integrity is that in the area of sport integrity has been lately used also to include doping, hence there might be a problem of understanding. Also, integrity has been used to refer to many issues linked to athletes' welfare, which I am not sure are now part of the remit of this agency.

We understand that the agency should cover wide range of corrupt activities, but the name WIA could be confusing in the relationship to WADA, not clear if it would cover anti-doping as well. That's why we think WACA would better define the mission of the agency.

The term "corruption" might not cover every aspect, the prefix "anti" might disguise that positive approaches are also included ... BUT ... WACA is a) very catchy and easy to recognise (similar to WADA) and b) more convenient than other more complicated acronyms like WIACA ...

WACA has been accepted by the "early adopters" already. You have created certain awareness, don't lose that.

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<sup>10</sup> Drago Kos, Slovenia

<sup>11</sup> Jens Weinreich, Germany

<sup>12</sup> Steve Menary, UK

In the view of some respondents, favouring alternate options, the similarity of the name WACA to the World Anti-Doping Agency WADA should be avoided.

... The new agency should avoid comparisons with or in any way be in the shadow of WADA.

The acronym (WACA) is too close to WADA. I think the general public has a negative perception of WADA due to them not uncovering widespread doping, and by having an acronym that is almost identical, this would cause ... a negative connotation and association.

... There is also a similarity to WADA, whom some view as a corrupt organisation intent on managing doping, rather than tackling it. There are also allegations that WADA is in the pocket of the IOC - something that the agency needs to distance itself from. In addition, an integrity agency can examine issues such as safeguarding. Athletes are often the victims of organized state-doping, for instance, rather than being the criminals that they are often painted to be. An integrity agency could undertake this role, while it would seem a strange thing for an anti-corruption agency to do!<sup>13</sup>

Exemplary comments of those who want to combine both terms in a **WIACA**:

I believe that the version 'World Integrity and Anti-Corruption Agency' is better because it shows from the very beginning that the agency is meant to address a vast sphere of issues concerning the sports activities. From my point of view this form does not leave place for interpretations or any other doubts regarding the agency's mission.

Integrity is the goal and standard, the constant to attain and maintain, while Anti-Corruption is the fight, the battle. Integrity is good governance, while Anti-Corruption is the war to defend the standard of good governance.

It encompasses the broad term "integrity", but stresses "corruption" as the main pillar.

The use of the words integrity and corruption will send a strong signal.<sup>14</sup>

It needs to be perceived as, above all, a regulatory agency. Anti-corruption only may induce the idea that it will be mostly an investigative agency.

It is important to capture both the "integrity" (including behavioural and safeguarding issues) as well as the "anti-corruption" (match fixing, organised crime etc.) in the agency name. Often these issues are linked or committed by the same

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<sup>13</sup> Andy Brown, UK

<sup>14</sup> Olukayode Thomas, Nigeria

people (e.g. corrupt officials taking bribes as well as abusing their position or committing acts of physical or sexual abuse).

## Comments on other options

Comments of respondents who provide alternative ideas often relate critically to the term 'agency':

Anti-Corruption Commissions exist on national level and people can therefore relate to them in many countries. "Commission" also might be less problematic than "Agency" for some stakeholders.

'Agency' suggests an organisation that will have investigative / legislative powers. If that is the intention, then it works. If it is intended to be more of a pressure group / intelligence resource then maybe it may be better to be "Organisation" or similar.

There is a question, if there should be the word "Agency" included. Many organizations such as IFs resign to use type of organization in its names. UWW, WA.

The following alternatives are proposed: organisation, bureau, commission, ombuds, clearing house, alliance.

Other respondents, advocating the term "sport" in the name, reasoning:

I think the name should be clear on the focus on sport.<sup>15</sup>

It is my opinion that World Anti-Corruption Agency (for sport) is not a good name for a few reasons. Sport is really not in the name, and is added almost as an afterthought. Sport should be front and center in the name of the agency/organization.

Calling the organization the World Anti-Corruption Agency (WACA) will be a bit confusing since the organization is focusing primarily on sports and there are numerous anti-corruption organizations already in existence.

World Sports Integrity (Agency) - I think it is important for the name to contain: 1. "sport(s)", to give context to the subject 2. "world", to show its international jurisdiction 3. "agency", as I believe this word conveys a sense of authority with an operational remit, almost in a pseudo-governmental sense.<sup>16</sup>

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<sup>15</sup> Manase Chiweshe, Zimbabwe

<sup>16</sup> Affy Sheikh, UK

## Other names suggested

Other names that were suggested includes:

International Agency Against Corruption in Sport - IAACS

World Anti-Sport-Corruption Agency (WASCA)

World Anti Sports Fraud Agency

Global Financial Intelligence Unit of Sport

WorldWide Sport Financial Intelligence Unit

Sports Anti-Corruption Commission

Sport Integrity Agency/Center

International Sports Integrity Agency (ISIA)

World Integrity in Sport Executive (WISE)

World Sports Integrity (Agency) WSI

Sport Word Integrity Agency SWIA

World Integrity Sports Agency (WISA)

International Sports Ombuds

WorldWide Sport Clearing House

Fair Sport. Sports Integrity Agency or the Sports Integrity Bureau

Clean Sports Agency

## Recommendations and challenges

Although the name of the agency may depend on its ultimate mandate, it should be taken into account that solely focusing on the notion of fighting corruption already in the name could, first, limit its mandate, including with regard to the protection of athletes, and, second, discourage sports organisations from participating in the initiative to establish an agency.

On the other hand, the agency should not compete with the sports federations' own integrity efforts, but rather oversee them. This could be made clear by the name.



The name must make it obvious that the agency's focus is on sports, and it should reflect the global scope of the agency's mission.

The term 'agency' does not have to be part of the name, as there are other options including suggestions of not categorising the body at all.

Having considered the multitude of comments, Play the Game has opted for replacing the WACA working title with 'ClearingSport' and the current subtitle: '- towards an agency countering crime and protecting integrity in world sport.'

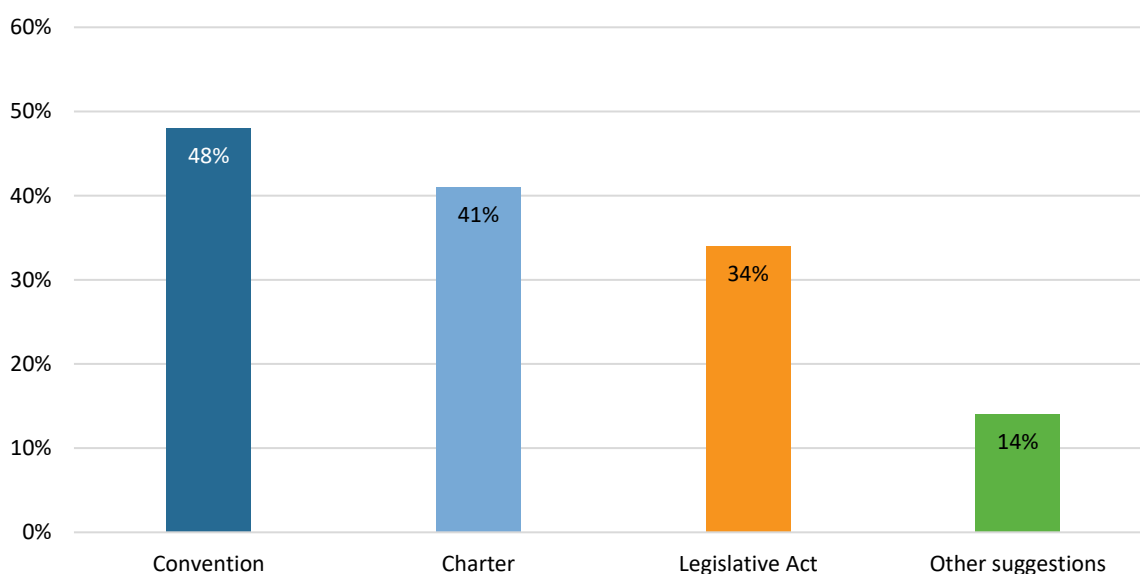
## 2. Path to the agency

We asked:

One step on the road to establishing WACA could be an international convention like the one that predated the establishment of WADA. In the EU Commission, there are early considerations about a legislative act. Another possible way would be a charter (basically a Code for WACA), signed by sports federations and governments.

Which way do you think would be feasible? (Mark one or more.<sup>17</sup>)

**Figure 3: Feasible ways of establishing the agency**



### Overview

A **convention** receives the highest level of support in the survey, at 48% - such a solution, an international agreement hosted by UNESCO or another transnational organisation, is assessed as ‘broad-based’, as “more inclusive of many stakeholders from different circles with different responsibilities and experience”, or as giving the agency “a lot of weight” as well as “stronger impact”.

Rightfully so, one respondent reminds, “the Convention process for WADA took place after WADA was established to allow governments to accept the Code, not to accept the body itself.”

It is also noted that an international convention does not have to be linked to the UN/UNESCO, but could be established at the European level, as is the case for example

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<sup>17</sup> The result adds up to more than 100%, because some respondents ticked more than one option.

with the Council of Europe's Convention on the Manipulation of Sports Competitions (Maastricht Convention), which is open globally to adhere to.

However, scepticism about this path is prominently expressed in many comments and is based on a variety of arguments:

The UN Convention underpinning WADA is premised on a singularly "bad" thing in sport i.e., doping, but trying to get consensus on a convention that aims to tackle sports corruption would be almost impossible and ultimately futile especially as it would stray into the quasi-criminal law jurisdiction. In any event the UN already has an Anti-Corruption Convention.

Sports federations have had decades to change their structures and cultures. They have only ever reacted to public pressure ... - doing everything to undermine, infiltrate, boycott and just overall weaken international initiatives at all levels. Organised sport under the all-encompassing umbrella of the IOC (and beyond) must have no place in WACA. Copying the WADA system is the wrong way to go.<sup>18</sup>

Drafting and adopting a Convention would be a painful and extremely long exercise, with no guarantees of success. Since WACA is foreseen as a global organisation, such a Convention would have to be adopted by the UN, which makes it "mission impossible". A Charter, developed by experts, supported by (some) governments, offered to future members of WACA, is the only realistic option to get somewhere.

As is evident from the last comment, these objections are frequently raised by the 41% who favour a **charter**.

The third-highest approval rating, at 34%, is given to a legislative act as a first step towards an agency dealing with serious crimes and requiring a legislative grounding to enable recourse to legal justice systems. While most comments view this path positively, some issue warnings, as one might assume (even if not always explicitly stated so) in the context of the 'autonomy' of sport. Those comments read:

Firstly, a legislative act would be very welcome but in this case it could get into collision with the idea of sport's autonomy and for this reason some sports organizations could reject it, or at least they will disagree with it.

The possibility of the EU enacting legislation might prompt sports bodies to coordinate proactively in an attempt to make the legislation unnecessary. The creation of the International Partnership Against Corruption in Sport (IPACS) may

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<sup>18</sup> Jens Weinreich, Germany

have been partly motivated by a desire to ward off action from the EU or other international bodies.

Integrity is a matter of ETHICS – ethical conduct could never be implemented by laws ... on (the) contrary.<sup>19</sup>

The fact that our question hinted to initial considerations of a legislative initiative at EU level also provoked comments. Proponents of a legislative act to combat corruption in and through sport expect a global approach:

Legislation from at least other western nations must also occur.

... it should not be limited to just one continent. Otherwise, sports organizations only need to move, as they did sometimes in history, to avoid control. Sports organizations need to know that no matter where they are installed, they will be controlled and that impunity has come to an end.

Legislative act, only for Europe? Besides it would of course be very powerful statement if Europe would sign as one.<sup>20</sup>

A charter/convention is probably easier to conclude, while a legislative act, e.g. drafted by the EU Commission, could have a regional bias from the onset (thus giving certain actors an excuse not to join the WACA initiative).

All possible paths have pros and cons, but a charter or convention seem to be more realistic than a legislative act, which would probably a) be very difficult to achieve and/or b) contain a political/regional bias from the start (e.g. if initiated by the EU Commission) giving important actors a reason to reject the whole idea.

It should be noted that several respondents point out that these pathways to an agency are by no means mutually exclusive, regardless of which one (ones) they favour as a starting point:

In my view all of them are necessary and not exclusionary steps. A convention is positive. A Charter would be great and a legislative act maybe is necessary if the ISF (International Sport Federations) do not act by themselves.<sup>21</sup>

All above mentioned instruments would be needed and don't rule out each other. A Convention open to all state parties would set a legal base for the new agency and a Charter would be needed to specify the participation of the parties

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<sup>19</sup> Mihai Coman, Romania

<sup>20</sup> Simon de Clercq, Belgium

<sup>21</sup> Alberto Carrio, Spain

to the Agency's work. A legal act at the EU level would set the legal framework to implement the Convention.

I think all three elements mentioned - legislation, charter and convention will be required at some point for this organization to be effective. However, one must start somewhere. I think this would begin with a draft charter... The Charter is important for setting the overall mission and priorities for the organization. This will be essential for maintaining focus going forward. Overtime, the organization can adapt, expand or modify the Charter as required. I think legislation should be the last of the three and a lower priority for two reasons. First, introducing legislation is a time-consuming process that requires substantial work. Second, and more important, existing legislation exist to support anti-corruption efforts. From my perspective as a former diplomat, security official and financier, one of the greatest problems (of) "sports integrity/anti-corruption" efforts is the failure to leverage existing tools and inexperience in established anti-corruption techniques.

Having worked in International Police cooperation for most of my career, I am aware that it is often difficult to get legislative agreement on common matters across jurisdictions. By proposing a Charter ... agreement can be achieved which may instruct national legislation if countries choose to pursue that course. In the future, the act of legislating could become a condition of membership of the organization but it should not be a barrier in the first instance.

I found more reasonable having both, a legislative act followed by a Charter, a basic Code signed by sports federations and governments. This one in the EU case, ... for me will be the most effective way to save and secure the Agency working efficiency. But I am not sure that is the right module for other continents.

We also asked for alternative ideas: 14% favour a different path to an agency, such as 'agreements among stakeholders' or 'Council of Europe measures.' The idea of extending existing frameworks against corruption and financial crimes to sports is also put forward.

## Comments on the options offered

Comments from proponents of a 'convention' read as follows:

I think an international agreement, lodged at UNESCO, would give the agency great heft.

WIACA should be at the highest level at its creation, involving all nations recognized by the U.N.

This should be a broad based convention with state signatories - including Switzerland!

From my perspective, I believe a convention will have a stronger impact on making it an international conversation since the beginning, being in platforms and discussion where governments and federations are interested in being part. Make it a public-level urgency, something that cannot wait. Even if it is a convention, I believe on the necessity of a code that governments and federations sign. They will sign only if the biggest sport governing bodies sign it (IOC) ...

Even though that convention presuppose longer path, I believe the processes of ratification, compliance and implementation would lead to development of the international body along with the appropriate code.

It seems more inclusive of many actors from different constituencies with different responsibilities and experiences therefore, by having members together, this will help to share challenges, good practices and thereafter with one collective voice, action and responsibility decide the way forward.

The same path of an installment through a convention has proved applicable and recognizable among sports organizations already.

The Convention is a very good tool for creating legislation in countries and Code for WACA signed by sports federations and governments.

The benefit of a convention is that there are already conventions in place that can be used/incorporated plus it is an accepted "tool". However it is still quite high level so having a code under that convention that is more detailed and rigid is needed.

A convention is something we can start with - given that we already have examples - but we can combine it with the other options (legislative acts, charters, codes etc.) adopting the paradigm of anti-doping and combine it with existing tools (like Macolin convention for manipulation).

A Convention could help formulate a Charter, setting out the agency's aims and objectives. The Convention could also explore various funding avenues, perhaps pulling in some of the existing agencies (as well as discovering - once and for all (!) - how they are funded themselves).<sup>22</sup>

An international convention requires participation and ratification by states and that is when the Agency can work effectively.

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<sup>22</sup> Andy Brown, UK

Legislation in Nigeria is not effective, an international convention like Wada that all countries will be signatory and they have the power to sanction erring country or federation is better.<sup>23</sup>

Comments from proponents of a 'charter' read as follows:

Drafting and adopting a Convention would be a painful and extremely long exercise, with no guarantees of success. Since WACA is foreseen as a global organisation, such a Convention would have to be adopted by the UN, which makes it "mission impossible". A Charter, developed by experts, supported by (some) governments, offered to future members of WACA, is the only realistic option to get somewhere.<sup>24</sup>

I think it will be an easier path to work with a charter from the beginning. This could be a stepping-stone to a convention.

A charter is in my opinion better because of the flexibility and its dynamics.<sup>25</sup>

I think a charter may be a more flexible option than either a convention or legislation. A convention is quite static. Meanwhile, while legislation could be amended, it would be up to the initiative of the host state (or EU) where the legislation originates. This would create a less-flexible organization. For WADA, this was fine. But for a broader organization facing more amorphous concerns (corruption, integrity, etc.), I think the flexibility would be a strength as opposed to the possible legitimacy benefits created by having the backing of a convention/legislation.

The entity will need to have the sports federations and governments that want to sign up - then start work. It cannot wait for a certain threshold or number of federations/governments, or for legislation. A Convention/legislative acts would take forever and allow indefinite filibustering/ obfuscation/delaying tactics.

The idea of a charter will fit best as all stakeholders interested and passionate about the organisation's activities would align with its do's and don'ts. The charter shouldn't be available to only sports federations and governments. Other stakeholders like journalists, managers, coaches and others in the industry must be given the chance to sign the charter.

Focus on developing a "Charter" allows for this initiative to move beyond the jurisdiction and changing politics of individual states to a focus that is directed

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<sup>23</sup> Olukayode Thomas, Nigeria

<sup>24</sup> Drago Kos, Slovenia

<sup>25</sup> Simon de Clercq, Belgium

at the optimal norms of behaviour in question rather than the legal obligations of each party to a “Convention”.

A Charter can come first and legislative act / convention after (otherwise it would take forever).

I think that a Charter would be the appropriate solution as there are some very important aspects to be taken into account. Firstly, a legislative act would be very welcome but in this case it could get into collision with the idea of sport’s autonomy and for this reason some sports organizations could reject it, or at least they will disagree it. Secondly, a Charter would be more comprehensive regarding the number of countries that are to recognize and embrace it, as long as this Charter will be opened for all the states, not only for the ones that are members of the European Union, as is not the case with some countries from the Council of Europe, which are not in the EU. On the other hand, if a Convention like the one that predated WADA was effective and would support a smooth and quicker establishment of WACA, I think this version should be also taken into consideration.

Legislation from an international perspective makes it too difficult to investigate and respond quickly (jurisdictional confusion etc.). A Charter or Code - similar to the WADA Code - with sports as signatories to the Code alleviates this. Becoming a signatory to the Code/Charter could also be a prerequisite for admission to certain events e.g. IOC events.

It is important to choose the “name” based on which status it is going to have due to international law. If it is meant that other than states can be subject to the act a charter might be the best.<sup>26</sup>

Convention is restricted to governments. Sport and government could sign a charter, which may give more coverage. A legislative act is by nature restrictive to the jurisdiction of the competent authority.

Comments from proponents of a ‘legislative act’ read as follows:

Legislative path will give more impetus and weight to the agency in terms of its role and mandate.<sup>27</sup>

A legislative act would mean a strong and binding mechanism.

Legislation is required if the agency is to avoid simply become a talking shop.

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<sup>26</sup> Jesper Olsen, Denmark

<sup>27</sup> Manase Chiweshe, Zimbabwe



In my opinion, existing sports governing bodies will not in general be leading the call for the agency's creation, and so the stronger the support from governments the better. If the agency is to have the powers it needs to operate successfully (investigation powers, powers to interview, powers to sanction, working closely with not only sports but law enforcement too), then there has to be a legislative grounding - otherwise there is a risk of it being toothless.<sup>28</sup>

While voluntary action, charters, conventions, etc. have a certain appeal and logic they are typically set-up by and gamed by the sporting institution. Given the gravity of integrity-related issues in sport (and the fact that many/most of these problems are created by sport), I think that it is high time that the autonomy of sport be challenged by legislative action on the issue of integrity/corruption.

It's unlikely to happen without legislation.

EU legislation. I explain the part of the reasons for my preference here ... <sup>29</sup>

The agency could grow gradually with the first start in the European Union, gathering the EU politicians to make something about anti sport-corruption, preferably with a legislative act that includes WACA's power that can authorise an investigation or order to detain perpetrators partnering with local governments and their law enforcers. ... Moreover, after establishing strong influence in the EU, the agency then could move on to another region, such as Asia and North America, and eventually the rest of the world. I feel that relying on such international conventions or treaties as ones produced via the UN or other international organisations, will not (be) strong enough to eradicate sport corruption globally, since most of politicians or public servants in developing countries are careless about those kinds of products. I believe, using law-enforcement approach through state/ governments will generate higher success rate.

The legal basis for the agency is important, as it will dictate the powers of the agency. If the agency is to remain in the sports law and justice world, then probably a charter or convention is needed. But as the agency deals with very serious crime offences, there is a need for a legal basis that enables recourse to the civil justice system.

In our opinion uniform criminal offences would have to be designed and implemented at the national level in such a way that cases of corruption could be prosecuted at all levels of sport practised under private law. This state claim to prosecute corruption in private associations could be justified by the great social importance of sport and the corresponding social damage caused by corrupt

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<sup>28</sup> Affy Sheikh, UK

<sup>29</sup> Miguel Maduro, Portugal, with reference to: <https://www.euronews.com/2021/11/12/only-the-eu-can-save-football-from-itself-view>

behaviour in sport ... Only national legislation makes it possible to investigate and prosecute suspected offences with adequate coercive measures. Such legislation should ideally be supplemented with provisions that allow the criminal courts, in the case of convictions, to prohibit persons from engaging in certain activities in sports organisations in the future. At national level, further regulations on administrative law and administrative sanctions (e.g. concerning authorisation requirements or financial aid) may have to be enacted. ... The idea of an international agency for combating corruption in sport, responsible to fulfill partial mandates that lie within the regulatory competence of sports organisations, is worth examining. In our opinion, however, it can neither be introduced separately from state measures to fight corruption nor replace them.<sup>30</sup>

Others that weigh in on this question also advocate harmonisation of criminal legislation or propose an alliance of law enforcement agencies, and cite the few standard-setting examples:

... My imagination is limited as to how, for example, Qatar, Russia, China and Saudi Arabia could be forced to cooperate with criminal investigators from other nations. One should not strive for anything utopian here, but for simple yet effective mechanisms and means. A crucial issue is the cooperation and exchange of information between investigative bodies of different countries. Practical example: In recent years, much has been reported about the criminal investigations against sports multinationals and top officials in the USA, Brazil, France and Japan - and, of course, about the alleged investigations in Switzerland (after all, Switzerland is quickly involved in almost every issue that is uncovered nationally and affects international sports federations). However, there has never been a truly lasting cooperation between investigators from the USA, Brazil, France, Japan, Switzerland and other nations. There have only been a few bilateral meetings and talks and, in two spectacular cases (the arrests of FIFA officials in Zurich in May and December 2015), successful requests for administrative assistance. To put it more positively: If mechanisms can be developed here at the international level that enable real lasting cooperation, a lot would be achieved. In the many years of criminal investigations in the aforementioned nations, numerous pieces of circumstantial evidence and documents were seized that could not even be used in the respective proceedings (the Americans, for example, only prosecuted football officials, but they seized a lot of material on numerous Olympic associations). This is where we have to start, and we may not even need international conventions for this.<sup>31</sup>

These are critical thoughts, but given that sports-related crimes are more often than not transnational crimes, and the sought-after global harmonisation of criminal legislation for corruption offences (and a fortiori enforcement) across all jurisdictions might be difficult to

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<sup>30</sup> Swiss Federal Office of Sport: Statement by Wilhelm Rauch

<sup>31</sup> Jens Weinreich, Germany

achieve (if not an illusion), the question of transnational jurisdiction may also have to be addressed in the course of creating an agency:

Legislative act with cross jurisdictional powers and enforcement should be the way forward - as this gives the most power and authority for the body in carrying out duties - otherwise even if governments and federations sign up it may not be as effective.

As a recent example of how governments might be amenable to this, particularly in the area of Olympic sports intended to serve national representation, consider the implementation of the U.S. Rodchenkov Anti-Doping Act of 2019<sup>32</sup>, which targets organisers of systematic doping with criminal penalties outside their national borders. Just like doping, corruption and abuse limit the level playing field that sporting competition between nations ideally should create.

A proposal related to extraterritorial jurisdiction reads:

The organization would combine elements of the legal and self-regulatory models ...

Legal elements would include standards defined by and enforceable through laws enacted by sovereign states. For example, a pact in the form of a treaty or convention would be adopted by WACA members requiring each member: (1) to enact domestic legislation subjecting specified corrupt practices to criminal and civil penalties; (2) to maintain a domestic agency with the authority and resources to enforce these laws; and (3) to allow the member state to cooperate with WACA in appropriate cases.

Sports-related precedents include the Rodchenkov Act in the U.S., which defines doping-related offenses and authorizes American law enforcement agencies to prosecute them. Similarly, the WACA pact could call upon member states to expand both their extraterritorial jurisdiction over sports-related corruption and the definition of such corruption to include conduct beyond doping.

... Self-regulatory elements could include incentives for individual members to resolve cases themselves whenever possible, with the umbrella organization being primarily responsible for oversight, education, lobbying, and promulgation of new standards as needed. The umbrella organization could also provide investigative and other support in transnational cases beyond the capabilities of individual members. For this purpose, it would serve as a clearinghouse for allocating resources in particular cases to the most appropriate jurisdictions.<sup>33</sup>

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<sup>32</sup> See: <https://www.congress.gov/116/plaws/publ206/PLAW-116publ206.pdf>

<sup>33</sup> Fair Sport, Draft by Edwin Stier and Johann Koss

The purpose of the agency needs to be effective and have the authority to act; a legislative act would be the most effective method.

I like the legislation idea to the extent it will generate enforcement capabilities. I have no opinion on whether legislation is realistic.<sup>34</sup>

I think it needs to be the way that obliges the countries to commit as much as possible.<sup>35</sup>

The legislative act is binding and I believe that such an important issue must not be left to the goodwill of sports councils or states.

We are aware that if there is no mandatory imposition, the violation of which implies a sanction, it is more difficult for its content to be assumed, so the greater its coercive capacity, the more effective it is likely to be.

I think Charter relies too much on the agencies themselves and it is clear that many struggle with this and have been too imbedded in self-regulation to do something that may negatively impact some of those in charge.

If not legally binding it will end up as the Macolin Convention – we will all do our very best. And too many stakeholders. It should be a non-biased agency, without any requirements from betting, sports, data companies etc.

In my opinion it is essential that the governments commit from the foundation of the agency and that the constitutive document reflect that. I find that in this case it's far more important that governments' commitment to fight corruption within sport organisations is more important (than) any action by sport organisations.

I believe that it is important to establish WIACA through a legislative act that regulates the conditions, responsibilities, organizations and commitments on the part of the international sports sector and of each one of the countries.

I believe that the convention option has not borne fruit in previous versions such as WADA or UNESCO's International Charter for Physical Education, Physical Activity and Sport. A letter or code does not consolidate commitments either, only voluntary agreements, which nobody assumes or fulfills. I suggest that it be taken into account as a process of a legislative act, which begins with an immediate regulation for all the actors in the sport.<sup>36</sup>

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<sup>34</sup> Andy Spalding, USA

<sup>35</sup> Jeppe Laursen Brock, Denmark

<sup>36</sup> Ana María Arias Castaño, Colombia

If effective, there needs to be national legislation in addition to both international and national non-legislative regulative measures. Learning from the area of Anti-Doping: It is important to keep the obligation of sports and of governments separated, but at the same time complementary. In anti-doping the grey area between sport and government seems to have muddled the picture of roles and responsibilities.

Based on legislative act, because WACA shouldn't be able to revise the rules concerning independence, term periods and other good governance issues regarding the organisation.

Comments from proponents of 'other suggestions' read as follows:

If the EU will legislate, then good. But the CoE has been taking a lead in this area and might be better placed to take the next steps.

We might as well expand the WADA convention to cover anti-corruption powers? The system is already in place, including the network of National Anti-Doping agencies.

Is there any view that this could sit as a by-product of UNCAC, though increased funding to UNODC?

There are many other alternatives to explore including, for example: attaching to an existing anti-corruption framework (like the OECD, UN or CoE), or looking at one strong national framework and extending it out (e.g. US and FCPA which now applies to many countries world-wide).

The Foreign Corrupt Practices Act (FCPA)<sup>37</sup> mentioned in the comment above prohibits payments and gifts of value to foreign government officials for the purpose of winning business or maintaining a business relationship. It is applicable worldwide to individuals, companies, intermediaries engaged by the company, and any shareholder acting on behalf of the company. Furthermore, the FCPA would allow the US president to designate international organisations like sports governing bodies to be subject to it, which has not happened, yet.<sup>38</sup>

The FCPA dominated international anti-corruption enforcement until the 2010s when other countries introduced similar laws, seen as more robust – like for example the UK Bribery Act.

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<sup>37</sup> See: <https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>

<sup>38</sup> Nicola Benucci, Drago Kos, Andy Spalding: Use the Anti-Bribery Convention to prosecute corruption in mega-sports. Fcpablog, 6.3.2023. See: <https://fcpablog.com/2023/03/06/oecd-working-group-use-the-anti-bribery-convention-to-prosecute-corruption-in-megasports/>

## General comments

Some respondents comment with more general reminders (and warnings) regarding further consultation on the path to an agency, and what the possible risks could be.

Any of the provided options will require significant global momentum to reach an agreed set of words to enable support.

First step a recognized working group with governmental representatives to define mandate and road.

First step MUST be a Working Group composed by governmental and intergovernmental representatives - not necessarily all countries of course, officially recognized, with the mandate to define multi-stakeholder approaches involving civil society/private sector/intermediate bodies, and to implement hearings of selected sport bodies.<sup>39</sup>

Both the convention and the charter need a careful bottom up process to include all relevant stakeholders.

Though the legislative path looks like the right way to start, there is a risk of being another “set of good intentions”. There would be a good idea to explore some commitment from chiefs of state, or at least, current ministries of sports (i.e. using MINEPS as a platform for it).

It will be challenging to get sports to sign up to anything like this - particularly those with more sophisticated existing integrity operations like football, tennis, athletics and biathlon.

## Recommendations and challenges

Convention, charter or legislative act(s) are by no means mutually exclusive ways to create the agency. Rather the question is: Where to start?

An expert working group ideally supported or legitimised by governments or an inter-governmental organisation could develop / draft a charter containing mission, scope and structure of the agency – a proposal open to parties (whether sports organisations or governments) to sign. This can be done with the participation of sports organisations or with their consultation.

The draft charter / code may instruct sports governing bodies to amend their codes as well as governments to harmonise / amend existing (anti-corruption) legislation accordingly to sports’ issues.

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<sup>39</sup> Paolo Bertaccini, Italy

Legislative act(s) would require a strong commitment of governments and likely meet opposition from sports governing bodies, as they would probably feel their so-called 'autonomy' undermined. However, a body dealing with serious crime would need legal grounding to authorise its actions, to effectively cooperate with national law enforcement and to allow recourse to the judicial systems. Cross-jurisdictional powers should be considered. Care should be given from the outset not to cover only the EU area, but to seek cooperation with other jurisdictions.

The aim to reach an international convention against corruption in sports should be put on the back burner for the time being: Although a convention, hosted by UNESCO or another transnational organisation, might eventually be the most inclusive way and give the agency sufficient global impact, it would face several considerable obstacles – first and foremost, the arduous diplomatic process at the UN level before ratification.

### 3. Creating a code

We asked:

It will be necessary to create a code for sport integrity and anti-corruption, in accordance with the UN Guiding Principles on Business and Human Rights, with minimal standards that apply throughout sport and put an end to the inconsistency of current regulatory, monitoring and enforcement regimes. Such code would be the basis for the work of the agency.

1: In your opinion, what are the most important existing documents that should be used for the development of a universal code or should be part of it (such as the Macolin Convention)?

2: Do you see elements that are not sufficiently covered in any of the existing documents (such as arrangements for remedies for victims of corruption and/or abuse?) that should be included in a code?

#### Overview

105 survey respondents provided comments on this question, pointing to more than 50 documents of varying character that could benefit an agency code – international conventions, national legislations and criminal codes, policy recommendations, codes and standards developed by and for sports organisations (see list at the end of this chapter) –, with parts to be tailored to effectively addressing sports issues and to the mandate of the agency.

Further it is recommended to look at other (business) sectors where best practices, for example against money laundering, have been established.

It is noted that a new code would ideally also set standards for national legislations, thus requiring a stronger commitment from governments and law enforcement to push for anti-corruption/integrity in sports organisations.

As to elements not sufficiently covered by existing regulations, suggestions range from numerous operational considerations for the agency, “guidelines for the exchange of information” with law enforcement being one of them, to references connected to scope and mandate.

These areas are considered to have the most gaps and where regulations would have to be created for the code: safeguarding, protection of whistle-blowers and incentives for them, protection of victims, and remedies/compensation.

However, some respondents go so far as to consider a code less important than an alliance for enforcing existing rules, reinforcing the need for an agency from an institutional perspective.



## General comments

Many respondents emphasise that existing documents should be considered only as a starting point for the development of a universal code, because “there is no single code that gathers everything” and a “best practice solution must be sought.”

Corresponding comments read for example:

... let's not try to invent the wheel. Learn from other industries that are more advanced in this topic.

Taking the key parts of Codes from sports that have leading activity in tackling corruption in their sports and underpinning them with the principles of Human Rights and investigative and legislative processes.

All existing integrity and anti-corruption codes from all sports governing bodies such as the IOC, FIBA, NBA, FIFA, IFAB and other alike should be adopted to be used as a foundation. In order to make the integrity and anti-corruption code for WIAC, all existing codes ... should be reviewed by the team in charge of creating the code, and suggestions to improving them should be made by the relevant stakeholders so as to make them more robust.

I believe that sports regulations across the board should be considered.<sup>40</sup>

In my opinion, all existing universal codes such as the Macolin Convention, the Anti-Doping Convention and other ethical codes of conduct should be used. Their synchronization is necessary. The conclusion would be the centralization of negative phenomena in sports under one umbrella. Every negative phenomenon can have its own platform, but in the end it is good to focus on one organization.

Existing conventions in the realm of sports (anti-doping, match fixing, spectator violence), corruption, money laundering, organised crime. The setup of the Macolin convention is appealing since it is not a standalone convention but rather specifies existing ones to be applicable in the sport context plus it fills any gaps that are not covered by doing so.

It should be based on existing general standards related to corruption and sport specific sources. ... The scope should relate to institutional and high level corruption, which remains widely untouched at this moment.

Too big a question for a text box, but the Code should probably collate all the existing measures into one document and legal/policy measures. Care should be had to go too widely as this will lead to issues of enforcement and may end up

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<sup>40</sup> Herman Mula, Malta

just being a “wish list”. So priorities should be around human rights, match fixing, anti discrimination, organisational corruption. Maybe some key pillars that stakeholders can agree on.

Making use of industry best practices in the form of local, national and global Anti money laundering policies.

... If a world-wide sports integrity agency were to start to become a reality, I believe a committee of governance experts should be formed to comb through all of the various organizations and sports federations to determine what a universal code should include (or not include) so that the best possible product could be formulated and created that has the best fit for all.

In my opinion, this code, let’s agree to say “universal”, should not be a simple extension of conventions or UN international legislation with minimal additions as suggested in point 1, but should be a code that directly addresses the phenomenon of corruption in sport, obviously being in line with the aforementioned legislation.

... A best-practice solution must be sought here. In which other areas (economy, politics) are there actually effective mechanisms (internationally)? Basically, almost all conventions dedicated to sports business lack fundamental points; none of these papers reflect the reality in international sports business. This is also a result of decades of lobbying by sports corporations, which have used a lot of money and political means at all levels to soften and block such papers. Corruption and crime have been reduced in such papers (Macolin is one of them) almost exclusively to match fixing, betting fraud and illegal trade in doping substances. This is in line with the propaganda and narrative of sport, according to which - figuratively speaking - evil always invades the wonderful world of sport from the outside. ... Important here is the legislation in Switzerland, which is home to some 60 international associations. The structure of the law on associations promotes intransparency and corruption. The measures introduced about a decade ago (after the World Cup was awarded to Qatar), including listing sports officials as politically exposed persons, are far from sufficient.<sup>41</sup>

As in the comment above, other respondents also point out that a code should require greater commitment from governments and law enforcement agencies to anti-corruption/integrity in sports organisations, possibly including national legislation and the corresponding will to enforce it.

This angle obviously touches on the ‘autonomy’ (in EU language: ‘specificity’) of sports:

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<sup>41</sup> Jens Weinreich, Germany

An universal obligation for states/governments to penalise corruption in not-for-profit and in for-profit sports organisations. This includes the abuse of power/positions, possibility to buy influence on decisions (e.g. incl. match fixing related, related to buying votes and influence decisions on athlete selection for teams).

One area to look at is law enforcement – some countries do not see sport manipulation / anti-doping as criminal matters, others do. Those that do are not always keen to co-operate with sports and share intelligence or evidence.

Since a lot of sports integrity issues are criminal matters already in most countries (corruption, sexual abuse etc.), I think a code should concentrate on obliging and guiding signatories on how to work with these issues in close collaboration with relevant authorities nationally as well as internationally.

The main question is the scope of “the specificity of sport” behind which many actions in sports are hidden. There must be a way to see behind the economic activities of the international sport organisations that enable corruption.

A major problem is the athlete agreement, which in the UK at least is signed with a governing body when an athlete enters elite sport and receives funding. These agreements often require athletes to accept the jurisdiction of the CAS and agree to keep disputes outside of courts of law. This makes athletes vulnerable, as sport can argue that because athletes have accepted the “specificity of sport”, normal human rights such as data privacy, human rights such as right to a fair trial are not fully applicable to them. The Code should enshrine that sport doesn’t operate outside of the normal rule of law, and athletes have the right to recourse to a court of law if the sporting system fails them. That way corrupt federations have less room to hide from prosecutors, and have less scope to abuse athletes.<sup>42</sup>

Some respondents emphasise that priority should be given to the application/enforcement of existing regulations and laws:

Full profit and use of the existing international legal instruments must be made: civil and criminal law conventions on corruption are to be fully applied in a sport environment. Furthermore, the Macolin Convention, which is specifically tackling sport manipulation, is open to any country in the world and aims at harmonising the legal frameworks preventing and responding to match fixing.<sup>43</sup>

The elements of corruption and responses are largely covered by existing rules, statutes and conventions. The missing elements are coordinated and cooperative enforcement action.

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<sup>42</sup> Andy Brown, UK

<sup>43</sup> CoE Sport Division: Statement by Sophie Kwasny

From a similar perspective – the lack of enforcement mechanisms for existing regulations – others explicitly point to the urgency of an independent agency with a strong enforcement mandate that could be delayed by code development.

More than a code, it is institutions and institutional requirements that are necessary. Most of the standards and rules already exist in the statutes of federations. It's independent monitoring and enforcement that is lacking.<sup>44</sup>

Codes and rules are not the issue – the issue is applying them. Therefore, it might make sense to simply use the IOC Code of Ethics as the basis (perhaps merged with others, if needed), since this already provides a head start (since no negotiation or acceptance is required of the content from most of the sports bodies). Negotiating a new code will provide a huge opportunity for delay and filibustering.

The Macolin Convention is very narrowly focused on match fixing and has had little to no impact operationally on anti-match fixing programs in sport. Governments have signed up to it but how many genuinely have, for example, developed national anti-match fixing platforms etc. It would be preferable to develop an Ombuds type system whereby IFs etc. agree to refer matters for investigation by the Ombuds and on foot of that investigation a recommendation is made either to criminal authorities, CAS, remitted to the IF etc.

Basing on some other codes and following the format is probably key on getting buy-in, but I think, there needs to be some more input into the monitoring and enforcement aspects that need to be covered.

It must also be mentioned that the reference to the UNGP on Business and Human Rights in our question – meant as part of the minimum standards to be established with the future code, such as for example providing a (non-state based) grievance mechanism – was met with criticism:

I am perplexed by the notion that the UNGPs would provide the foundation for an anti-corruption agency; typically, UNGPs are thought to apply to human rights while other documents apply to corruption (as evident, for example, in the IOC Model Host City Contract). To the extent we are treating corruption as a rights violation, however, this may prove viable at least conceptually. But recognize that the UNGPs include numerous provisions that do not presently apply to global anti-corruption enforcement. Unclear whether WACA wants to become a trailblazer in anti-corruption compliance and enforcement, or instead, should take the safer (and more credible) approach of adopting widely recognized anti-corruption principles (as seen in guidance from UK, France, US, or Brazil, or perhaps the OECD Guidelines for Multinational Enterprises).<sup>45</sup>

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<sup>44</sup> Miguel Maduro, Portugal

<sup>45</sup> Andy Spalding, USA

The UNGP itself is not a binding document, so I don't see how the remedy mechanisms would bind sports governing bodies to this framework. This may need some brainstorming and more investigation to see what options are available. If everything, in the end, is again dependent on the consent of sport governing bodies to the Code or any other document then I think we are back to the starting point.

... I think this should not be a UN human rights group. It should be a place to detect fraud, abuse, fixing etc. which should lead to a police investigation and possible punishment.

When we fought a development in Canada that would increase dangers to children, our lawyer would NOT allow us to use any UN document, saying that they have no weight in Canadian law. I feel a Code must have international legal teeth. I am not talking about actions that are illegal, such as money laundering through sport, or game fixing ... I am talking about how we address cross-border sexual abuse, the country-hopping nature of many predators, and those who enable and cover for them.

Other notable comments that relate to basis, method and urgency for developing a code read:

Process to arrive at a Charter (i.e. Code) should start with a risk assessment to identify the most common typologies of systemic cheating in sport.

The most important element in my opinion is the structure of the organisation. The problem we see repeated again and again in sport is that people who start perhaps with good intentions get into positions of power and cannot be challenged. A multi-stakeholder set up, that relies on coalitions and does not enable one group to dominate, is essential.

As a lawyer, I recommend that the structure of the Code be built on the basis of principles and not rules, that is, common law prevails and not positive law.<sup>46</sup>

... the great and growing schism between professional/pecuniary and all other forms of sport (especially grassroots and self-organised) should play a role to counter the elitist discussion/understanding of modern sport. This also includes a recognition and appreciation of other forms of physical activity that were destroyed or have been neglected in the course of the colonial expansion and are - in most cases - not organised or not accepted by international federations (which were mostly founded prior to decolonisation). Indigenous communities shall not be forgotten in such a process because they can contribute very different perspectives that would enrich the understanding of global sport - in this regard the

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<sup>46</sup> Nestor Ordoñez Saavedra, Colombia

UN Declaration on the Rights of Indigenous Peoples as well as certain continental/regional treaties could provide additional guidance.

Dynamic Accountability could be an appropriate concept for this initiative.

... this is a race against corruption: “made the Law, made the trap”, as they say in this part of the world. In other words, new forms of corruption appeared in recent years and others evolved for the worse, such as match fixing or illegal betting.

## Comments on issues not sufficiently covered

Respondents to the question about what elements are not adequately covered in existing documents see numerous gaps in existing regulations that should be addressed by the agency’s code-to-develop. Suggestions range from brief comments such as “guidelines for the exchange of information,” to more comprehensive references.

However, four points are prevalent: safeguarding, protection of whistle-blowers and incentives for them, protection of victims, and remedies/compensation.

First, general guidance on what should be incorporated into the code:

...there are plenty of operational considerations that need to be enshrined within a code that sets out the exact workings of such an agency - none of which are covered by any existing documents. Remedies for victims of corruption and/or abuse are mentioned above, but there are countless other considerations that need to be provided for too: the precise remit of the agency, who is covered, what the offences are, what the investigations process is, what rights exist (legal representations, appeals process etc.), does the agency have the power to handle (and pay?) confidential informants (HUMINT)... the list here is very long and it is essential to set everything out in order for the agency to have strong foundations.<sup>47</sup>

Clear definition and responsibility of regulatory role of sport organisations and their commitment in protection of public goods and public interest in sport.

Taking into account the investigations that have been carried out on governance and legitimacy in organizational sport. Universal principles of governance should be considered and worked on. This would cover what has not yet been addressed, such as transparency in annual reports, international financial standards, among other aspects.<sup>48</sup>

The rights and protection of athletes must become the guiding theme.

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<sup>47</sup> Affy Sheikh, UK

<sup>48</sup> Ana María Arias Castaño, Colombia

Situation of athletes who breach regulations within a corrupt environment that basically forces them to do so should be considered.

Missing elements: recovery of proceeds of corruption, identification, assistance to, protection and compensation of victims and whistle-blowers in sport, responsibility of sports organisations and federations, effective cooperation among sports organisations, law enforcement agencies and other state agencies (e.g. betting regulators and operators), the “anti-corruption role” of sponsors in sports ...<sup>49</sup>

To assist in the continual funding of a global sports integrity agency, fines, penalties and financial sanctions should be a part of such a new universal code.

I believe that of all the issues that lack further development and coverage by the code, it could be related to the social responsibility of sports organizations, associated with the double career of athletes, environmental responsibility and sustainability, social risk in sports practice, accompaniment in vulnerable populations, among others.

Co-operation between sports organizations, information exchange.

It is crucial to set guidelines for the exchange of information because these problems are global.

The lack of whistle-blower protection regulations ranks high among the priorities for a code-to-develop:

If there is insufficient coverage, whistle-blower protection should be high on the list of things addressed. If there is no whistle-blower protection, there are no whistle-blowers, meaning it is much harder to uncover corruption/unethical activities.

The Code should include a system to receive reports of whistle-blowers, ensure their safety, and grant without delay asylum for whistle-blowers. The Code should help whistle-blowers fight legal cases against perpetrators they are reporting on and give them media and legal support. Do not leave whistle-blowers on their own to fight and put their lives in danger.

Special provisions on whistle-blowers are needed.

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<sup>49</sup> Drago Kos, Slovenia



...specific protocols should be established for their action and protection, since despite the existence of the Directive since 2019, it is essential to make it known and implement it more rigorously in the field of sport.<sup>50</sup>

Similarly, the agency's code according to several respondents should enshrine sufficient rules against abuse and harassment as well as for protection for victims of corruption and/or abuse in sport:

Safeguarding is probably an area that should have attention in a sport integrity code since this is an area that is vague in its description and is not only a criminal matter, but as well a matter of culture and behavior. Remedies for victims are also important.

Gender and sextortion issues need more attention.<sup>51</sup>

Victims and witnesses should have greater provisions and support incorporated into the code.

Yes, victims are mostly overlooked, probably because they do not have a lobby, cannot easily be identified etc. The WACA code should include clear and transparent institutional arrangements that facilitate e.g. hearings, asset recovery and redistribution ...

Yes, victims are usually sidelined (probably because they cannot organise or lobby for themselves or are not visible at all). Therefore, a future WACA code should have clear and transparent mechanisms dealing with victims' demands holistically (i.e. through truth-telling, reconciliation, asset recovery, redistribution). Along the same lines, it is necessary to expand the focus (which tends to be on professional/pecuniary sport organised in federations mostly founded in an age of colonial and imperial thinking) and include grassroots sport as well as physical activities exercised by cultural minorities and indigenous communities around the world.

More information possibly needed for global code on the overlap of doping and abuse. Also, research shows that emotional abuse is a component of all abuse; policies, codes do not reflect this. A lot of room for improvement in this code<sup>52</sup>, but it would be good as reference.

The lack of provisions for remedies in favour of victims of corruption and abuse is considered a major gap in many existing codes (not just those of SGBs).

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<sup>50</sup> Refers to EU Directive 2019/1937 on the protection of persons reporting on breaches of Union law. See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937&from=DE>

<sup>51</sup> Manase Chiweshe, Zimbabwe

<sup>52</sup> Refers to US Center for SafeSport Code



Corresponding proposals also refer to financial assistance funds for victims, beyond financial support in possible legal proceedings.

Arrangements for remedies for victims of corruption and/or abuse are one topic that, in my opinion, is not fully covered in the existing papers. The ability to access justice and pursue compensation or other kinds of remedy is crucial for victims of corruption or abuse in sports. This might be accomplished by including particular clauses in a global code, such as establishing a system for reporting and handling charges of corruption or abuse or setting up a fund to aid victims financially.

Nowhere are there remedies for “victims” of sporting fraud. How far can this go and how to build a fund and a watchdog for the fund are key issues for debate.

It is important to hear the victims of corruption and put clear how corruption damages sport in all countries and Federations.<sup>53</sup>

A universal code, derived from various documents (not just UN Conventions) that may include local sports organizations, statutory law and method of remedy would provide a broad base of information. The one problem regarding remedies for abuse is that it could conflict with national criminal laws. I happen to think the approach in the U.S. – using Racketeering, Wire Fraud laws with broad jurisdiction is the best (but I'm biased as I am American and an attorney). That is what brought FIFA to be more accountable – charges against 50 FIFA members in North and South America and the threat of a trial with significant prison terms for corruption.

In terms of restitution or compensation, I feel that is a complex multi-jurisdictional issue and therefore the language should be brief.

Some comments identify requirements for a code that touch on the agency's mandate (addressed in more detail in the next chapter), which, of course, must be spelled out in the code:

Code should also include standard setting, certification, and audit/evaluation in areas such as prevention.<sup>54</sup>

Preventive/educational practices, methods of implementation and enforcement, sanctions/penalties, definition of stakeholders' roles and responsibilities.

Some on operational level – sentence for not cooperating, building database and exchange of information – sentenced and investigated person, regulation of data

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<sup>53</sup> Alberto Carrio, Spain

<sup>54</sup> Maximilian Klein, Athleten Deutschland, Germany

rights and transmission for betting, procedures and duties for sport federations (with sanctions if not complying).

There must be a mechanism to review compliance with the code, and remedies for breaches.

Mandate international federations to publicly disclose all grants and support to countries especially African countries.

I think that the initiative of sports organizations with regards to structuring and organizing new competitions, such as a potential European Football Super League, deserves a special approach from WACA's point of view. This new Super League would go far apart from the European Sport Model, which has at its core the European sport's values such as diversity and open competition and I believe that from this point of view it could be a reason of concern.

## Recommendations and challenges

Depending on the mandate, a range of existing documents – whether legislation, conventions, sports codes and best practices from other (business) sectors – should be reviewed as a starting point for the development of a universal code.

An assessment should be conducted in advance to identify the most common violations and threats, as well as gaps that existing documents do not cover to tailor the new code to the reality of sports.

For the code, pilot work would need to be done to define the modus operandi of the agency and to enshrine areas such as human rights and safeguarding, protection of whistleblowers and incentives for them, protection of victims, remedies and compensation, asset recovery.

Special emphasis should be placed on the development of monitoring and enforcement procedures for the agency, as these are considered the major weaknesses when it comes to sports crime and high-level organisational corruption or integrity issues. This is valid for a stakeholder-driven agency, as well as for one based on an intergovernmental agreement.

In this context, the question should be considered whether a new code in the sense of a full code of governance and conduct is necessary as a first step. This could, also in the view of the proponents of the stakeholder model, present a (unnecessary) delay on the way to an agency.

As an alternative to the drafting of a new code of governance and conduct, the agency, at least as a first step, could be charged with fully applying sports regulations like the IOC Code of Ethics and of individual federations, civil and criminal law, conventions on corruption in the sport environment.

Proponents of the intergovernmental model propose to harmonise national legislations through a code-like agreement, and that the agency could serve to investigate and to enforce the laws. This agreement should require signatories to facilitate cooperation with law enforcement agencies and transnational coordination.

## Recommended documents

Survey participants recommend following documents that could be used to develop a universal code, a few adding specific regulations to consider.

### **International level treaties / conventions / recommendations**

UN Convention against Corruption (UNCAC)

[https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

UN Convention against Transnational Organized Crime (UNTOC)

<https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

UN Guiding Principles on Business and Human Rights

[https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)

UN Universal Declaration of Human Rights

[https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)

UN Convention on the Rights of the Child

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

UN Code of Conduct for Law Enforcement Officials

<https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>

UNESCO International Charter of Physical Education, Physical Activity and Sport

<https://unesdoc.unesco.org/ark:/48223/pf0000235409>

OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

[https://www.oecd.org/daf/anti-bribery/ConvCombatBribery\\_ENG.pdf](https://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf)

OECD Guidelines for multinational enterprises

<https://www.oecd.org/daf/inv/mne/48004323.pdf>

Financial Action Task Force (FATF) Recommendations

(International standards on combating money laundering and the financing of terrorism & proliferation)

<https://www.fatf-gafi.org/content/dam/recommendations/FATF%20Recommendations%202012.pdf.coredownload.inline.pdf>

Charter of the Fundamental Rights of the EU (CfR EU)

[https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

European Convention on Human Rights (ECHR)

[https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)

Council of Europe's Criminal Law Convention on Corruption

<https://rm.coe.int/168007f3f5>

Council of Europe's Civil Law Convention on Corruption

<https://rm.coe.int/168007f3f6>

Council of Europe's Convention on an Integrated Safety, Security and Service Approach at Sports Events (Saint Denis Convention)

<https://rm.coe.int/1680666d0b>

Council of Europe's Convention on the Manipulation of Sports Competitions (Macolin Convention)

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016801cdd7e>

Council of Europe's Convention on Cybercrime (Budapest Convention)

<https://www.europarl.europa.eu/cmsdata/179163/20090225ATT50418EN.pdf>

Council of Europe's European Sport Charter

<https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>

European Anti-Fraud Office (OLAF) policies

[https://anti-fraud.ec.europa.eu/index\\_en](https://anti-fraud.ec.europa.eu/index_en)

### **National level**

National Integrity Framework, Australia

<https://www.sportintegrity.gov.au/what-we-do/national-integrity-framework>

### **Resolutions, Statements, Declarations**

UNCAC Resolution 7/8 2017 on "Corruption in sport"

[https://www.unodc.org/documents/Safeguardingsport/Documents/Res. 7.8 Corruption in Sport.pdf](https://www.unodc.org/documents/Safeguardingsport/Documents/Res.7.8_Corruption_in_Sport.pdf)

UNCAC Resolution 8/4 2019 “Safeguarding sport from Corruption”

[https://www.unodc.org/documents/Safeguardingsport/Documents/UNCAC\\_-\\_resolution\\_8-4.pdf](https://www.unodc.org/documents/Safeguardingsport/Documents/UNCAC_-_resolution_8-4.pdf)

UNESCO ACTION III Guidelines on Sport Integrity (Kazan Action Plan)

<https://rm.coe.int/sports-integrity-guidelines-action3-kazan-action-plan-en/16809f321d>

G20 High-Level Principles on Tackling Corruption in Sport (including Concept Note)

[https://g7g20-documents.org/fileadmin/G7G20\\_documents/2021/G20/Italy/Leaders/2%20Leaders%20Annex/G20%20ACWG%20HLPs%20on%20Tackling%20Corruption%20in%20Sport\\_112021.pdf](https://g7g20-documents.org/fileadmin/G7G20_documents/2021/G20/Italy/Leaders/2%20Leaders%20Annex/G20%20ACWG%20HLPs%20on%20Tackling%20Corruption%20in%20Sport_112021.pdf)

Draft Concept note:

[https://www.unodc.org/documents/corruption/G20-Anti-Corruption-Resources/Thematic-Areas/Sectors/2021\\_G20\\_Action\\_on\\_Sport\\_Integrity\\_Concept\\_Note.pdf](https://www.unodc.org/documents/corruption/G20-Anti-Corruption-Resources/Thematic-Areas/Sectors/2021_G20_Action_on_Sport_Integrity_Concept_Note.pdf)

International Working Group (IWG) on Women and Sport’s Brighton plus Helsinki 2014 Declaration:

<https://iwgwomenandsport.org/wp-content/uploads/2019/03/Brighton-plus-Helsinki-2014-Declaration-on-Women-and-Sport.pdf>

The documents issued at UNESCO’s MINEPS meetings, as well as documents that talk about the preservation of safe sport, such as what has been stated by the World Health Organization, the Inter-American Development Bank (Sport for Development):

<https://publications.iadb.org/publications/english/viewer/Sports-for-Development.pdf>

The Ibero-American Sports Council (Sport as a tool for sustainable development):

<https://www.segib.org/wp-content/uploads/SEGIB-Deportes-Librillo-2-WEB2.pdf>

Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937&from=EN>

EU: Council Resolution on the key features of a European Model of Sport (2021)

<https://data.consilium.europa.eu/doc/document/ST-14430-2021-INIT/en/pdf>

European Commission's White paper on Sport (2007)

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0391&from=EN>

European Council's Declaration on the specific characteristics of sport and its social functions in Europe (2000)

[https://www.europarl.europa.eu/summits/nice2\\_en.htm#an4](https://www.europarl.europa.eu/summits/nice2_en.htm#an4)

Council of Europe's Enlarged Partial Agreement on Sport's recommendations:

<https://www.coe.int/en/web/sport/adopted-texts-on-sport-policies>

OECD Public Integrity Indicators

<https://oecd-public-integrity-indicators.org/>

Jakarta Statement on Principles for Anti-Corruption Agencies

[https://www.unodc.org/documents/corruption/WG-Prevention/Art\\_6\\_Preventive\\_anti-corruption\\_bodies/JAKARTA\\_STATEMENT\\_en.pdf](https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf)

## **Sports regulations**

Olympic Charter

<https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>

IOC Code of Ethics

<https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf>

World Anti-Doping Code (and UNESCO Charter)

[https://www.wada-ama.org/sites/default/files/resources/files/2021\\_wada\\_code.pdf](https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf)

<https://www.unesco.org/en/legal-affairs/international-convention-against-doping-sport>

IPC Handbook - includes details about the duties and responsibilities of all IPC Members

<https://www.paralympic.org/ipc-handbook>

World Athletics Integrity Code

<https://www.worldathletics.org/download/download?filename=ba923b86-b605-4e1f-9123-a4fa83793443.pdf&urlslug=D1.1%20-%20Integrity%20Code%20of%20Conduct>

FIFA Disciplinary Code

<https://digitalhub.fifa.com/m/59dca8ae619101cf/original/FIFA-Disciplinary-Code-2023.pdf>

UK's Code for Sports Governance - see detailed requirements on board composition  
<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2021-12/A%20Code%20for%20Sports%20Governance..pdf?VersionId=Q0JD6BVXB.VgwbGEacG0zWsNPiWcGDHh>

US Center for SafeSport:

<https://uscenterforsafesport.org/wp-content/uploads/2022/02/2022-SafeSport-Code.pdf>

USOPC Bylaws - specifically, the composition of the board (and all U.S. NGB governing bodies) regarding directly elected athlete representatives (section 3.2). Athletes need to have directly elected representation in governing bodies.

<https://www.teamusa.org/-/media/About-the-USOC/Board-Docs/062920-USOPC-Bylaws-Effective-June-18-2020-FI-NALua.pdf?la=en&hash=016021AE3E3DC64EF1D345D3ADF9B66301C8A9DE>

CAS Code of Sports-related arbitration - add specificity regarding independence, particularly regarding governance and funding.

[https://www.tas-cas.org/fileadmin/user\\_upload/CAS\\_Code\\_2022\\_EN\\_.pdf](https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2022_EN_.pdf)

#### **Declarations/recommendations/ benchmarks from and for sports organisations**

World Players Association's Universal Declaration of Players' Rights

[https://uniglobalunion.dev-zone.ch/sites/default/files/imce/world\\_players\\_udpr\\_1-page\\_0.pdf](https://uniglobalunion.dev-zone.ch/sites/default/files/imce/world_players_udpr_1-page_0.pdf)

Athleten Deutschland's "Sport and Human Rights: Options for Action for Athletes, States, Federations, and Sponsors"

[https://athleten-deutschland.org/wp-content/uploads/Sport-and-Human-Rights-Options-for-Action\\_02032022\\_AD.pdf](https://athleten-deutschland.org/wp-content/uploads/Sport-and-Human-Rights-Options-for-Action_02032022_AD.pdf)

INADO's Declaration of Guiding Principles for the Future of Anti-Doping (2022)

[https://www.inado.org/fileadmin/user\\_upload/Declaration\\_of\\_Guiding\\_Principles\\_for\\_the\\_Future\\_of\\_Anti-Doping.pdf](https://www.inado.org/fileadmin/user_upload/Declaration_of_Guiding_Principles_for_the_Future_of_Anti-Doping.pdf)

FIFA anti-corruption directives <https://digitalhub.fifa.com/m/7895e17ae0642f31/original/t8m7wdzgxmerctqienol-pdf.pdf>

Play the Game's Sports Governance Observer for International Federations and National Sports Governance Observer

<https://www.playthegame.org/projects/sports-governance-observer-sgo/>

International Partnership against Corruption in Sport (IPACS): Procurement of major international sport-events-related infrastructure and services

[https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Leading-the-Olympic-Movement/ipacs/Procurement-Guidelines-EN-v4.pdf?\\_ga=2.1875825.1374225617.1674309661-233306744.1629746127](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Leading-the-Olympic-Movement/ipacs/Procurement-Guidelines-EN-v4.pdf?_ga=2.1875825.1374225617.1674309661-233306744.1629746127)

Other IPACS benchmarks, previous projects dedicated to Optimising the processes of compliance with good governance principles to mitigate the risk of corruption

<https://www.ipacs.sport/good-governance-task>

IOC: Basic Universal Principles of Good Governance

<https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Integrity/Bonne-Gouvernance-EN.pdf>

SIGA universal standards

<https://siga-sport.com/wp-content/uploads/2020/04/SIGA-UNIVERSAL-STANDARDS-IMPLEMENTATION-GUIDELINES-2020-EDITION.pdf>

The Sorbonne International Centre for Sport Security: Guiding Principles for Protecting the Integrity of Sports Competitions

[https://theicss.org/wp-content/uploads/2019/01/Sorbonne-ICSS\\_Report\\_Guiding\\_Principles\\_WEB.pdf](https://theicss.org/wp-content/uploads/2019/01/Sorbonne-ICSS_Report_Guiding_Principles_WEB.pdf)

Centre for Sport and Human Rights: Sporting Chance Principles

<https://www.sporhumanrights.org/media/kluhan5c/sporting-chance-principles-for-website.pdf>



## 4. Mandate

We asked:

As envisioned, the agency would have a strong mandate, because a dedicated, continuous monitoring of /and response capability to integrity breaches is clearly lacking in sports. Issues that require further action should be systematically referred to law enforcement, sports organisations, CAS (or any other appropriate body) for response. How essential do you consider the following capabilities/responsibilities of WACA?<sup>55</sup>

**Figure 4: Importance of possible capabilities/responsibilities of the agency**



<sup>55</sup> Due to rounding, percentage numbers in the graphs may not always add up precisely to a total of 100 percent.

## Overview

The results shown in the chart indicate that survey respondents want an agency with a strong mandate to compensate for the weaknesses that are most evident in sports.

In this respect, it is only consequential that respondents put the strongest emphasis on the agency as a focal point for whistle-blowers and operating a source protection framework, rating it highest in the 'very important' category. Next come investigative powers and enforcement powers at the same level as code compliance monitoring.

The 'very important' and 'important' categories combined reinforce this finding: 'ongoing monitoring' (90%) in the top spot, followed by 'whistle-blower platform' (89%), 'enforcement powers' (87%) and here, ahead of 'investigative powers' (81%), the mandate to 'provide pathways for effective remedy for victims' (83%) - another almost entirely absent element in the way sports today deals with various forms of corruption and abuse.

Notably, none of the powers proposed in the survey receives less than 75% support. This figure, the lowest, also with the highest figure in the category 'less important' (17%) goes to the 'assessment in relation to risks and threats in individual sports and of their capacity to manage those'. Some convincing rationales for rating this as 'less important', related to integrity activities of sports federations, are put forward.

The overarching support for a strong mandate like the one proposed is reflected in some comments, for example:

Overall, I believe that the mandate and powers listed for the World Anti-Corruption Agency (WACA) are necessary and important in order to effectively combat corruption and promote integrity in sports. I particularly think that ongoing monitoring of compliance with a WACA code-to-develop, operating or administering a whistle-blower platform, and investigative powers, including subpoena powers and the ability to collect and assess relevant intelligence, are essential capabilities for the agency to have. These will help ensure that misconduct is identified and addressed in a timely and effective manner. I also think that enforcement powers, such as the ability to refer integrity breaches to disciplinary bodies and law enforcement agencies and issue disciplinary sanctions, are crucial in order to hold individuals and organizations accountable for misconduct. Additionally, providing pathways for effective remedy for victims of corruption (and abuse)/integrity breaches is an important responsibility for the agency to have, as it will ensure that those who have been harmed by such actions are able to seek justice and receive appropriate compensation or other forms of redress. Finally, I believe that education, outreach, and training within the sports community, as well as assessment of risks and threats and support for the establishment of national sports integrity agencies, are important capabilities for the agency to have in order to prevent corruption from taking root and promote a culture of integrity within the sports world.

There is often a missing link between sports and governments / law enforcement agencies when it comes to integrity. This could be a great opportunity to fill that gap and a WACA or similar could provide opportunities to share information, best practice and intelligence via various forums.

All of the topics proposed are important for such an organization to be impactful. The responsibility should be to coordinate international initiatives and investigations with the support of national agencies that have the power to enforce the organization's mandate.

Overall, concerns are the exception, but noteworthy:

Proposed powers are overly ambitious and risk reducing support for common principles of strengthening of the sport environment.

There is an argument (that I believe has merits) that says having a single agency charged with investigating corruption across governance, match fixing, doping etc. in ALL sports is cumbersome and unwieldy: it's too big and too much. Therefore, one idea would be for each sport to have its own INDEPENDENT integrity agency like the ITIA in tennis), with each agency having a global remit and responsibility for investigating and prosecuting match fixing, doping, safeguarding and abuse cases, and each being OVERSEEN by the world sports integrity agency, which would also have the remit for investigating governance-level corruption within those sports.<sup>56</sup>

However - and with one exception ('monitoring') - survey respondents also note critical aspects of the agency's proposed powers, elaborate or complement on them.

Respondents also discuss in this chapter how the agency can achieve global reach; correspondingly, the issue of transnational jurisdiction is raised.

Numerous ideas that add to the mandate as shown in the chart above, are put forward, notably including the establishment of a disciplinary tribunal as part of the agency.

## Comments on the options offered

Comments to 'Operating or administering a whistle-blower platform, encompassing all sports integrity issues, including a source protection framework' read:

When it comes to whistleblowing, the Agency would have to first gain trust of athletes and other people who are to report in order to make sure this is effective.

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<sup>56</sup> Affy Sheikh, UK

Treaty should include agreement by nations to receive whistle-blowers for safety, exempting them from difficult processes in asylum-seeking, making it easy for them to be protected without delay.

Guaranteed and comprehensive protection and support for whistle-blowers and assumption of all costs incurred for this, if applicable, compensation for damages.

Comments to 'Investigative powers (also by engaging external investigators, specialised companies), collecting, assessing and disseminating relevant intelligence, if appropriate to law-enforcement agencies' read:

I think the investigating power is not the most important for a World Integrity Agency. There are other bodies, expert on this field. Asking for collaboration is the way.<sup>57</sup>

... this industry is drowning in nonsense - one of those is the vulture organisations and consultants making money on the backs of integrity. All investigative capacity should be internal so as to avoid such situations.

Those who seek to establish a WACA, and in the end only provide lucrative contracts for the Richard McLaren's of this world, are missing the point. Even the investigations of McLaren and his subcontractors have mostly neglected fundamental issues and only determined a minimal picture. In part, these investigative findings are a disaster, the world boxing federation AIBA being a case in point, where a former IOC member is ultimately branded as the main culprit, but even that is inadequate – above all, however, the role of the IOC as an institution is completely ignored, history is blanked out and the crucial role of other IOC members and presidents is also completely ignored. In short, examples like these must not be a benchmark for a WACA; they are rather bad examples.<sup>58</sup>

There is no basis for such an agency to have investigative powers except with the cooperation of the sports federations supporting the agency.

Comments to 'Enforcement powers, such as referring integrity breaches to disciplinary bodies of sports organisations and/or to national and international law enforcement agencies; issuing disciplinary sanctions against individuals and/or non-compliant code signatories' read:

Enforcement powers, such as referring integrity breaches to disciplinary bodies of sports organisations – this is a self-contradictory statement, as referring integrity breaches to disciplinary bodies of sports organisations often leads to non-enforcement.

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<sup>57</sup> Alberto Carrio, Spain

<sup>58</sup> Jens Weinreich, Germany

In the narrow format of a survey, it was not possible to elaborate in detail on the proposed mandate – but the comment above correctly implies that enforcement powers of the agency should include the authorisation to take action against federations that fail to respond to the agency’s notices within a reasonable period of time.

As a prerequisite for such follow-ups, case monitoring has to be within the remit of the agency, notes another respondent:

Case monitoring, case responsibility system, general procedure, especially with regard to interfaces with federations and internal federation’s processes; those affected must not tell their story twice and run into dead ends within the sport!<sup>59</sup>

Enforcement capabilities would need to be part of the envisioned agreed controlling mechanism or otherwise enforceable national or international laws. Referral of a case to the relevant existing law enforcement mechanisms is not a power that should be limited to any organisation.

Partnership with national anti-corruption agencies.

The most important thing would be to create a system that either allows WACA investigate and refer cases to relevant authorities itself or to cooperate so closely with them that efficiency can be guaranteed.

We need to avoid an “enforcement” model that privileges police and law enforcement. The model should be preventative and educational first and foremost. Standard setting should be key alongside capacity building to help drive up standards.

Comments to ‘Provide pathways for effective remedy for victims of corruption (and abuse) /integrity breaches’ read:

I would add that restitution mechanisms for victims of sporting corruption are essential. Victims of abuse/corruption are often left without closure, because the perpetrators of that abuse/corruption are not held to account. The Agency should take an active role in supporting athletes and whistle-blowers in ensuring that this happens!<sup>60</sup>

...asset recovery and redistribution of funds to victims (including “indirectly” affected grassroots/school sports, indigenous/underprivileged communities etc. suffering from corrupt officials diverting funds originally meant for physical education, school competitions, recreational spaces, public infrastructure etc.)

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<sup>59</sup> Maximilian Klein, Athleten Deutschland, Germany

<sup>60</sup> Andy Brown, UK

Comments to 'Education, outreach and training within the sports community' often emphasise the (intended) prevention aspect. They read:

The educational and promotional side of Integrity around the world is the most effective way to achieve it.<sup>61</sup>

...support independent work of integrity officers in federation - coordinate international stakeholders in their work and initiatives which could help protect sport.

It is necessary to educate professional employees for individual negative phenomena in sports.

Improving the standard of integrity and awareness of corruption within sports and empowering participants in sport to raise their concerns and agitate for change.

Prevention: standard setting (risk/protection processes, qualification).<sup>62</sup>

Focus on prevention, standards, education and capacity building.

Campaigns and policies to prevent corruption and situations that affect the integrity of sport

WACA could and should do more in preventive area, too (in addition to existing "education...").<sup>63</sup>

Comments to 'Assessment in relation to risks and threats in individual sports and of their capacity to manage those' read:

Be aware that sports have existing integrity units / capabilities and that there is inherent risk of crossover and / or duplication of efforts. Do not try to supersede existing regulation of sports or this will fail. Work with sports to establish where the gaps are. Many smaller sports need support, whereas bigger ones may not.

The education and risk assessment should be the remit of national sporting bodies and/or international anti-corruption agencies (e.g. International Tennis Integrity Agency / International Cricket Council Integrity etc.).

Comments to 'Support the establishment of national sports integrity agencies and act as an umbrella organisation' read:

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<sup>61</sup> Alberto Carrio, Spain

<sup>62</sup> Maximilian Klein, Athleten Deutschland, Germany

<sup>63</sup> Drago Kos, Slovenia

The National Sports Integrity Agency should be given a sufficient mandate for investigative powers, enforcement powers and whistle-blower protection through legislative measures. Significant national cooperation between state authorities is required.

The Agency should have regional offices, and perhaps sub-regional offices that could be accessible to sports bodies, likewise individuals who intend to make a report. The mode of the report should be reflexible to all. Investigating sports washing should also be part of the responsibilities of the Agency.

I think that the most important task is to help establish national integrity offices and national anti-corruption codes.<sup>64</sup>

## General comments

Respondents raise the issue of how the agency can maximise its impact when working with many national law enforcement agencies that operate under different criminal statutes, with differences in the relevant legislation and / or the attitude towards sports:

Consider that often the national governments themselves are corrupt and coddle the abusers in the national federations. WIACA should be independent of national-level investigation and prosecution.

International enforcement is heavily dependent on having state agencies that have legal powers to execute investigations and impose their findings. Member countries should be required to have such an agency that the global governing body can work with to conduct investigations.

There is going to have to be a fine balance between the mandates/powers of a WACA type agency as opposed to the collaboration and respect for the law enforcement and statutory authority of countries around the world with their differing customs, norms, morals and especially civil and criminal laws.

In view of the complicated subject matter of transnational jurisdiction (see chapter on 'Path'), some respondents lean toward building on the sport's existing integrity approach and designing the agency's mandate accordingly:

The issue of jurisdiction could be very difficult to manage. One option would be to consider what is the simplest possible mandate and set of powers, which would make a significant difference, rather than trying to work out what the sport sector ideally needs. To start with, the organisation might offer services, which sports bodies can pay for on demand, rather than being compulsory. There is currently an acknowledged need for a centralised, anonymous

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<sup>64</sup> Teemu Japissou, Finland

reporting system with investigative capacity. However, several of the larger sports bodies have already set up such systems, as have some national agencies, and would not want to use a centralised system.

The system on enforcement of integrity in sport is already complex. It is important to build on existing structures when it will be relevant and possible to use it.<sup>65</sup>

Another respondent uses the question on the mandate to address the need for the agency from a broader perspective, which in his view should not be Europe-centric:

Sports Integrity is a low priority compared to employment, inflation, cybersecurity, infrastructure development, foreign investment and diplomacy/ international relations for governments (politicians don't campaign on it and voters don't really consider it when voting). As a result, governments will not make it a high priority with law enforcement or judiciary agencies. Sport Integrity is also a lower priority with financial and insurance firms, which have tremendous access, exposure and influence over the sports. Most of the investigative assets/efforts of such organizations are not focused on integrity issues. Therefore, this agency (WSIA or whatever) will need to be able to conduct investigative work and support whistle-blowers – to demonstrate to the public sector as well as the private sector that the problem exists as well as help support the investigations of public sector and private sector entities. Success breeds success. Whistle-blowers will be critical to such organizations and effective support to whistle-blowers gives other/ future whistle-blowers to come forward. The reliance on former law enforcement and attorneys, as is often the case in such agencies, is unwise – such individuals lack the understanding of long-term strategy (each case is just one piece of a larger plan); supporting sources (which neither profession does well); and investigation without compulsion authority (intelligence work) is a field where they have limited experience. Furthermore, the references in this document to the EU compel me to caution the tendency of a European bias in populating the organization. Such individuals will lack sufficient experience in Africa, Asia and the Americas. For some cooperation, especially in the diplomatic and legal sense, the organization should employ some Americans as well as British.

There are also references of a more general nature, warning against an agency that is too powerful and therefore address the question that is the subject of another chapter: the structure of the board. The infamous conundrum of watching the watchers is discussed and a general approach (C.H.I.D.R.E.N.) proposed that could be implemented from the agency's start.

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<sup>65</sup> Jesper Olsen, Denmark



I think the principle of the partition of power is important to have in mind. WACA (or whatever name) should be a regulator (like WADA) and coordinate and support the efforts around the world. The executive work should lie within the signatories to a charter/convention/code and WACA should have the authority to monitor compliance and refer any violations to a court system. Like WADA in anti-doping. Preferable to have a more independent court system than the current CAS system.

Investigation and enforcements are somewhat opposite tasks, but to exclude one of them would make this new Agency again toothless.

These powers should also be protected from any “abuse of power” from entities that would misuse them for other interests.

I am afraid that even an “independent” organization will eventually have a culture that adopts the culture found in organized sport. People don't go into sport admin in order to play the system, and most never do, but they are extremely complicit. There is a lot of criticism in Canada of the Office of the Sport Integrity Commissioner – too close to sport organizations, and criticism of those who are hired to be consultants. They've all been in sport for decades and they never seemed to notice the epidemic levels of abuse. How could they be so blind for so long, and now cash in on suddenly being experts?

At oversight level, the C.H.I.D.R.E.N approach needs to be embedded into implementation strategies. Culturally sensitive: Corruption safeguards need to be tailored to the cultural and social norms of the context. Holistic: All anti-corruption engagements should be viewed as integrated into all aspects of an organization as opposed to being an additional element Incentives: There needs to be a clear reason for individuals and an organization to work towards the anti-corruption cause. Leadership: The intended and planned corruption preventive measures need to have strong support from those working in key leadership roles. Dynamic: Corruption preventive measures need to be continually reviewed and adapted to maintain their relevance and effectiveness (that is why I suggested the convention operation model than others). Resources: The implementation of the preventive measures need to be supported by appropriate resources (e.g. Human resource, time and financial). Engaging stakeholders: Stakeholders and stakeholder theory needs to be applied to keep track of various stakeholders needed at any point in time and listen to their voices regardless of the status. Networks: Keeping symbiotic relationships within the consortium. Isomorphism: Employing mimetic, coercive and normative methodologies in implementation of activities.

Ongoing self-examination, as suggested above, would certainly require such an agency to weigh its priorities, as outlined in the comments below:

What is important? To find the responsible and held them accountable or to find the problems within the system in order to prevent future abuse.<sup>66</sup>

I think that timing should be taken into consideration when discussing priorities. Over time, the importance of some capabilities may vary. For example, the set up of a whistle-blower hotline may not be a top priority at the beginning of WACA as other capabilities should be implemented first, but in a second phase this may well become a priority.

## Comments on other important powers/ responsibilities

We also asked for suggestions on different/additional powers the agency should be given. Some respondents detailed the mandate, which was only roughly outlined in the survey, adding, for example, more in-depth investigative powers and techniques or elaborating on enforcement powers and the mandate to impose disciplinary sanctions (which could then be litigated before the CAS – or, as some respondents propose, before a tribunal that is not dominated by the sports system).

Powers of the agency need more detail in terms of techniques, the power to question. The power to download phones, computer records and demand banking information/ access. Suspension and punishment of those that don't cooperate. Power to chase assets of those involved in corruption. Ability to obtain cooperation from those that offend in return for lenient punishment. Type of offence and range of punishments to be set to include removal or suspension from office.

...there must be strong capabilities and powers held by those employed at the agency. Persons must be compelled to assist with investigations (attendance at interview, phone records etc.) or face appropriate consequences.<sup>67</sup>

As mentioned before, in order to assist in deterring corrupt or unethical behavior and conduct, substantial financial penalties, fines sanctions, etc. for both the world governing bodies and national associations should be levied if found to be complacent, wilfully blind, and/or an aider / abettor.

Development of an intelligence and research capability. Power to maintain a database of suspects and suspicions.

Possibility to ban entire countries from international sports, if they do not comply with the standards of the Integrity Agency and violate its code.

Power to exclude corrupt federation from international games and championships.

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<sup>66</sup> Jesper Olsen, Denmark

<sup>67</sup> Affy Sheikh, UK

I think it critically important that WACA exercise jurisdiction not just over natural persons but over organizations as well; that it has the ability to sanction organizations; that the code requires organizations to adopt compliance programs; and that WACA provide meaningful compliance guidance and supports organizations in their efforts to implement it (in the manner of France's AFA).<sup>68</sup>

Enforcing governance requirements and imposing sanctions on international federations not complying with this. Monitoring and enforcing electoral proceedings and rules and democratic standards. Enforcing due process and independent requirements on sports arbitration systems.<sup>69</sup>

The Court of Arbitration for Sport (CAS) targeted above and its dependence on sports governing bodies prompt several comments, culminating in the call for the agency to have its own tribunal.

In cases of corruption, act as the last instance of the IOC, CAS and IF.<sup>70</sup>

CAS relies on an arbitration system and its sanctions are limited. The agency should have its own disciplinary tribunal and abilities to impose sanctions, in particular financial penalties and execute asset seizures (corruption is generally about money).

Mediation and dispute resolution services: An agency could provide a neutral third party to help resolve disputes that arise between different stakeholders in the sports world. This could include disputes between sports organizations, between athletes and teams, or between sports organizations and other external parties.

Other comments from the legal sphere read:

WACA shall support actions to establish legal precedents in order to promote the development of international law.

They should have the power to prosecute offenders in an international court.<sup>71</sup>

Other notable suggestions on the agency's mandate:

Certification (protection concepts, persons).<sup>72</sup>

... Research and analysis: An agency could conduct research and analysis on various aspects of corruption and integrity in sports, such as the prevalence of

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<sup>68</sup> Andy Spalding, USA

<sup>69</sup> Miguel Maduro, Portugal

<sup>70</sup> Nestor Ordoñez Saavedra, Colombia

<sup>71</sup> Oyukalode Thomas, Nigeria

<sup>72</sup> Maximilian Klein, Athleten Deutschland, Germany

corruption in different sports or the effectiveness of different approaches to combating corruption. This could help inform policy and decision-making within the agency and other relevant stakeholders.

Monitoring and evaluation: An agency could establish systems for monitoring and evaluating the effectiveness of its own programs and initiatives, as well as the efforts of other stakeholders to combat corruption and promote integrity in sports. This could help identify areas for improvement and ensure that resources are being used effectively.

Partnerships and collaboration: An agency could work with other organizations, both within and outside of the sports world, to develop and implement programs and initiatives to combat corruption and promote integrity. This could include collaborating with law enforcement agencies, non-governmental organizations, and other relevant stakeholders.

Research and Development of the code.

Monitoring and investigating associated industries that are able to have a major input on sports bodies/clubs behind the scenes. For example, sponsors that put money into clubs and bring in their own personnel/players, and organisers of training camps, where match fixing occurs unhindered.<sup>73</sup>

Capacity to monitor the gambling market. In today's system the monitoring systems are closely linked to the financial interests of the gambling market. One hand solves what the other causes.

Independent powers with regard to federation and other SGBs as well as events. (in)direct power to influence for instance policies with regard to betting market regulation, data providers etc.

...among others ... #documentation and publication of investigations etc. (out-reach beyond sports community, informing general public, cooperation with like-minded actors etc.) # connect sports-based anti-corruption work to other processes and overlapping problems (e.g. tax evasion, closing tax havens, money laundering, organised crime).

Collect and publish information about investigations, reach out to the general public and the media - connect and use synergies with other international processes working for the common good in related thematic areas (e.g. tax evasion, tax havens, money laundering, organised crime) by exposing the role of and links to actors in/around sport.

Maintaining a permanent collaboration with media institutions.

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<sup>73</sup> Steve Menary, UK

Cooperation with journalists can provide important information about the activities of sports organizations. Also, an official connection with the media institutions can bring the WACA's actions to the public's attention and at the same time can prevent activities that may be outside the legal framework.

Investigating sports washing should also be part of the responsibilities of the agency.

Supporting National NGOs who already have investigations - Work with National Law enforcement offices and local NGOs which already have investigations or proofs of corruption between NF and IF.

All this must emerge from a Working Group, if not fully official, at least recognized by governments as a credible initiative. The current landscape is very articulated and populated by different actors and initiatives and duplications, overlapping and incoherence should be avoided.<sup>74</sup>

## Recommendations and challenges

The agency should be given a strong mandate in terms of monitoring (including case monitoring), investigation and enforcement, in line with its goal of restoring integrity to the globally linked and highly self-protective sports business.

A secure reporting platform for whistle-blowers including source protection is essential.

A department to provide pathways for effective remedy for victims is undisputed.

Consider developing research capabilities to continuously analyse aspects of corruption and integrity in sports – to develop the code, provide policy advice and connect the agency's anti-corruption work to like-minded international actors / institutions and their work, to related and overlapping areas such as tax evasion, money laundering and organised crime.

The pros and cons of possible forms of cooperation with integrity commissions already established by individual sports federations should be carefully weighed up when designing the agency – up to giving the new agency (stakeholder model) primarily an oversight and intervention mandate if federations fail, and main responsibility for high level state-sponsored and organisational corruption / abuse of criminal nature.

Mostly proponents of the stakeholder model advocate a strong focus on prevention, risk assessment in federations, certification (of protection and prevention concepts and by vetting of persons), and education. Others warn not to duplicate or try to supersede sports organisations in their respective efforts.

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<sup>74</sup> Paolo Bertaccini, Italy

The agency's impact will depend on its ability to cooperate with national law enforcement. A respective mandate/department for coordination and international relations is recommended. State signatories should be required to create national integrity agencies a global body can work with, based on harmonised criminal offences that allow prosecuting sports offenders operating under private law.

As to more specific powers of the agency, authorisation to use certain investigative techniques should be included, and sanctioning powers (stakeholder model), also towards sports organisations should be clearly defined.

The structural dominance of sports federations over the Court of Arbitration for Sport (selection of arbitrators to a closed list, composition of panels/chairs, lack of transparency in the publication of full awards, etc.) raises doubts about the suitability of the CAS especially for high-profile cases the new agency might deal with, and, at a minimum, encourages discussion of an independent dispute resolution tribunal for disciplinary cases, connected to the agency.

When it comes to the mandate of the agency, the separation of powers ('Chinese walls' within the agency) must be respected and procedures designed. This applies both to investigative and sanctioning powers and all the more to the possible constitution of a new arbitrary tribunal.

## 5. Structure: Foundation

We asked:

It is suggested that WACA (like WADA) should be set up as an autonomous and self-governing foundation.

Do you see any other option and why?

### Overview

95 respondents submitted comments on our question, with the majority (59) clearly in favour of a foundation, with many emphasising that the agency must operate above reproach, in a fully independent, transparent, and accountable manner. Some respondents claim that there was “no other option.” Others give detailed reasons why they think a foundation is the right way to go and detail related aspects such as the location.

Provoked by the wording of our question, respondents also comment on why WADA (a foundation) should not be considered a role model and what mistakes to avoid, which also leads some respondents to reject the foundation construct in its entirety.

Alternatives are provided; they are often connected to proposals to establish a new inter-governmental agency tailored to sports crimes, either a standalone agency or an agency under the auspices of the EU. Respondents also suggest that the proposed mandate of the agency could be absorbed by an existing organisation (rather than creating a new entity) or that the work of law enforcement agencies could be better interconnected in a sports-related network.

Other transnational organisations and their structure are recommended for further analysis as they can potentially provide inspiring ideas for the legal grounding of the agency.

### Comments on the offered option

This is the best option and should be located in a neutral jurisdiction.

Totally agree and one further point, do NOT locate it in Switzerland or under Swiss law.

Yes, foundation structure with association. It is a typically Dutch structure. The structure is more democratic and transparent.

It is the correct figure, because the foundation will not be linked to natural and legal persons. It also allows eliminating the bad practice of copying people, as happens in the IOC.<sup>75</sup>

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<sup>75</sup> Nestor Ordoñez Saavedra, Colombia

I agree with it. Disagree with not possibility to hire people from sport federation - if they have results, experience and best practices - there should be no reason to not hire them.<sup>76</sup>

No, it should be self-governing but with a collaboration rather than a confrontation model of governance.

We agree with autonomous and self-governing foundation.

I believe this would be the most appropriate option to minimise the potential for real or perceived bias.

It must be an autonomous and self-governing foundation. I do not see any other option because of a potential conflict of interest that could hurt the credibility of WACA. Without credibility, WACA would be another sport washing organisation.

In its initial phase, at least, I cannot see another option. The time required to establish this under UN auspices would simply take too much time and subject it to larger diplomatic fights.

The fact that the WADA (structured as a foundation) is mentioned in the question has provoked numerous comments, ranging from approval to advice not to repeat mistakes hampering WADA's efficiency and to outright rejection of a foundation model:

I think that WADA model should be a good experience to be followed.

... there could be crossovers between WADA and WACA, so to avoid bureaucratic duplication consideration of a merger might be useful. The base question will remain and that is one of governance.

The future body should incorporate WADA's competencies gradually.

WADA is not perfect. But I'm not sure if it is WADA itself or the policies it makes. But I think that model probably is the best model.

I agree. However I think it should be considered how to get especially the sports movement on board. One way could be to give them influence on the legislative framework since they clearly are one of the stakeholders. However it should be avoided from the beginning that they have any influences on the executive decisions. Lessons learned from WADA should be taken into account.

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<sup>76</sup> Relates to a proposal in the report 'Finding a global response to corruption in sports. An institutional approach to a persistent crisis' 2022



WADA is not autonomous. Sport or the leading multifunctionalists of the Olympic system also dominate within WADA. We should all know and (unfortunately) recognise this - and draw decisive conclusions from it for the WACA idea. In this respect, it seems to me that this question is misleading or based on an incorrect premise. One of the initial questions asked about the structure. My answer is also at this point: sport must not play an institutionalised role in a WACA as it does in WADA. Sports multinationals have no place in WACA institutions.<sup>77</sup>

WADA has failed. We need a new model.

Either way, many respondents stress that it will be crucial to guarantee the agency's independence and emphasise that any self-governing model must include regulations for accountability and transparency:

Complete independence is key.<sup>78</sup>

It is not that I don't see another option, but a WACA type entity cannot be beholden to any nation, government, political system, religion, or financial support system. Anything but complete independence would be unacceptable and would create many of the same issues it would seek to prevent.

Needs to be autonomous and independent to function correctly otherwise open to abuse.

Self-governing using experts in the field. I don't really see another option. The problem of sharing responsibility with other organizations is that the very operation or lack of "policing" integrity issues as well as real independence is part of the problem and contributes to prevalent C(onflict) O(f) I(interest) that can arise.

I think it is a good option, as long as there are formulas to guarantee its independence, such as external audits, the obligation of documentary transparency and everything that has to do with its members, or others, because seeing what has happened with organisations such as FIFA or in some cases of the Olympic Games, any precaution is too little.

It cannot be effective if it is not independent. The challenge will be making it independent yet accountable.

Transparency and accountability are crucial in order for there to be confidence in the body charged with undertaking integrity investigations. The eternal "who watches the watchers?" conundrum ...<sup>79</sup>

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<sup>77</sup> Jens Weinreich, Germany

<sup>78</sup> Jeppe Laursen Brock, Denmark

<sup>79</sup> Affy Sheikh, UK

Self-governing models lack accountability. This organization should be subject to review by independent external auditors, paid from a pool of funds that does not come from the organization's own budget. Such audits should be not only about the appropriate use of funds, but also about good governance practices and legal/ethical compliance.

Autonomous and self-governing are grand words. But difficult to ensure. The agency will need funding. If it accepts funding from sport, can it be autonomous? From governments? From sponsors? I don't have the answers, and I am sure that the "heavyweights" involved in this debate have already considered this!<sup>80</sup>

The question, briefly worded in the survey, did not discuss characteristics of a 'self-governing' foundation. Usually it includes a board (but no members and no shareholders), often a supervisory board that monitors the board of directors / executive. However, the description as 'self-governing' draws criticism:

Autonomy has its setback as people's mindset and approach to operation can change. Some autonomous institutions are known to be corrupt i.e. FIFA and even WADA. To promote clean and transparent activities as well as decision making, WACA should be a non-self governing foundation. In tackling integrity and anti-corruption, transparency is very key.

Another question under discussion is why governments should accept an autonomous and self-governing organisation? Certainly, these are justified concerns, which, however, leave aside the intended participation or, as envisioned by some respondents, the leading role of governments in the creation and set-up of the agency:

Many governments will be reluctant to accept outside organizations to have a role in dealing with corruption that may affect their nationals.

The only issue with this that I can see is that the organization is dependent on nations to be participants. Without engagement from these member countries, it may become difficult to get buy-in from agencies that are not acting in good faith if the foundation is autonomous and self-governing. Countries want to have a say in how things are run if they are going to be held accountable by an organization for their actions.

## Comments on an alternative structure

We also asked for ideas on a different structure / legal form for the new agency.

Respondents suggest some alternatives, most commonly an agency created by governments, followed by suggestions that the agency be attached to the UN or another

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<sup>80</sup> Andy Brown, UK

transnational or even national organisation. Some point to other international organisations (ILO and WTO) that might provide alternative ideas. The idea of creating a network is also put forward.

First, comments that discuss different models:

There could be several options for the structure and foundation of the World Anti-Corruption Agency (WACA). One option could be to establish WACA as a standalone agency or organization, with its own governance structure and funding mechanisms. This would allow WACA to have a high level of independence and flexibility in carrying out its mandate and could make it easier for the agency to adapt to changing circumstances or needs. Another option could be to establish WACA as a department or unit within an existing organization, such as the United Nations or a national government. This could provide WACA with a strong foundation and access to resources and expertise, but might also limit the agency's independence and flexibility. Another possibility could be to establish WACA as a consortium or network of organizations, with each member contributing resources and expertise to the agency's efforts. This could allow for a more collaborative and inclusive approach, but might also make it more difficult to coordinate and make decisions. Ultimately, the best structure for WACA will depend on the specific goals and needs of the agency, as well as the willingness and ability of relevant stakeholders to support its work.

With the premise, that mandate must be defined yet for sure a self-governing body appears a relevant option, possibly preferable. But other options are viable, depending on the mission: multi stakeholder, intergovernmental, not governmental.<sup>81</sup>

Respondents who see governments (or transnational governmental/law enforcement organisations) taking a leading role argue:

WACA should be a creation of national governments. It should have its own mode of recruitment and secondment of staffers just like the "InterPol". But in this case, the body SHOULD only focus on sports-related crimes.

Could it be established as a quasi-governmental structure based on a treaty?  
Clear limitations for a non-governmental international structure

What about embedding WACA in a supranational government body such as the European Commission - Justice and Consumer Rights? With extraterritorial arms - e.g., in connection to European financial system, companies, etc.- analogous to the U.S. RICO act. Is Interpol a possibility?

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<sup>81</sup> Paolo Bertaccini, Italy

I think it will be more effective a EU agency.<sup>82</sup>

Corruption as a phenomenon is more linked to national criminal and procedural legislation, which can make similar kind of governing structure as is in place in WADA inefficient. WACA could benefit in more close relations with national authorities and more network-like model. That would also be more cost-efficient.

Another respondent warns of an agency that is dominated/run by governments and puts forward the idea of a WTO-like structure:

It would be interesting to explore the legal and regulatory framework of the World Trade Organisation, which is an international organisation that has some regulatory powers, even a tribunal that delivers binding decisions to countries. It is important that an agency such as WACA remains independent from the sports governing bodies, but equally from governments, many of which “state sponsor” corruption in sport.

The option of creating an agency under the auspices of the UN is raised as well as creating a ‘Think tank’. The International Labour Organization (ILO) – with its unique tripartite structure that brings together representatives of governments (which delegate half of the members of the ILO’s governing body), employers and workers of its member states - is mentioned as a possible model, directly and indirectly. Related comments read:

Could it be related to UN? To ensure political coverage ...

Establishing WACA as a Think tank could be an option, under the governance of some universities. This could give WACA the chance of being independent, have democratic structures, and avoiding “self-governing” issues. WACA as a Think tank could be funded by public and private sponsors (fully disclaimed) and provide services to governments committed to finishing corruption in sports from the root.

Tri-partite setup like the ILO: 1) national governments 2) SGBs 3) Player Unions and Athletes' Associations.

General assembly composed of athlete representatives, IFs, international organizations. Management composed of anti-corruption/ governance / sport experts.

Some respondents anticipate the next chapter and discuss the need for a supervisory board to counter the perceived negative effects of a self-governing model.

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<sup>82</sup> Miguel Maduro, Portugal

There needs to be oversight to avoid the problem of the current integrity companies who act as private police with no oversight. Oversight can come from an independent board made up of stakeholders + independent members (majority).

There should be a supervisory board of independent members that oversees the organisation. The issue with sport corruption is precisely that it lacks regulatory oversight. International sport federations are self-governing. Creating a self-governing body to oversee self-governing bodies will just replicate the systemic design flaw at its core. The supervisory board should have representation from States, Athletes, ISFs, clubs, etc.

It should be AUTONOMOUS and DECENTRALIZED. Since it will be tackling issues from all over the world, all continents should be equally represented, so that implies that there should be clear guidelines for nominations or elections of individuals who will be in the agency's governance.

## Recommendations and challenges

For a stakeholder driven model, a foundation is suggested. An agency that will be focused largely on activities of sports officials, however, requires a high degree of independence from sports organisations, already in the composition of the board, but first and foremost when it comes to executive decisions.

Accordingly, 'self-governance' and 'autonomy' as defining characteristics of a foundation require elaborate accompanying provisions to meet these concepts, such as establishing a set of mechanisms for oversight and /accountability (external audits of finances, governance, and legal and /ethical compliance), for transparency, and for the agency's funding.

The alternative model, a standalone-agency initiated by national governments or a transnational organisation such as the EU (or an agency embedded in the latter) and based on a treaty, would maintain closer relations with authorities (law enforcement agencies) from the outset, which would benefit its crime-fighting objectives.

In the latter case, the envisioned global reach needs special consideration, and the question arises as to how conflicts of interest fuelled by diplomatic stakes can be avoided.

The set-up and experiences of transnational organisations such as WTO and ILO should be analysed for possible inspiration for the structure of the agency.

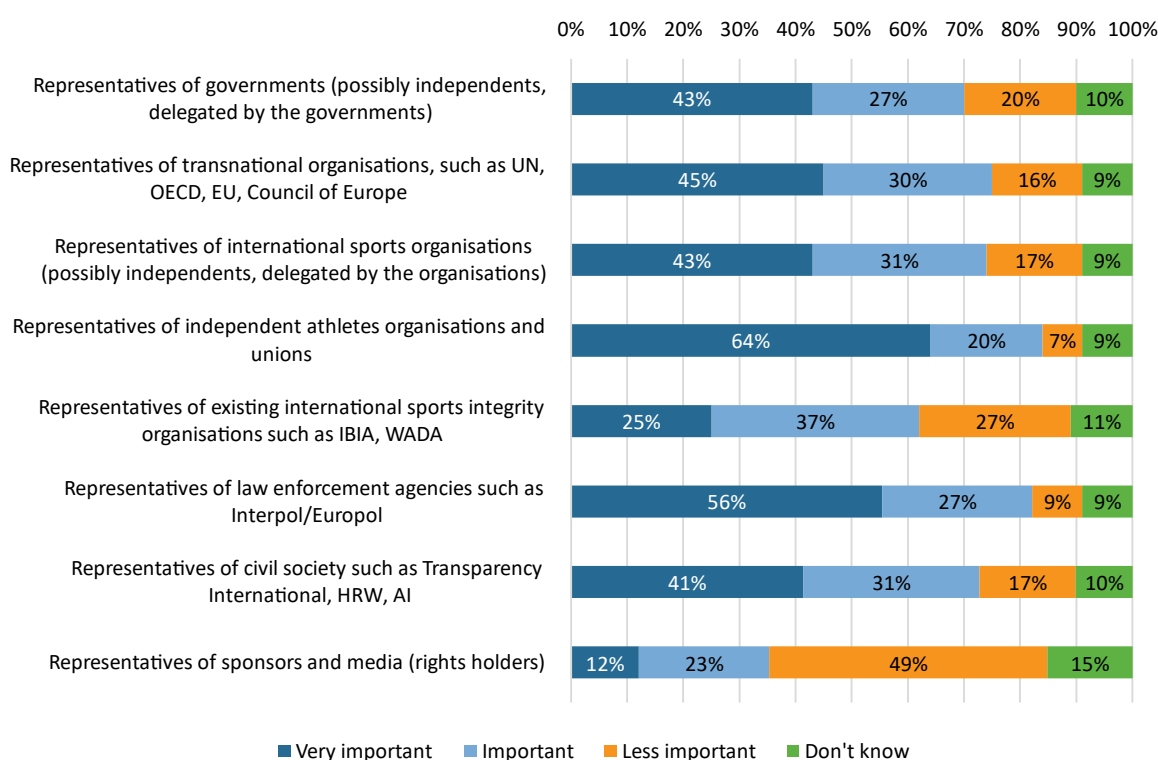
## 6. Structure: Board

We asked:

WACA is envisioned as an agency with an administration carrying out the executive functions, overseen by a board of non-executive members. Sports organisations should not delegate more than a third of the members, and preferably delegate independent representatives (as could governments). We would like to discuss ideas for the board composition.

How important are the following representatives in your view?

Figure 5: Importance of types of representatives on the agency's board



### Overview

As the chart shows, the survey yields somewhat more divergent opinions regarding the structure of the agency's board than is the case for other questions. Accordingly, the representatives suggested in the survey are also rated divergently in the comments.

It is noteworthy that the role of athlete representatives on the supervisory board receives the highest level of approval, with 84% considering it 'very important' and 'important'. Representatives of law enforcement agencies follow at a close distance with 82% - the strong vote is due to supporters of an agency based on a governmental agreement.

Sports organisations (74%) and governments (70%), which could delegate independents to the board, and intergovernmental / transnational organisations (75%) are close in approval rates. However, it should be noted here that having representatives of sports organisations on the board is the most critically discussed proposal in the comments, which is indicated in the chart with 17% 'less important' ratings.

Approval for representatives of civil society (72%) is at a similar level.

Still a majority (62%) is in favour of delegating representatives from organisations active in the field of sports integrity to the board.

Only 35% of respondents support the participation of representatives of sponsors and media rights holders, while 49% rate it as 'less important'.

The comments on the structure and composition of the board show a broad spectrum of opinions; there is general agreement, agreement combined with cautions, as well as more fundamental criticism of the structure proposed in the survey.

Examples of approving comments read:

Governments and sporting organizations require representatives in order for any judgments to be accepted by these groups. Failure to address these groups will leave the organization toothless when they are required to make a finding or judgment. With this in mind, Law enforcement and player engagement is also important as these groups are the source of information that make detailed findings possible.

From my point of view, a transnational structure with representatives of the main factors of the sports phenomenon, together with those of civil society and European institutions, is primarily desirable for the WACA.

Critical comments relate both to the representatives suggested in the survey (see more detailed below) and - more fundamentally - to the principle of representatives on the supervisory board.

Attaining independence must be the goal; "representatives" itself indicates a lack of independence as one is "representing", and that can mean stating the view of an organisation?

I replied don't know for two reasons. I think the members of the organisation should be independent (and not representative) even if selected by a board composed of representatives of all organisations you mentioned. But as an EU

agency they should simply be selected (as independent) from the EU, albeit have a consultative body composed of representatives of all those organisations.<sup>83</sup>

The problem with having representatives of sports organisations is there is an inherent conflict of interest in their involvement. Same with governments. Get that you need buy-in, but that does not need to be at board level but could be in committees that feed into the board. Otherwise vested interests and conflicts of interest will take over.

Among the suggestions for representatives of other groups to serve on the supervisory board, academics with expertise in corruption and/or ethics, sports governance were most frequently suggested.

Caution is given to keep the board at a manageable size – which aligns with ideas to establish commissions advising the board, instead of having all ‘stakeholders’ sitting on it.

## Comments on the options

Comments to ‘Representatives of governments (possibly independents, delegated by the governments)’ read:

Sports Ministers and sport lawmakers from countries as much as possible.

Of course, governments and transnational organisations will have important functions and majorities on the board, no question. Here it must be a matter of appointing the real experts, i.e. seats for those institutions that are actually committed to fighting corruption and crime - i.e. only to the relevant working groups and institutions in the UN, OECD, EU, COE and others.<sup>84</sup>

I am wary of including national government representatives. In my experience, they are corrupt and are the enablers of corrupt national sport federations. The composition of the WIACA board should be transnational, supranational, international.

Comments to ‘Representatives of transnational organisations, such as UN, OECD, EU, Council of Europe’ read:

I think that a permanent representative of the Council of Justice and Internal Affairs can be very useful in terms of the fight against organized crime, in the context of judicial cooperation in the European Union.

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<sup>83</sup> Miguel Maduro, Portugal

<sup>84</sup> Jens Weinreich, Germany



Again, I see a lot of European focus and little mention of non-EU organizations. I think this organization will need folks from Britain, the US, Indonesia and Peru, at a minimum, to be successful.

Comments to 'Representatives of international sports organisations (possibly independents, delegated by the organisations)' read:

The Agency should be totally free from sports federations and individual influences.

International sports federations support corruption in sports in Africa because of votes so they should not be part of the process that prosecute offenders.<sup>85</sup>

Sports officials should be less relevant in the formation of the body.

I selected less important as to the nature of conflicts of interest that will arise.

I also do not see 1/3 mandate for sport in a WACA. ... Institutionalised sport and its powerful multi-officials (this is where the lack of transparency, the abuse of power etc. starts) have no place in the WACA. ... Sports organisations themselves may have observer status at most.<sup>86</sup>

I believe that the success of the agency could be in taking into account actors that are not linked to any international or national sports organization, that the representative number of each estate is balanced. If this is not taken into account, the door will continue to open so that the real exercise of the agency is dominated and when it comes to making decisions, the conflict of interest will continue to exist.<sup>87</sup>

Can't imagine IFs would bring more transparency and integrity.

Avoid WADA weaknesses, strong stakeholder/athlete representation, no operational influence, and limit influence sport.<sup>88</sup>

Having sport org representatives just furthers an existing model that has shown the world to not work. A new model is needed ...

There are also respondents that suggest extending the concept of sports representatives at the board:

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<sup>85</sup> Oyukalode Thomas, Nigeria

<sup>86</sup> Jens Weinreich, Germany

<sup>87</sup> Ana María Arias Castaño, Colombia

<sup>88</sup> Maximilian Klein, Athleten Deutschland, Germany

Olympic and Paralympic committees: Representation from Olympic and Paralympic committees could ensure that the agency is able to effectively address the unique challenges and opportunities facing elite athletes and promote the integrity of high-level international sports competitions. Youth sports organizations: Representation from youth sports organizations could ensure that the agency is able to effectively address the unique challenges and opportunities facing young athletes and promote the development of a culture of integrity in sports at an early age.

Major professional sports leagues should be represented as well.

Women's sports organizations: Representation from women's sports organizations could ensure that the agency is able to effectively address the unique challenges and opportunities facing women in sports and promote gender equality in the industry. Disability sports organizations: Representation from disability sports organizations could ensure that the agency is able to effectively address the unique challenges and opportunities facing athletes with disabilities and promote inclusivity in the industry. ...

Comments to 'Representatives of independent athletes' organisations and unions' read:

Athletes' commissions: Representatives of athletes' commissions, which are groups of athletes that advocate for the rights and interests of athletes within their respective sports, could provide valuable perspectives on the experiences and concerns of athletes and help to ensure that the agency is able to effectively address the needs of this group.

Significant athlete representation – and not just retired athletes, but present athletes who establish policy. This is going to be difficult, because athletes are under pressure from their nations and could suffer harm for speaking up.

... include independent athletes/ reps (ideally directly elected) in the governance, at least a third if possible.

Former athletes. Representatives of athletes affected in the past by corruption.<sup>89</sup>

Athletes Union representatives (for US and Australia), which have strong labour experience.

Current and former athletes also as ambassadors.

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<sup>89</sup> Manase Chiweshe, Zimbabwe

It is very fashionable to promote "independent athletes' organisations" and "athletes' unions" and to think they are great. But these organisations are also only allowed to have observer status here.<sup>90</sup>

Comments to 'Representatives of existing international sports integrity organisations such as IBIA, WADA' read:

Involving at a senior level those companies who are making money from sports bodies for provision of integrity services and at the same time also making money (and passing/retaining information?) from other industries such as betting would be a mistake. This is one of the weaknesses of the existing sports integrity complex.<sup>91</sup>

Integrity units such as the IBIA should not be considered the same as WADA due to its commercial interests from its members.

Very important but of course it has to be the appropriate organization.

Of course, one can and should fall back on the expertise and the forces of the few existing so-called "sports integrity organisations". However, these institutions are partly or even completely financed by the sport. So caution must be exercised here.<sup>92</sup>

Representatives of the national sports integrity bodies ...

Comments to 'Representatives of law enforcement agencies such as Interpol/Europol' read:

Financial intelligence units - Intelligence services as they would help in tackling organized crime and help with intelligence.

... Interpol/Europol representatives belong on such a board. However, on the way there, one must openly and critically discuss the dubious role of Interpol/Europol in the past decades. It is not only about the dubious activities and careers of former employees/agents of Interpol and Europol, it is also about the institutions themselves and their manifold questionable co-operations with sports corporations such as FIFA or the IOC.<sup>93</sup>

Law Enforcement will come as investigations arise and are successful. There is no need for formal participation. Similarly, the press will come as viable stories or leads emerge.

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<sup>90</sup> Jens Weinreich, Germany

<sup>91</sup> Steve Menary, UK

<sup>92</sup> Jens Weinreich, Germany

<sup>93</sup> Jens Weinreich, Germany

Comments to 'Representatives of civil society such as Transparency International, HRW, AI' read:

Representatives of some anticorruption agencies were not specifically mentioned but maybe they were implied with the mention of Transparency International. I would recommend including some organizations that focus on compliance - for example financial and pharmaceutical.

Associations that protect human rights, NGOs.

Per se, these NGOs should not be given a place. Here too, especially at TI, there has been too much cronyism with the sports multinationals in the past and also in the present. Whoever would continue this in a WACA process would be making huge mistakes. Similar to so-called sports unions (which are rarely unions, but which are always and exclusively lobby associations), caution must be exercised with NGOs. While I say with the athletes' unions for many clear reasons: only observer status, some of the NGOs (especially HRW for decades) have done important and outstanding work over a long period of time - enlightening work. That alone must be the yardstick. TI, for example, has not done any research of its own, never, that is not the approach of TI at all, there problems are to be solved in dialogue - and exactly that cannot be the approach of WACA. In this respect (this is of course very abbreviated), an important role for TI in the WACA network is ruled out.<sup>94</sup>

Comments to 'Representatives of sponsors and media (rights holders)' read:

Sponsor groups should be represented because sport corruption is deeply rooted in the amount of cash that comes into sport through sponsorship deals. This includes sport manufacturers, carmakers, and other major sport sponsorship contributors. Unless and until sponsors stop leveraging on the vulnerability of corrupt or corruptible sport officials to achieve commercial gains, there will be big corruption in sport.

Sponsors, rights holders, betting industry reps etc. should absolutely not be allowed onto the Board.

One also has to be careful with sponsors and media. Unfortunately, this list also has major weaknesses here. Let's start with "the media". These are divided into the dominant part of "the media", which are partners and financiers of the sports system under investigation, and the tiny part of "the media", which do investigative work. The approach here can only be: The few investigators in "the media" must be given a place in the WACA structure, without which hardly any of the spectacular corruption cases would have been possible. But "the media", the

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<sup>94</sup> Jens Weinreich, Germany

media groups that act as financiers of the system and promoters of the system have no place in a WACA. They can only have an observer status; they are closer to the perpetrators than to the investigators! One should try to oblige them on a political level to automatically transfer a percentage of their expenses for TV rights to finance WACA measures. Something similar should be tried with the other financiers of the sport system, the sponsors.<sup>95</sup>

Don't like the idea of sponsors and media on any board.

No commercial sponsors.

## Comments on other important representatives

We also asked for suggestions for representatives of other groups to serve on the agency's supervisory board. Academics with expertise in corruption and/or ethics, governance were most frequently suggested. Also, among others, legal experts, representatives of (investigative) media, sports lawyers, vulnerable groups, representatives of grassroots sports, of coaches and referees, of supporter and fan groups, and of event organisers.

... Academic and research institutions: Representatives of academic and research institutions could provide valuable insights on the latest research and thinking on issues related to corruption and integrity in sports and help to ensure that the agency is informed by the latest evidence and best practices.

Academics should be included, insofar as critical scholarship helps to maintain context, nuance, and independence.

Experts in Sport Integrity issues, such as professors, researchers.<sup>96</sup>

Academia with expertise in sports governance/integrity.

Professors in ethics, political science and integrity.

Representatives of academic organizations of sport sciences.<sup>97</sup>

There should be some academics/scholars who study governance and are NOT connected to particular sports organizations financially (either as a consultant or employee).

One area that I feel is missing is legal/justice experts. There is mention to law enforcement, as in mostly investigation and police, but given the nature of the

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<sup>95</sup> Jens Weinreich, Germany

<sup>96</sup> Alberto Carrio, Spain

<sup>97</sup> Nestor Ordoñez Saavedra, Colombia

agency and the possible lead to prosecution, representatives or experts of prosecution and law/justice need to be part of the board.

National platforms against sports manipulation coordinators.

Include vulnerable groups to have a more intersectional perspective.

Disenfranchised groups, victims and survivors of corruption selected from various regions.

Whistle-blowers, who have successfully fought their fight for sport integrity. Their experience and wisdom will be invaluable. Survivors of abuse in sport, who are willing to speak up and stand up for others in similar situations.

Actors that are not part of organised sport and sport federations, do not have a lobby, are overlooked etc. - grassroots athletes - school/university sport (teachers) - health experts (e.g. to analyse harm done by sport) - indigenous communities - environmental/social activists (opposing sport events, construction of sport venues etc.) ... among others.

Grassroots/leisure sport representatives (incl. youth) - cultural minorities and indigenous communities - environmental/social activists opposing (major) sport events, construction of venues, wasting public funds ...

Media especially journalists with solid track record of exposing corruption in sports.

Credible journalists.<sup>98</sup>

Investigative journalists.

Journalists or an association of them.

Representatives of sports coaching organizations. Representatives of sports lawyer organizations.<sup>99</sup>

International sports event organizers: Representation from international sports event organizers, such as the organizers of the World Cup or the Olympics, could provide valuable insights on the unique challenges and opportunities facing these events and help to ensure that the agency is able to effectively support them in promoting integrity.

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<sup>98</sup> Oyukalode Thomas, Nigeria

<sup>99</sup> Nestor Ordoñez Saavedra, Colombia

Businesses: Representatives of businesses that are involved in the sports industry, such as sporting goods manufacturers or event organizers, could provide valuable insights on the unique challenges and opportunities facing these businesses and help to ensure that the agency is able to effectively support them in promoting integrity.

Other groups including City Mayors or bodies representing Host Cities / institutions. Another major source of corruption in sport is around the hosting of international events. As long as host institutions are willing to buy votes and sport officials are in the business of selling their votes, there will be corruption related to where major sport events take place.

Also, would involvement of supporter bodies at some level help with the provision of information? Some very valuable work has been done in exposing unsuitable club owners and sponsors by fans. Invariably, this is ignored by sports authorities, until it becomes a problem, which is another existing problem with sports integrity. A WACA should allow for some involvement for supporter information to prevent a repeat. Also, the Council of Europe is doing very good work in this area and should be involved.<sup>100</sup>

It is probably better if the board of the agency also includes a representative from sport fans.

Coaches and referees along with athletes.

Independent Agents.

Women's associations.

## General comments

As mentioned above, a supervisory board composed of representatives of various interest groups also encounters fundamental criticism, also from those who prefer an intergovernmental agency. Preference is given to members of the board who are appointed on the basis of their skills. Comments read:

The structure of the board, as explained in the report looks more like a "representative board" rather than a skills-based board. Given the nature and role of this agency, I feel the board needs to be far less representative of stakeholders and more independent and skills-based. Look at the composition of the board of regulators such as national energy regulators, for example. Another interesting example is the board of UK Anti-doping, which to me is a great mix of expertise, skills and some sports knowledge. The roles of the board members should not be designed by who they represent, but by the skills they bring and the organisational needs of WACA. If a representative board is politically unavoidable

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<sup>100</sup> Steve Menary, UK

(e.g. to engage stakeholders), then the figure of independent directors, with a clear number of those, needs to be considered. It is normally not a good idea to fudge this saying that stakeholders could/will nominate independent members, because many will not.

Independents must dominate the board. Whilst having the representatives at board level from sport and elsewhere is important in the interests of cooperation, it is vital for the board to be dominated by independents and direct senior agency employees whose loyalties lie squarely with the code and objectives of the agency rather than a different organisation. Otherwise the board risks having no integrity itself.<sup>101</sup>

It's important to have people with strong pedigree in sports who not in government or federation but independent sports buffs with strong anti-corruption pedigree.

The selection of members should not be subject to political constraints. Experience, integrity and, above all, independent competence are important. Diversity is a prerequisite.

Really independent experts (individuals, not related to any organisation) from the areas of law enforcement/anti-corruption/human rights/sports.<sup>102</sup>

A broad pool like Sport Resolutions.

The latter, UK's not-for-profit, independent provider of sport-specific arbitration and mediation services, unites in its Board of Directors an independent chair, a majority of independent non-executive directors, two representative non-executive directors and the CEO.<sup>103</sup>

Some respondents highlight the necessity of separation between the board and the executive branch of the agency:

... it will be important to learn from WADA and separate the stakeholders from any executive body from the beginning.

There has to be a clear cut between board members with and without executive powers.<sup>104</sup>

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<sup>101</sup> Affy Sheikh, UK

<sup>102</sup> Drago Kos, Slovenia

<sup>103</sup> Sport Resolutions, Board of Directors, see: <https://www.sportresolutions.com/about/board-members>

<sup>104</sup> Drago Kos, Slovenia



I believe the board should give policy direction to the body, budget approval etc., while the head of the administration see to the day-to-day running of the agency.

It should really be at a distance, as a supervisory board.

A full-fledged separation of powers between executive and oversight/supervisory functions is key. Clearly defined term limits, gender and geographical balance, representation of diverse levels of expertise/skills, as well as open and fair (democratic) election principles are essential.

A proponent of an agency with the highest body being a general assembly (AGM) envisions the management level like this:

The organization should have an independent executive with representatives from governmental and international sporting agencies. The Executive should be responsible for conducting the day-to-day operations of the organization, with the responsibility to present findings, recommendations and sanctions to their member agencies in a structured format that includes a consultation and appeals process. Any organizational changes or updates should be dealt with at the AGM where all member agencies would be provided with voting rights - similar to many current international organizations.

Other respondents (proponents of the stakeholder model) doubt that a board structure with predominantly independents will be feasible:

Limiting impacted parties' input is envisioned by the report authors as an attractive feature but will require strong arguments as involving impacted parties is a key consideration in most regulatory reform scenarios.

Those who cede a part of their sovereignty should get the most representative power.<sup>105</sup>

External members very important but also need stakeholders.

Respondents also provide comments on the composition of the board in terms of size, diversity, and in terms of operations and decision-making, elections and/or appointments:

It should be not too wide to avoid conflict of interests and leak of information.

The board should have 10 members for genuine diversity and must have the ability and willingness to serve with accountability, professionalism, equity and commitment.

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<sup>105</sup> Simon de Clercq, Belgium

An initial committee will need to be established but after that open recruitment to the board would be preferable to organisations nominating “their” representatives. Rules should ensure gender balance and diverse, global representation, including athletes. However, it is also important to keep the board manageable in size.

Promote that the anti-corruption entity is completely independent - Promote gender parity from the management of the entity, board positions, hired personnel, etc.

The most important, for me, is involvement of the athlete unions and human rights organisations. Another thorny issue to be considered is gender equality in sport. How will the new agency engage with that particular issue?<sup>106</sup>

Consider equal opportunities aspects (among others) - gender - age (youth representatives) - cultural/regional representation - different professions (not only lawyers!) # restriction of term limits # independence.

Consider diverse backgrounds/views, e.g. regarding - gender - age - region - profession (not only lawyers!) - organised/unorganised sport.

No one source of personnel to the board should have a majority.<sup>107</sup>

Two terms maximum for each member.

Veto power in decision-making should be given to every group of representatives to ensure consensual and truly tripartite governance.

Avoid the self-regeneration model, whereby the existing board members recruit and decide, who the next board members will be.

The structure has, somewhat, to be decoupled from donors’ structure so that it is representative of society as a whole. At the same time, this should not become a “self licking ice cream”, where funding sink holes like some NGOs and other advocacy groups, which are mostly in the business of justifying their own existence rather than doing anything practical.

## Recommendations and challenges

A supervisory board composed of stakeholder representatives seems ill suited even to the agency’s stakeholder model because of conflicts of interest. Preference would be given to a skills-based board.

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<sup>106</sup> Andy Brown, UK

<sup>107</sup> Steve Menary, UK

Such a board composition poses a challenge in terms of convincing especially the sports organisations with vested interests in the agency's work to relinquish parts of their authority.

Ideally, the board is to be composed of mostly independent members (experts, academics that are not linked to sports organisations but offer varied skills with respect to the mandate of the agency), the most senior employee and – perhaps – a minority of representative members of the main stakeholders, delegated from sports governing bodies, athletes' representative bodies and governments.

Instead of delegating representatives, main stakeholders could be given observer status.

In any case, the supervisory board needs to be strictly separated from executive decisions. It operates with a focus on strategy and finances, and helps establish and maintain a system of checks and balances that ensures transparency and accountability of the agency.

In addition, a set of consultative / advisory commissions with representatives of stakeholders is to be constituted.

This approach should also involve people from a broad spectrum of society on advisory committees, taking into account which areas and groups are affected by the social impact of sports, which businesses impact sports (such as sponsors and TV rights holders, betting industry), and which groups (such as survivors, human rights groups, legal community, law enforcement, investigative journalists etc.) might give valuable input.

Diversity (geographical, gender, age, profession) is a prerequisite in composing the board as well as the commissions. Term limits are to be implemented.

For the board composition of an intergovernmental agency the above-mentioned principles (mostly independent experts, skills-based, diverse, with term limits) should be applied as well. Although the highest governing body to determine principles and measures for the agency to reach its objectives, approving funding and reviewing would be the General Assembly of member states.

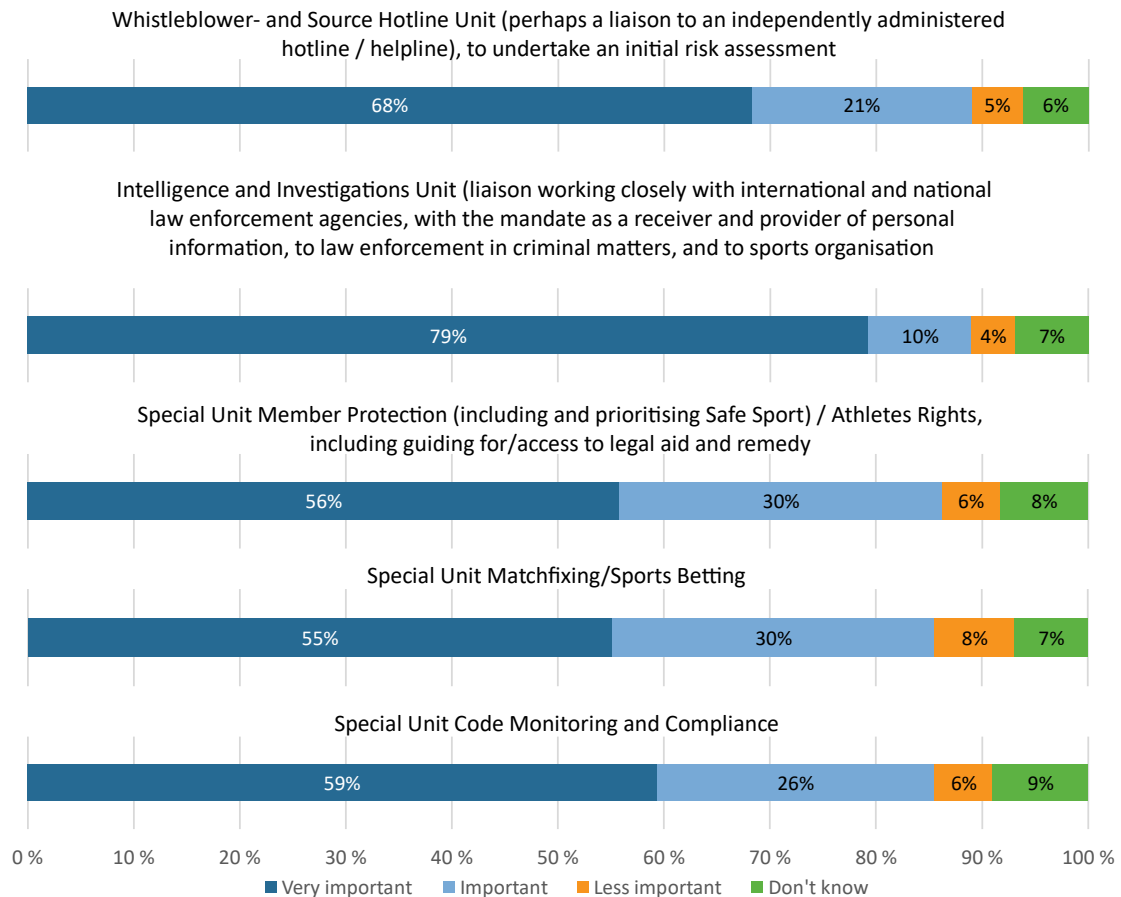
## 7. Operational structure: Units

We asked:

With respect to the broad range of sports integrity issues, the WACA would need a number of special units.

How important do you consider the following units?

Figure 6: Importance of types of agency units



### Overview

In terms of approval ratings (‘very important’ and ‘important’ combined), the five units suggested in the survey are close to each other, with the higher ratings for the Intelligence and Investigations Unit and the Hotline Unit at 89% each. Four out of five respondents rate I & I as ‘very important’, by far the highest value.

With the lowest ‘very important’ scores by just over half of respondents, the chart only vaguely reflects what is critically discussed in the comments (albeit by a small minority): whether match fixing and safe sport (as part of a member protection unit) should fall within the agency's remit at all.

Respondents suggest a number of additional units for the agency, headed by a Legal Unit for sanctioning, a Research Unit and a department to take responsibility for 'international coordination' and/or 'policy coordination'. Among others, a 'Cyber Unit' and a Unit for 'education, prevention, and outreach' are also proposed.

## Comments on the options offered

Comments to 'Whistle-blower and Source Hotline Unit (perhaps a liaison to an independently administered hotline / helpline) to undertake an initial risk assessment' read:

A unit dedicated to whistle-blower protection could be responsible for operating a confidential hotline or platform for individuals to report allegations of corruption and integrity breaches, as well as providing source protection and support to whistle-blowers.

I see hotlines mentioned so I want to mention an idea I presented to WADA - QR codes. Various Anti-Human-Trafficking agencies have used this well ...

A unit that will handle asylum for whistle-blowers

Some existing bodies such as FIFPRO have player hotlines for integrity issues and a WACA should not do anything to weaken these existing arrangements.<sup>108</sup>

Comments to 'Intelligence and Investigations Unit (liaison working closely with international and national law enforcement agencies, with the mandate as a receiver and provider of personal information, to law enforcement in criminal matters, and to sports organisations for code of conduct issues)' read:

A unit dedicated to investigation and enforcement could be responsible for conducting investigations into allegations of corruption and integrity breaches, collecting and analyzing evidence, and referring cases to disciplinary bodies or law enforcement agencies as appropriate.

Commercial separate from investigation/enforcement.

I suggest to prioritise the set up of common rules and guidelines and monitor the implementation within countries and sports organisations. Conducting own investigations should be second priority.

Here are my reasons for some scepticism. Investigations are expensive. ... And, one does not want to duplicate Interpol or the FBI, but work with them.

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<sup>108</sup> Steve Menary, UK

Comments to 'Special Unit Member Protection (including and prioritising Safe Sport)/ Athletes Rights, including guiding for/access to legal aid and remedy' on the one hand relate to what should fall within the scope of the department, while others question its justification:

The Protection Unit will have some significant limits - it will be able to provide guidance, advice and possibly monetary assistance but challenged to provide extensive physical protection or legal support. I think that this unit will be coordinating activities of volunteers or other existing organizations (legal defense funds for example).

Minor athletes protection.

Child safeguarding.

Sexual abuse by coaches and other athletes and sports officials -- I'm surprised that this has not been mentioned very much. It should be a major component of the organization.

Anti-Harassment Unit with powers to enforce and punish perpetrators.

Special unit against situations of sexual harassment - Special unit against situations of discrimination based on race, gender, sexual orientation.

Gender inclusion. Harassment / Abuse.

Athlete abuse, gender equality.

Establishing anti-retaliation policies.

Corruption and abuse are two very different things and should not fall under the same umbrella; they do not require the same types of expertise and approaches to dealing with allegations/incident.

Safe Sport matters require very specific skills and expertise (compared to anti-corruption, match fixing, etc.). Therefore, the question is whether this would already be dealt with by another entity e.g. the international Safe Sport Entity that FIFA and other sport organisations are already in the process of creating (see Ingrid Beutler for more info).<sup>109</sup>

Similar to what happened before with the so-called sportsmen's unions, the buzzword 'safe sport' is now being introduced here. But this cannot be the core

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<sup>109</sup> Refers to Ingrid Beutler: Final Report of the consultation process to consider the creation of an international safe sport entity. Report commissioned by FIFA, October 2021

task of a WACA. I also don't think that "athletes' rights" belong to the core tasks of WACA. That's what real and so-called athletes' unions are for.<sup>110</sup>

I wonder if SafeSport should be separate from broader corruption/integrity concerns. Including SafeSport (which is a huge issue all its own) under the same umbrella as corruption seems like creating an organization that is everything to everyone, and risks being nothing to nobody.

Not convinced an entity that address match fixing and corruption would understand the expertise and commitment necessary to address these heinous crimes. ... Many men and some women feel very uncomfortable addressing sexual abuse, and may want to minimize this dept. Most sexual abuse is historical as it frequently takes victims a long time before they can disclose. Because of this, investigating also takes a long time, and must be trauma-informed. ...

Comments to 'Special Unit Match fixing/Sports Betting' read:

There needs to be a push on betting's involvement with sport. Does betting sponsor sport or own it?<sup>111</sup>

Regional offices could focus on specific issues (e.g. betting / match fixing unit based in Asia).

I acknowledge the importance of match fixing, but I doubt an agency like this will really be effective on that domain. I have doubts about whether it should be part of its remit, other than in terms of educating. Thus, I am not sure a match fixing unit is really necessary, as I feel an agency like this needs to be deeper, rather than wider.

I don't think it should deal with disciplinary infringements by players re match fixing, for example betting regulations breaches. The scope should relate to institutional and high level corruption, which remains widely untouched at this moment.

Trying to monitor betting compliance is very difficult and takes a great level of sophistication (to be fair, some of the major betting companies have such units).

In the area of match fixing and sports betting it is also difficult. WACA cannot and should not focus on this area. There are already agencies and companies in this field, and this area is comparatively well covered in national and international law - I say "comparatively well" in comparison to the many other issues of

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<sup>110</sup> Jens Weinreich, Germany

<sup>111</sup> Andy Brown, UK

corruption and crime, which are almost not covered at all and on which WACA should focus.<sup>112</sup>

Comments to ‘Special Unit Monitoring and Code Compliance’ again detail the scope of the department, which also could be named differently:

Governance compliance unit.

Unit for support of national and international sports federations.

Risk assessment and management: A unit dedicated to risk assessment and management could be responsible for analyzing the risks and threats to integrity in different sports and developing strategies to mitigate these risks. This unit could also be responsible for assessing the capacity of sports organizations to manage these risks and providing support as needed.

Proactive Evaluation Unit.

Analysing of structures and organisation in order to be able to see the failure in the structures and organisations.<sup>113</sup>

How was FIFA ranked #1 or #2 on “best governance” of all IFs just before Blatter’s scandal? Learn from those silly methodologies for the monitoring unit.

## Comments on other important units

Respondents suggest a number of additional units that should shape the work of the agency, headed by a Legal Unit responsible for enforcement and sanctions. Equally often, a department is suggested to take responsibility for ‘international relations’, as well as departments for education, prevention, outreach and communications.

A very solid and experienced legal team. No point in running investigations if they don't translate into receivable evidence that can secure conviction in court.

Legal Unit for prosecution.

Sanctioning entity or function court to adjudicate on the investigations (could be only in cases where sport/governments have failed to do so).

Respondents echo what has been touched on in previous chapters, suggesting the creation of a separate arbitrary tribunal for the agency:

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<sup>112</sup> Jens Weinreich, Germany

<sup>113</sup> Jesper Olsen, Denmark



I may be getting ahead of myself without yet seeing the rest of the survey, but I believe CAS should be abolished and its functions be made more independent and integrated in to the new WACA type agency.

Question: Arbitration internally or externally (see Integrity Units with internal body), revision (?) then externally possible.<sup>114</sup>

Education and outreach: A unit dedicated to education and outreach could be responsible for developing and delivering training programs for athletes, coaches, administrators, and other stakeholders on issues related to corruption and integrity in sports. This unit could also be responsible for developing and disseminating educational materials and resources on these topics.

Research/ Education Unit.

Prevention Unit.<sup>115</sup>

Education – Awareness.

A unit to work with good governance within sports (anti-corruption) would be relevant.

Coordination Unit (vertically: between national and transnational/supranational levels; horizontally: between governments, sports, and athletes, inter alia).

International coordination: A unit dedicated to international coordination could be responsible for working with other organizations and agencies around the world to coordinate efforts to combat corruption and promote integrity in sports. This unit could also be responsible for facilitating the exchange of information and best practices on these topics.

Policy Coordination: There will be significant overlap, at times, between this organization's mission with that of WADA or Casino/Gaming Regulators. The agency will need folks to coordinate information sharing, coordination (to include deconfliction) and other support.

International relationship and cooperation unit - cooperation between international stakeholders, international project like Erasmus+ and cooperation with universities also in research.

International affairs.

Publicity/ Media Unit.

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<sup>114</sup> Maximilian Klein, Athleten Deutschland, Germany

<sup>115</sup> Drago Kos, Slovenia

Strong information and PR unit (to counter the prevailing narratives/propaganda of an apolitical/innocent/positive etc. sport system).

The organization's commitment to reporting should be publicized and if need be, a special App should be developed for everyone to access where/whenever they have issues.

In further proposing units, respondents are addressing specific threats posed by modern crime and specific requirements of sports, football among others:

Cyber Unit: This agency will be challenging powerful, vested interests, to include state actors. The cyber threat will be comprehensive and a cyber risk professional requires formal policy, some tools and discipline.

Money laundering.

Other financial and transnational economic crimes in sport.

A unit designed to provide permanent protection capable of immediate action in the event of need where WACA staff carry out their specific activities and also capable of providing event specific directions. The case of the Sport Integrity Australia is relevant and I think that a special unit with such powers can be useful for the WACA.

Doping investigations.<sup>116</sup>

A team dedicated to athletes transfers. In some countries it's better to be a racing horse than an athlete.

Should there be a special unit on criminality in football? The money involved and the level of criminal involvement in football might require its own special team ...<sup>117</sup>

Establishment of a fit and proper person test for club owners and provision for Investigation of club owners where deemed necessary.<sup>118</sup>

## General comments

Comments of a more general nature read:

The structures and operational units shall also have their mandate spelt out for effectiveness in work.

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<sup>116</sup> Affy Sheikh, UK

<sup>117</sup> Andy Brown, UK

<sup>118</sup> Steve Menary, UK

Question about understanding of roles and possible conflicts of interest: Focal point (for whistle-blowers) yes, affected person counseling difficult, if at the same time investigative power and sanctions if necessary. Questions about Chinese walls, inter-unit exchange of experience important.<sup>119</sup>

There should be pro-active approach towards some issues, not only reactive.

The area to cover is very broad and requires a lot of different skills and competencies. It is difficult already now to set up an operational structure without knowing on which legal basis they are operating. (Charter/convention/code). Flexibility and agility would be a keyword here in my opinion.

Think you need to be very careful with remit - too broad = too expensive = problematic.

The possibility of the units to be established also depends on funding and available budget. A successive build-up appears to make sense.

... do not let lawyers dominate the staffing of any potential WACA. Moreover, do not let ex-police dominate the intelligence unit. In Australia, ex police dominate Sport Integrity Australia to its detriment as they tend to take a very negative and adversarial view of those under investigation.

Avoid an enforcement model.

Avoid making it too Euro-centric.

I believe that some corporate or organizational social responsibility could be taken into account.<sup>120</sup>

## Recommendations and challenges

The operational set-up of the agency will ultimately depend on its mandate – and on its budget. A step-by-step build-up seems likely.

The mandates of the agency's individual units need to be spelled out. 'Chinese walls' between some of them (Hotline - I & I; Legal - possible tribunal) are to be designed.

Overarching departments considered necessary in addition to the proposed responsible for whistle-blower hotline, for monitoring and code compliance, and for Intelligence and Investigations are:

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<sup>119</sup> Maximilian Klein, Athleten Deutschland, Germany

<sup>120</sup> Ana María Arias Castaño, Colombia

- Legal Unit
- Coordination and Cooperation Unit
- Research Unit
- Unit for Prevention, Education, Outreach
- Communications Unit

The Agency's potential capacity to effectively address abuse, match fixing /illegal betting (the first in the context of a Member Protection Unit) has to be carefully considered, although the need for an independent institution to do so is apparent.

To exclude these crimes completely from the agency's remit and place them in the hands of other entities (as envisaged by some sports organisations) would mean duplicating and tripling numerous capacities for sports. In addition, a fragmented approach might risk inconsistent and unpredictable results in terms of the issues to be resolved, which are related to the same structural shortcomings of the sports system.

It can be assumed that the specialised expertise and capacities required for those areas of sports crime will not be built up from the outset. In this respect, the oversight and intervention aspect in cooperation with law enforcement should (at least initially) be the focus of the agency, for cases in which other organisations / institutions fail to act.

This may change as the agency becomes more operational. If so, specialised expertise must be on board within units for safe sport and for match fixing, and/or suitable partnerships established.

The Member Protection Unit (stakeholder model) should also take special care of child safeguarding and anti-retaliation policies.

The possible constitution of a (disciplinary) tribunal associated to the agency should be part of further debate on the operational structure.

Likewise, consideration should be given to establishing a special unit to deal with football, due to its popularity and the sums involved – arguably the conduit for most forms of crime such as state-sponsored corruption, money laundering and human trafficking. The same goes for special units dedicated to prevalent types of crime in and through sports.

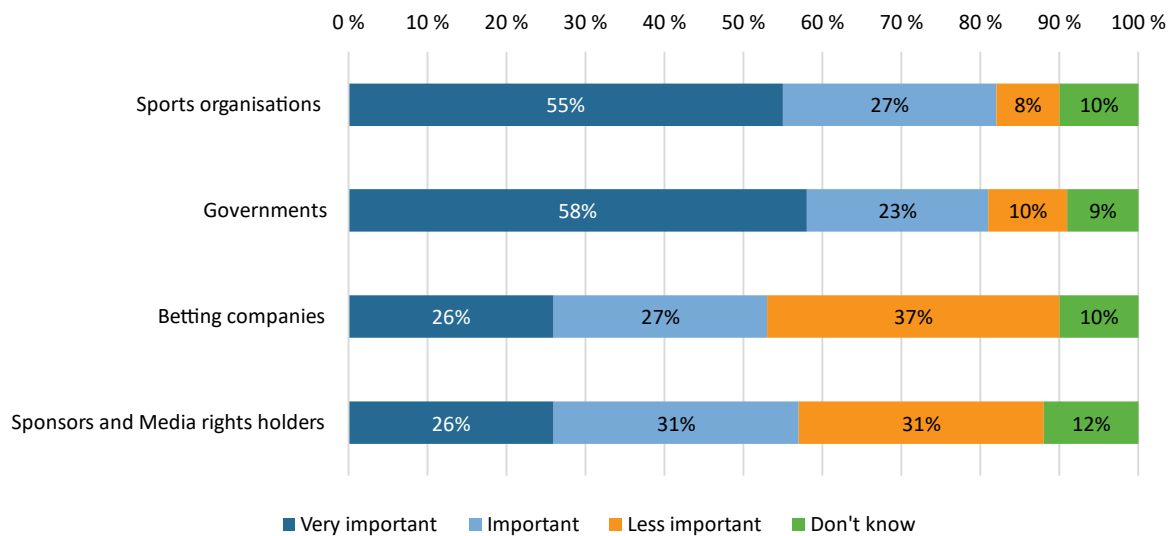
## 8. Funding

We asked:

We are eager to hear ideas that go beyond the obvious split between sports and (possibly) governments, possibly in the comment section. But for now, we would like to get an idea of who should bear the greater share.

How important are the following payers with regard to WACA?

Figure 7: Funding of the agency



### Overview

The respondents' opinion is shown in the chart: Whoever is responsible for a problem, whether as a culprit or through lack of oversight/ignorance, should pay most. Accordingly, sports organisations qualify as preferred major funders: 82% rate their contribution to the agency as 'very important' or 'important'. However, governments (81%) are almost on a par.

The high approval rate for funding by governments / transnational, intergovernmental organisations certainly can also be explained by the vote of those who see the agency as a globally operating authority lead by governments or network of law enforcement agencies (rather than a stakeholder model), or, more generally, by the votes of those who acknowledge sport as a space of public interest and therefore favour intervention.

It should be noted that the comments express reservations about all of the proposed funders related to potential conflicts of interest and associated risks to the agency's independence. To start with, here are two examples of many:

Division of funding responsibilities between the suggested actors is an important factor.

It should be clear from the beginning that it's a joint exercise that benefits not just governments and sport organisations. A good question is though how to create a funding model for the betting operators and sponsors but it should be explored more for sure.

Media and betting organizations are significant contributors also, but relying on funds from these groups may lead to the independence of the organization being called into question.

The chart shows pronounced reservations about financial involvement of the betting industry with 47% of respondents ticking 'less important' or 'don't know'. 43% are sceptic towards sponsors and media rights holders funding the agency. The comments provide reasons for these reservations.

As for our question about other financiers, suggestions of alternative funding sources range from self-funding through fees and fines, to the participation of event organisers, host cities for Olympics or the FIFA World Cup, donations by individuals, companies and foundations, among others.

In addition, respondents present ideas on how to shape an institutionalised / permanent funding model: a tax, a certain percentage of budgets for sports federations etc.

It is emphasised that funding should not guarantee any participation in decision-making (at least at the operational level).

## Comments on the options offered

Comments on 'sports organisations' and funding range from demanding full commitment to concerns about undue influence:

Sports organizations, including national sports federations and international sports federations, could contribute funding to the agency as a way to demonstrate their commitment to promoting integrity in sports.

The IOC should contribute and be responsible for the operation of WACA as a response to social responsibility with the sports sector.

IOC, FIFA and UEFA, plus some of the other richer sports (Tennis, Golf, Cricket, Rugby, etc.) easily have the money to pay for this (if it is say \$40-50m p.a. to start with e.g. benchmark to WADA/national sport integrity centre budgets). The trick in the case of football is to convince the clubs to insist on it being a funding element as part of player/employee release (... for WCs and EUROS) and the athletes for the IOC/OG.

I'm leery about getting sports Federations to fund - given the history of many, I'm not sure if they would act in good faith. Same with sponsors. What would they want in return?

I know funding is a huge part of getting this off the ground, but WACA funding being provided by the sports governing bodies themselves, should in my opinion be avoided if possible.

Don't have it reliant on SGBs like CAS is - it's immediately compromised.

Some international sports federations already dedicate resources to fighting corruption. How is this going to be taken into consideration?

The comments illustrate that respondents relate funding by 'governments' also to transnational, intergovernmental organisations. A number of suggestions in this regard are put forward. Comments read:

Governments could provide financial support to the agency, either through direct funding or through contributions from national sports federations or other sports organizations.

Many governments and sports agencies assign limited funds to this sort of work but they are essential to making the organization a success. They should be required to fund the organization as an indication that they take the organization seriously and are committed to making it count.

WIACA needs funding from transnational organizations, who are stakeholders in the nations' rule of law and peace.

Transnational entities already dealing with sport corruption issues (e.g. Council of Europe, UNODC, Interpol/Europol, OECD, etc.).

FATF, GRECO.

Council of Europe.

Possibly look at EU institutions etc., but I think sports (firstly) and governments (secondly) should be the main focus.<sup>121</sup>

European Union. The Union can provide financial resources through existing programs or through a newly created extension of them. A starting option that can be taken into account is the Justice Program (JUST). Even if at this moment the program does not seem to be available, as it appears from the European

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<sup>121</sup> Affy Sheikh, UK

Union website, I think that a proposal regarding the creation of a permanent extension of it for the benefit of the WACA, can be a useful idea.

Government and organizations like UN, EU and others.<sup>122</sup>

Comments on the involvement of 'betting companies' in the agency's funding reveal opposing viewpoints. Proponents and strict opponents nearly balance each other out, not just in the chart, but also in the many comments:

Funding should not carry any rights to interfere with managing/functioning of WACA, therefore, governments and sports organisations (who will try to "earn" that influence through funding) should not be the primary funders. Betting companies and sponsors are: 1. less inclined to attempts to influence the WACA 2. a bit easier to control when it comes to limiting their influence on functioning of WACA.<sup>123</sup>

Betting companies make huge profits and percentage-wise do not contribute much at all to integrity efforts. Match fixing in particular only takes place because of betting.

A risk assessment into sports betting should clarify the influence of betting companies. If betting companies profit from match fixing and other integrity breaches, they should pay a significant share of the organisation's funds.

Right to bet contract. % of all bets in the World.

Agree with strong involvement of betting companies and their fixed contribution or percentage from profit.

Betting companies should share the cost of WACA by some percentage.

The betting environment is a complicated mix of regulated and unregulated providers that pay a variety of costs, fees and taxes. Unduly pressuring responsible actors will potentially drive more activity away from visibility.

Bringing sponsorship from top sports-related brands could be a good idea, but avoid sponsorship from the sports betting industry.

No sure about betting actors. Maybe they still using that for sport washing.<sup>124</sup>

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<sup>122</sup> Olukayode Thomas, Nigeria

<sup>123</sup> Drago Kos, Slovenia

<sup>124</sup> Alberto Carrio, Spain



Betting companies and other sport sponsor companies can have interests in some cases, which are incompatible with their funding. Independency is key.<sup>125</sup>

Involving betting companies is on one level absolutely correct as they are making money from sport, but involving betting companies would then allow them some input over the formation of WACA, which would invariably hinder this development through filibustering, etc. Also, given the fractured nature of global betting legislation and that the bulk of betting on fixed matches (and associated money laundering) takes place on grey/Asian/unregulated markets giving unnecessary prominence to regulated betting companies could prove to be a mistake.<sup>126</sup>

Avoid betting companies, tobacco, and e-sports corporations at a first glance. But there should be a clear policy and rationale for funding.

I would say there is absolutely no way that the betting industry or any sponsors should be feeding money into this. An "independent" sports integrity agency funded by the betting industry would lose all credibility before it even began working.<sup>127</sup>

Should not be reliant on the betting industry as they are the cause of the problem in the first place. Needs to be independent of this type of funding. Beside match fixing is not the only corruption crime.

Betting organisations should be kept far away from this. Betting OWNS sport. The size of the industry is huge and growing, and the level of money involved has the ability to corrupt.<sup>128</sup>

Money to fund this cannot come from organizations and businesses that profit from betting, gambling and match fixing.

Unlike the betting companies, the comments on requiring 'sponsors and media rights holders' to fund the agency do not reflect as much criticism of this proposal as visible in the chart:

Private sector funding: Private sector organizations, such as sponsors or media companies, could provide financial support to the agency in exchange for the opportunity to promote their brands or products.

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<sup>125</sup> Simon de Clercq, Belgium

<sup>126</sup> Steve Menary, UK

<sup>127</sup> Affy Sheikh, UK

<sup>128</sup> Andy Brown, UK

Sponsors stand to lose much in their brand image if the sport actors or teams they support turn out to be corrupt or abusive. On the other hand, they stand to gain much if consumers can associate them with sport integrity.

Those who benefit the most should pay the most. Commercial sponsors and Broadcasters is where the money is.

Institutional funding by governments and sponsors should be desired. For example, a certain percentage of all sponsorship deals should be given to the body for its work.

Demanding funds from sponsors could cause interest in the sports sector to be lost and sports financing to be affected. Even so, their participation in the agency should be considered in terms of the social responsibility they have as allies of international and national sports organizations.<sup>129</sup>

## Comments on other important financiers / sources

We also asked who, other than those named in the survey, might be considered as funders for the agency or what other sources might finance the agency.

References and suggestions range from self-funding through fees and fines, to the participation of event organisers, host cities for Olympics or the FIFA World Cup, organisers of professional leagues, donations by individuals, companies and foundations and social media platforms, among others.

User fees: The agency could charge user fees for certain services, such as training programs or risk assessments, as a way to generate additional revenue.

The financing model used by Interpol appears well suited to the proposed WACA organization. Basic operating expenses are covered by fees paid by member nations. The amounts, and changes to them, can be set as specified in by-laws. These fees would be supplemented by grants and donations from public and private organizations, which could be used to fund projects.<sup>130</sup>

... strict and substantial fines, penalties and financial sanctions of individuals, organizations, and companies.

I would also say that a successful agency that works with law enforcement to go after the actual criminal matchfixers and corrupters and seeks to recover the financial proceeds of their crimes (which of course is only applicable in countries

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<sup>129</sup> Ana María Arias Castaño, Colombia

<sup>130</sup> Fair Sport, Draft by Edwin Stier, Johann Koss

where it is a criminal offence) should have those recovered proceeds fed into the funding of that agency.<sup>131</sup>

Private event organisers, specially nowadays that their importance is growing. Circuit/league organisers. Private equity investors that bid to invest in sport clubs/franchises/events, should be levied.

Percentage from event income.

Sports stakeholders, i.e. clubs, leagues, players/athletes, fans, and so on. They often have their own representative organisations for their own specific interests, as they do not feel represented by the sports federations.

Olympic, and FIFA host countries/cities.

Entities that are directly linked to sport through, competition, business and governance should be the ones funding the agency, as they are the primary beneficiaries of its activities.

Donations: The agency could solicit donations from individuals, foundations, or other organizations that are committed to supporting its mission.

Public and transparent donations (tax deductible).

I think an open approach to voluntary contributions should apply. I don't think it is excluded that private companies or foundations could contribute from a charity point of view.

Individuals/Foundations/Charities -- Something like the Ford Foundation. Believe it or not, even GoFundMe. The non-profit sector is an important source.

International donors and agencies interested in relevant topics like human trafficking, human rights, child labor, gender protection etc. International bodies like the UN, EU, AU, and their relevant agencies.

Social media platforms, publishers etc. – (players') agents, consultants, promoters etc. – club owners, investment companies etc. – sporting goods manufacturers – sports facility constructors/managers etc. – fans/consumers.

Athletes bodies and representatives.<sup>132</sup>

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<sup>131</sup> Affy Sheikh, UK

<sup>132</sup> Manase Chiweshe, Zimbabwe

Those who benefit from sports must ensure the financing of such an institution. This raises the question of the extent to which highly paid athletes should also contribute.

Civil society groups.<sup>133</sup>

Human rights organisations.

Child Welfare Organizations.

Anti-Corruption Organizations.

Athletes Consumers / Spectators (Fan groups).

Fans bodies and representatives.

## General comments

Respondents emphasise the need to find mechanisms for a structural and sustainable funding for the agency. Suggestions include among others the introduction of a special tax, for example a certain percentage on all commercial contracts concluded in the sports business. Years ago, this tax was aptly named the 'Coubertobin tax' by French economist Wladimir Andreff, in reference to Pierre Coubertin, the founder of the modern Olympic Games, and the 'Tobin' tax on currency conversions and other financial transactions, which has been discussed since the 1970s.

Others propose to divert percentages from state funding to sports federations to the agency – or in the case of international sports federations – to reallocate shares of their operating expenses:

It is important to consider the pros and cons of each of these funding options and to develop a balanced and sustainable funding model that takes into account the needs and resources of the agency.

There should be a clear policy and rationale for funding.

It is very important for WACA to ensure its financial independence, so as to guarantee the independence of its actions, according to its own mission. This is the reason why I consider that the funds received from betting companies, sponsors and mass media are not a priority for the agency. In this respect, regarding the funds received from governments and federations, I think that the best option is for the governments to tax the federations on behalf of the European Union, so that the money from the federations is not transferred directly to the agency. As for the money coming directly from the governments, it can come

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<sup>133</sup> Steve Menary, UK

from the money collected from the National Lottery for sports. Last but not least, the money from the football federations I think represents a special chapter. More precisely, football, which enjoys quasi-monopoly at the European and world level, should probably be taxed additionally, for the benefit of other sports. This is of course a longer discussion, but also, I think it is an idea that can be taken into account.

Everybody earning money in/with and/or investing in and/or excessively consuming sport should contribute through a mandatory fee on all sales/transactions, e.g. one percent (similar to Tobin tax, Common Goal etc.).

Maybe an EU-wide tariff on international broadcast rights or betting companies could pay for it?

I would propose that countries be asked to contribute a small % of their GDP to the organization, as well as a % of the operating revenue of international federations. Smaller organizations could be required to pay an annual membership fee. This format would mean that the members that have the funds to pay the most are contributing in a proportional manner to those that are under tighter budgetary constraints. One difficulty with this approach is the calculation of the amount that each agency should be contributing.

Other comments related to the balance between funding and independence of the agency read:

Should ideally come from different sources (checks & balances), including all stakeholder groups benefitting from the economic gain generated through elite athletes' performance and/or being directly involved in the governance of sports.

Shares need to be carefully thought through as don't want to place too much power in a single entity's / group of entities' hands. The importance of sponsor involvement (though sponsors need to be carefully vetted so this can cause other issues) in funding is that they often have consumer pressure to face if things go wrong as opposed to organisations that turn deaf. However, the funding structure needs to be such that it goes into a pot and WACA decides how to allocate funds according to business needs - cannot have funders indicating how funds can be used (or not used) i.e. can't have funders (whoever you decide they should be) able to dictate agendas for WACA.

... to be independent, payment by sports organizations may not exceed one-third. Governments must provide most of the funding. Special fund for developing countries required. Media should not finance because independent reporting is at risk. Involve sponsors only if they have no rights of influence.

... there is need to minimize the influence of actors who are interested in how this new body operates in terms of protecting their turf. Sporting organisations have a long history of suppressing scandals and stories that they deem to be problematic and often at the expense of victims. Governments are by and large also problematic in terms of transparency. It is therefore imperative to have athletes, fans and direct survivors of corruption in sport to take the lead.<sup>134</sup>

The buy-in from Sports Organizations as well as Sponsors will be important to establish some credibility. HOWEVER, the agency must be cognizant of the measures that such organizations will undertake to dominant the organization. Independence will be important. Government assistance will be difficult to obtain during down markets (like the current one).

Like the last comment, others illustrate scepticism and refer to the expected resistance of the agency's potential financiers. Some suggest an appropriate course of action:

Governments are very unlikely to make a commitment to pay. In theory sponsors and broadcasters should be willing to pay to protect their own interests but attempts to get them to contribute to integrity programmes have had limited success (e.g. SIGA and WADA seeking sponsorship funding). The simplest model is to ask sports bodies to pay for the services they use. Some initial funding would be needed to get started.

Unfortunately, when WADA was founded, it already became apparent that there was little interest in financial participation on the part of sports sponsors and sports organizations.

Naturally the most contentious proposal will be who pays because it assumes the current payers are not prioritising their input or not paying proportionally for their gains. Increases in costs to any sector will be resisted especially in the case of reduced input into how it is then allocated.

Funding needs to be mobilized in all corners possible to sustain activities.

Strategy consultation needs to be far and wide in order to identify the best way to secure funding. Global perspectives and diversifying the approach to soliciting input on this strategy would be important.

## Recommendations and challenges

A clear rationale and policy for funding must be established, with the overarching principle that funding the agency can in no way be linked to influence over its operations.

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<sup>134</sup> Manase Chiweshe, Zimbabwe

For the stakeholder model, sports organisations and governments, including transnational, intergovernmental organisations, should be the main financiers, their contributions supplemented by grants and donations.

For the intergovernmental model, funding would be secured by membership fees and supplemented by grants / donations.

Institutionalised ways to organise indirect, but consistent funding such as diverging a certain share of regular payments to sports organisations to the agency (for example from the IOC's and governments' money allocated to sports federations and NOCs) or the introduction of a tax ('Coubertoin') on, for example, commercial contracts, would be preferable.

Involvement of sponsors and media rights holders must be based on firm and openly communicated rules and principles, but should not be excluded. Again, funding should be institutionalised, such as by setting a percentage of expenditures/revenues to be allocated to the agency.

A convincing rationale for including or excluding the betting industry needs to be developed.

Self-financing should also play a role; the agency can regenerate income from fees (should it, for example, be commissioned for certain tasks) and fines as well as from asset recovery.

More unconventional ways, such as raising funds via social media from sports fans etc. or by funding campaigns for specific projects, should also be considered.

## 9. Benefits for sports organisations

We asked:

We would be interested in your assessment of the benefits for sports organisations that might lead them to consider an agency that holds the mandate, resources and skills, as well as international connections, to effectively address the threat of corruption, abuse and other integrity issues as beneficial (apart from the external pressures that governments, for example, can exert).

How important do you consider the following benefits for sports organisations?

**Figure 8: Benefits of creating an agency for sports organisations**





## Overview

Approval ratings for the seven perceived benefits in the interest of sports federations through a new agency are high – with positive (‘very important’ and ‘important’) ratings ranging from 91% to 79%.

The rather general prospect that confidence in sports could be restored scores best. Somewhat surprisingly, the idea that the agency could assist smaller federations in fighting corruption, abuse and other integrity issues ranks second (89%). This can be interpreted as a confirmation of a corresponding need among sports federations with limited resources.

Following very closely with 88% agreement (and the second highest ‘very important’ rating) is what the agency could accomplish in combating crime in and through sports: to help “mitigate the effects of jurisdictional inconsistency and the lack of national criminal laws, and assist law enforcement agencies and sports governing bodies in investigating and prosecuting offences.”

Overall, approving comments read for example:

The benefits are inexhaustible as WACA will repose more confidence in genuine corporate organisation doing businesses with federations.

There are several potential benefits for sports organizations that might lead them to support the establishment of the World Anti-Corruption Agency (WACA). Some of these benefits include: Improved reputation: By partnering with an agency that is dedicated to promoting integrity in sports, sports organizations can demonstrate their commitment to these values and improve their reputation with stakeholders such as athletes, fans, sponsors, and the general public. Enhanced compliance: The agency could provide sports organizations with support in complying with relevant laws and regulations related to corruption and integrity in sports, helping to reduce the risk of legal penalties or reputational damage. Increased credibility: By partnering with an independent, internationally recognized agency, sports organizations can enhance their credibility and demonstrate their commitment to upholding the highest standards of integrity. Support in addressing integrity issues: The agency could provide sports organizations with assistance in addressing specific integrity issues that may arise, such as allegations of corruption or abuse, helping to minimize the negative impact of these issues on the organization. Greater transparency: By working with the agency, sports organizations can promote greater transparency and accountability within their operations, which can help to build trust with stakeholders and enhance the credibility of the organization.

The benefits of corruption free sports or reduced to the barest minimum are unqualifiable.<sup>135</sup>

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<sup>135</sup> Olukayode Thomas, Nigeria

However, respondents also express criticism towards including this question in the survey, because they consider it to be of little relevance for various reasons. Comments read:

Change will never be initiated by sporting bodies and there is no benefit that would instigate that. Change must come from the other stakeholders with the help of governments and trans-national bodies. But neither governments nor trans-national bodies can have any role in the staffing or operations of this, if it is to be effective.<sup>136</sup>

For some sports organisations that are corrupt, the proposal of WACA will be a threat for them. I don't see these corrupt organisations will be happy to contribute.

Benefits will not be seen by successful and profitable parts of the sport sector. These entities will manage their own interests and not see the benefits of handing significant control to an outside agency.

Whereas benefits can certainly be listed, it is also necessary to analyse the negative consequences, mostly in terms of creating a defensive reaction from stakeholders, mostly governing bodies and competition organisers. Also, the creation of such body might lead to sports organisations being less proactive in the areas of anti-corruption and integrity education.

I get what you are looking for. But given that U.S. and U.K. law enforcement have become more aggressive in prosecuting corruption and have the money and resources to do it, I'm not sure if WACA should devote millions of dollars to do this.

This problem has been proven as a systematic one, so the benefits should be focused on governments, not on sports organizations.

I am not at all interested in the benefits that sports organisations derive from a WACA. I am only interested in how to put the thumbscrews on the sports multinationals.<sup>137</sup>

When asked about other benefits to sports, respondents cite among others the protection of athletes (and children) or, more fundamentally, the reinstatement of a sports-specific competition.

On a more structural level, respondents see the elimination of the conflicts of interest that often lead to impunity in sports federations as a benefit, or hint to freeing resources for sports organisations to tackle other global challenges such as climate change.

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<sup>136</sup> Lasana Liburd, Trinidad and Tobago

<sup>137</sup> Jens Weinreich, Germany

## Comments on the options

Respondents also provided further comments on some of the benefits for sports organisations mentioned in the survey, often highlighting that the agency would also benefit society by fighting (international) crime or revitalising the educational role model component of elite sports.

Comments to ‘restoring confidence’ read:

Restoring confidence in sports can't be emphasized enough. At the moment it has lost most of its credibility among big public and if it wants to be a trustworthy actor especially for the younger generations, it must “do something” for improving good governance. Other factors are important too but for the future of sports this really is a key question.

The activities of WACA will help reduce the lack of trust in the sports business. It will promote more transparency and accountability in sports governance. It will reduce or close the gap of impunity in sports governance.

Counter the great danger that all sports and federations are subject to a negative image due to corruption.

It will contribute to the improving the image and increasing public confidence in the function and mission of sports organizations, which will be “rewarded” in favor of sports organizations in all aspects.

In my view, the public are starting to accept that elite sport is corrupt. Football is like theatre, with old men paying lots to enjoy the diving and the drama. The agency should strive towards restoring public faith in sport as recreation where the best competitor wins – not the one who has been able to amass the most money.<sup>138</sup>

Corruption or integrity scandals do not necessarily affect participation rates.

Comments to ‘mitigate the effects of jurisdictional inconsistency and the lack of national criminal laws, and assist law enforcement agencies and sports governing bodies in investigating and prosecuting offences’ read:

I cannot overstate the importance of highlighting how this agency will help combat crime. This will attract government as well as popular sport. There is a tendency to dismiss sports corruption as a crime that does not affect ordinary citizen. Therefore, it is critically important for such an agency to highlight how Drug Cartels and Russian Oligarchs, for example, have not only laundered

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<sup>138</sup> Andy Brown, UK

money, but made money in corrupting sports. It is likewise important to highlight the threats to young people to defeat the traditional argument that many people take – why would the millionaire athlete do this?

A streamlined approach to law enforcement referrals through INTERPOL would be beneficial and an area of focus for WACA.

Comments to ‘combating match fixing’ read:

My only comment on these proposals is that match fixing should be a law enforcement investigation. WACA may have expertise that can assist but it should be led by a national law enforcement agency wherever the crimes occurred.

Think need to be careful about the prominence of match fixing as this is not the only corruption issue and is one that sports organisations are more keen to deal with than other arguably more damaging corruption issues e.g. governance etc.

A comment to ‘assistance for smaller sports governing bodies’ reads:

A significant number of mid-size and smaller sports organisations would be glad to be able to out-source work on some of the most difficult issues they face and would welcome the existence of such a supplier.

Comments to ‘cost efficiency’ read:

Could become a cost saving measure as a shared resource, which is very attractive.

Synergy effects and efficiency reasons yes; beware that sports federations remain responsible, especially for prevention. Cooperation with internal contact points (see standard setting, uniform procedures) important!<sup>139</sup>

## Comments on other benefits

As with most of the other questions in the survey, we asked respondents to outline other benefits in addition to the options offered. Some respondents followed this request. Starting with more general notes, that an agency would help with raising “awareness of the systematic nature of corruption in sports” and promote “global recognition of the problem of corruption in sport,” the spectrum of considerations is quite broad, ranging from athlete protection to restoring genuine competition and regulatory issues to how an agency might benefit societies facing new challenges.

Benefits related to the protection of athletes and children:

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<sup>139</sup> Maximilian Klein, Athleten Deutschland, Germany

The benefits for sport are not only about time, money, efficiency in general. Are also part of taking care of athletes' wellbeing and the process of ethical management in sport.<sup>140</sup>

To better protect the fair athletes who face wrongdoing and/or are damaged by corruption and other integrity issues.<sup>141</sup>

Create a secure and safe environment for athletes.

Protection of sport and very important - protection of players.

Coddlers should also be prosecuted, fined, and/or jailed, not only the criminals themselves.

Protecting Children - Athletes do not start playing sports at 18. They are frequently recruited by criminals into corrupt organizations, when they are under-aged. Sexual abuse, physical abuse, extortion and bribery often involve children. It is an important motivating factor.

Combating age cheating and child athlete trafficking in global south.

Educating athletes and SGBs on their rights – this is a critical shortcoming.

Benefits related to restoring a level playing field:

The relaunch of the real sports-specific competition.

Self-interested sports leaders and groups that can corrupt a leadership indifferent to the true values of sports will be prevented from acting. In this way, the values of sport will be protected, and the competition aimed at promoting meritocracy specific to sport will be able to take place freely, for the benefit of the public, as the specific values - victory, fair play, sports performance - will regain substance and the real power of inspiration.

Sports organizations are to see a benefit in the establishment of this agency through how it is going to save sport from becoming a cartel even in smaller sport organizations that are not very consequential on the international scene. It should help in bringing back fairness, discipline and competition in all sports.

Benefits related to regulatory aspects:

Recalibrating sport and politics.

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<sup>140</sup> Alberto Carrio, Spain

<sup>141</sup> Jeppe Laursen Brock, Denmark

An independent agency for corruption in sport addresses (and removes) critical the conflict of interest that currently exists: i.e. the same sports bodies that put on tournaments that are designed to maximise commercial success are the same organisations currently charged with investigating allegations of corruption that threaten that commercial success. The same organisation should never be responsible for both, as there is a grave danger that money will triumph over integrity. An independent agency would allow sports to concentrate on running their sports.<sup>142</sup>

Instead of recommendations, there will be a regulatory approach toward integrity and governance.

Developing integrity responsibilities and personnel at sports organisations that have not yet taken this on. This would include establishing, which sports lack integrity units and engaging with sports set up solely to provide content for betting.<sup>143</sup>

Have an organization that audits the decisions of the disciplinary or ethics commissions.<sup>144</sup>

Independency and much more skilled experts with dedicated time to work on this topic. Support for those working with integrity within sports federation or police.

There is need to solidify the oversight mechanism with officials who are accountable and proactive in helping organizations to promote the integrity of sports.

Stakeholders will definitely want to see localised benefits while hoping for a global improvement in the level of corruption in their area of responsibility.

Things will change! SGBs should realize that there might come a time when nobody will ask them any longer. Acting now will be the only chance to secure their status.

#### Benefits related to other challenges:

For us in Nigeria, corruption free sports will solve many social, political and economic problems.

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<sup>142</sup> Affy Sheikh, UK

<sup>143</sup> Steve Menary, UK

<sup>144</sup> Nestor Ordoñez Saavedra, Colombia

Direct assistance/partnership in assuming responsibility and contributing (financial) resources for the unavoidable task of tackling global challenges (climate change, social justice, basic education etc.)

Sport actors largely ignore magnitude of global challenges like climate change, need external pressure to accept and understand complex realities.

## Recommendations and challenges

It is likely to be difficult to win over particularly profitable sports organisations like the IOC or FIFA for the creation of an agency by emphasising its benefits, since they would be giving up some of their 'autonomy.'

However, the strong arguments in favour of an agency with respect to restoring credibility of sports organisations for the public as well as for (potential) business partners should be clearly debated in public and the opposition named.

In smaller federations with fewer resources, the idea that an agency can help combating corruption, abuse, match-fixing, and other integrity problems and assist them in complying with relevant laws and regulations might even be met with approval.

The same goes for athletes' representative bodies, expecting protection (also of minors) and the agency to contribute to restoring a safe and fair environment for them.

The presumed opposition from sports federations has fuelled the idea to create an inter-governmental agency without sports' stakeholders. The benefits provided to governments should be propagated just as actively: effectively assisting law enforcement in combating sports crime, which poses special challenges due to its transnational character and global reach, can endanger athletes and children and damages the core promise of sport to provide a stage for fair competition between nations.

## 10. Two models: Intergovernmental and Stakeholder-legitimised agency

To what extent should sports organisations be involved in an agency that deals with officials' violations of self-made rules and sports-related crime? Should they be part of this agency at all?

Self-policing by this interested party has failed spectacularly time and again. Conflicts of interest have hindered clear-ups – a very different story from policing athletes when it comes to, say, doping cases. For most observers, therefore, it is a foregone conclusion that sport cannot protect or save itself and that any attempt to leave it entirely to its own control is doomed to fail.

This has been more than made clear by the sport under the leadership of the IOC, which has set itself up nicely with an Ethics Commission stripped of an independent mandate and a non-binding 'partnership' with governments.

Serious sports-led integrity efforts are rare. Athletics, biathlon and tennis have probably gone furthest in ensuring a decent degree of independence for their respective integrity units – but athletics and biathlon only undertook reform after huge and very public scandals that threatened the very existence of their organisations.

However, the reality test of how far this guarantee of independence will extend when top officials are accused has yet to be passed, not to mention the limited resources of even the best units to resolve such high-profile cases.

Considerations to keep sports governing bodies entirely out of such an agency, e.g. as far as possible from its establishment and later completely in its set-up, were therefore close at hand.

This is reflected in the proposal to establish an intergovernmental agency that would deal solely with sports crimes and, in terms of its powers, would be close to the status of a law enforcement agency. Sports governing bodies and their respective governance units would remain responsible for issuing and enforcing disciplinary, sporting sanctions.

The alternative, an agency legitimised from the outset by all stakeholders, including sports organisations and governments, would have to draw a different line between state's responsibility and sport's responsibility. While the agency could assist law enforcement (often deadlocked in sports matters), it would have a limited mandate in criminal cases. Instead, it mainly would take over tasks that were previously in the regulatory responsibility of sports governing bodies and oversee the handling of cases by sports federations.

Proponents of both models envision an agency empowered to investigate at its own discretion.



Readers of the report will be aware at this point that these two models are not the only ones that have been suggested:

Also proposed was an ombuds system, in which integrity units of sports organisations cooperate via an ombudsman (or ombudswoman) with the new agency, primarily a supervisory ombuds office. Certain high-level cases (related to institutional corruption, top officials) could be left to the new central ombuds for investigation, which then refers the matter to criminal authorities, to CAS, or back to the relevant international federation.

Another idea is to set up the agency as a service unit, acting mainly at the request of sports federations, e.g., maintaining a reporting hotline and conducting investigations on their behalf. These proposals, relying on sport's self-control, do not necessarily require government action.

Ideas to simply improve the cooperation between law enforcement agencies (without creating a new body) were also put forward.

The two main models as drafted in this chapter, however, are based on suggestions and comments of most respondents to the survey; they represent a condensed merger of key proposals.

## Intergovernmental agency

By establishing an agency tailored to investigate and help prosecute sports-related crimes, governments would acknowledge the significance of sports as part of *public interest space*, as well as that its transnational and other characteristics provide a special environment for crimes to occur and perpetrators to circumvent justice – leading to global threats not just to a level playing field in sports competitions but also to the rule of law in democratic societies.

### Path

The agency is to be created by an agreement/treaty between interested governments, and operates on the basis of a constitution. Founding members would define the most common types of criminal offences in and through sports in line with international conventions and criminal statutes of member states.

With respect to differing national legislations this may include finding common ground as to what constitutes a criminal offence to be prosecuted at all levels of sport (practiced under private law) and lead to specific legislative amendments to subject those practices to criminal (and civil) penalties. Much similar to what individual countries have decided in the field of match fixing, inspired by the creation of the Macolin convention in 2014.

This process can be prepared by a working group of experts of diverse professional backgrounds, which identifies common sports related crimes, and recommends appropriate legislative standards / amendments.

Founding members would authorise the agency to investigate sports-related crimes by itself and / or in cooperation with law enforcement authorities, to co-ordinate international collaboration, and, in defined cases, to bring criminal charges on behalf of member states, for example against foreign nationals who are not citizens of a member state.

Therefore, member states ideally would agree on cross-border, extraterritorial jurisdiction over certain sports-related crimes. Such an arrangement would substantially expand the agency’s reach, well beyond its membership to jurisdictions that will not prosecute sports-related crimes.

The agency could grow with a start in the European Union, partnering with other interested governments from all continents. The agency could serve as an umbrella organisation to national counterparts.

Consent of sports governing bodies would not be required to get the agency up and running. Still, various forms of securing expertise and input from sports, including athletes, are conceivable: For example, the agency can establish an advisory committee of sports stakeholders.

In the future, the agency or a working group commissioned by it could develop a code of governance and conduct that sports governing bodies would sign to join the agency, then with extended scope and powers possibly also stretching to integrity breaches.



### Objective(s)

The main objective of the agency would be fighting criminal threats to society in and through sports, and thus also contribute to ensuring that sport retains its educational values and that its protagonists, the athletes, are protected. Among others, the agency would deal with:

- Institutional and high-profile corruption (bribery, embezzlement, money laundering, tax evasion) in international and national sports federations
- State sponsored corruption in and through sports organisations
- Sexual abuse of athletes and children / criminal psychological or physical harassment
- Match fixing, illegal sports betting, other activities of organised crime in sport
- High-level doping conspiracies that go beyond WADA's purview.

The agency would provide a more cohesive approach to sports-crime, with information collection, sharing analysis, and dissemination between relevant authorities becoming systematic and legislation based, rather than occurring by exception.

It would provide a reporting platform for whistle-blowers, monitoring, and it would conduct, facilitate and/or coordinate sports-centred investigations in close cooperation with national law enforcement agencies and assist them in bringing criminal charges against sports' perpetrators in the most appropriate jurisdiction. In defined cases the agency itself would bring charges on behalf of member states.

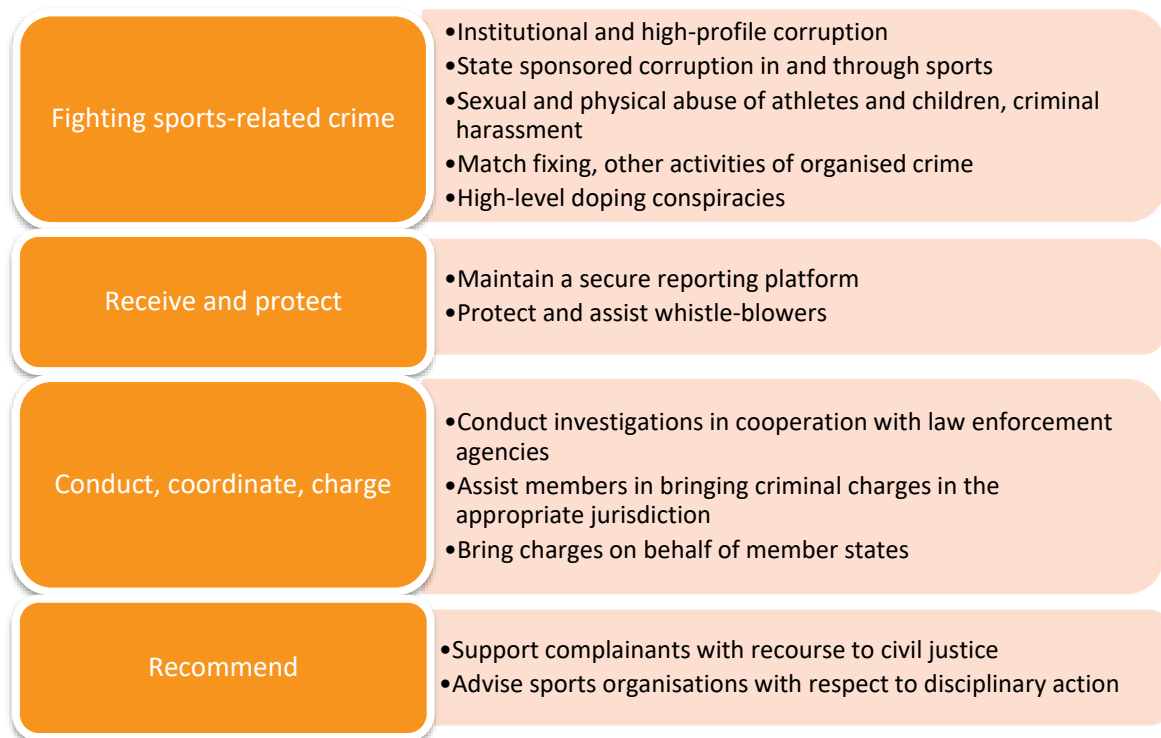
Priority would be given for member states to resolve cases themselves whenever possible, with the agency being responsible for oversight, investigative and other support, including promulgation of legal precedents.

In transnational cases beyond the capabilities of individual members or in cases, where the perpetrators are nationals of non-member states with lower legal standards and/or no interest in prosecution, the responsibilities of the agency would be extended: It would serve as a clearing house for allocating resources to the most appropriate jurisdiction or even bring charges for prosecution.

Integrity breaches in sports federations would not fall within the purview of this agency, if they do not meet the criminal threshold.

However, the agency's investigations might facilitate recourse of cases to the civil justice system, with a lower standard of proof in litigation, and with a legal route for victims/damaged parties to claim financial compensation.

The agency's investigations also might lead to public recommendations to sports governing bodies to take disciplinary action.



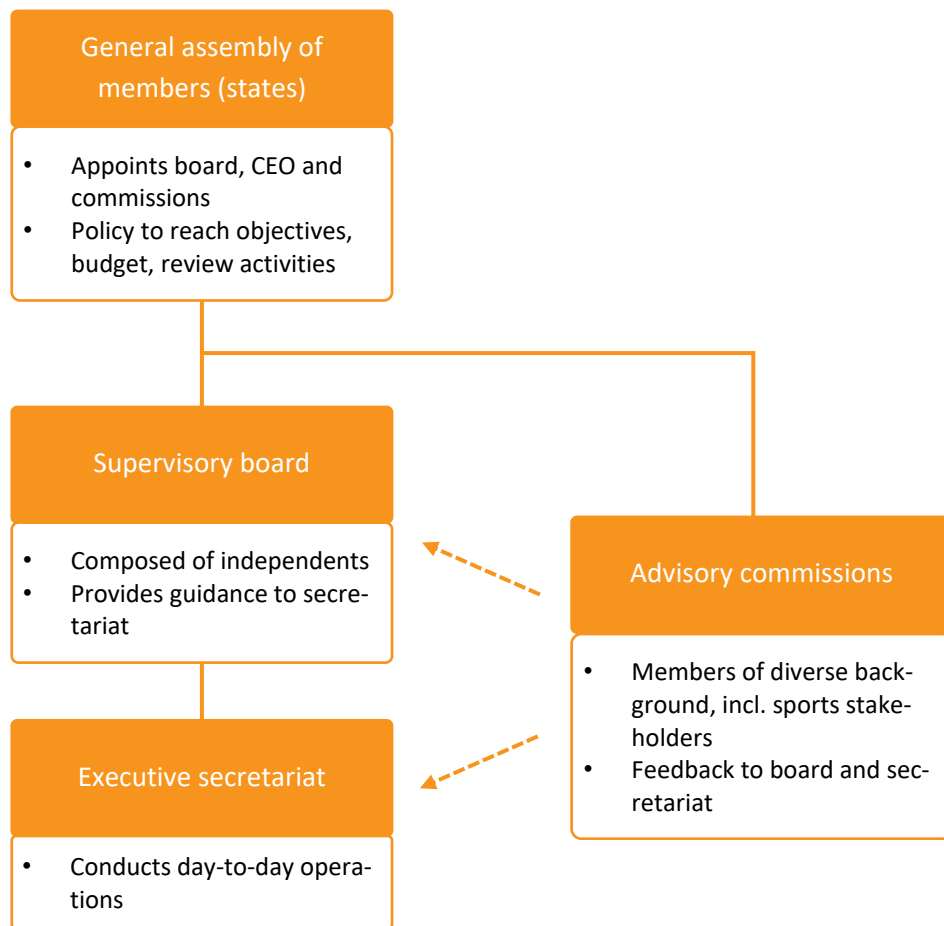
## Governance

The agency is headed by a General Assembly of member states with a responsibility to determine the principles and measures for the organisation to reach its objectives, by reviewing activities and approving the financial policy.

The General Assembly would, after an open recruitment process, appoint independent experts from diverse backgrounds to a supervisory board, with the role to provide guidance in between its sessions to the executive secretariat that is responsible for the day-to-day operations.

The executive branch would need to excel in both sports-specific knowledge and legal expertise for investigations and close cooperation with law enforcement agencies.

Consultative advisory commissions assist the board and the executive secretariat with feedback or in specific issues. They should include, among others, athletes associations, sports organisations, human rights groups and other representatives of civil society impacted by sports or impacting sports (such as sponsors).



## Funding

At its start, funding would fall to the founding members of the agency, the governments. Survey respondents offered numerous suggestions for public financing of the agency's operations, such as diverting a portion of state funding to national sports federations or from national lotteries, or imposing a specific tax on marketing contracts, transfers and other sports business transactions, or on revenues of mega-events.

Other suggestions relate to funds provided by transnational organisations already dealing with sports corruption, or to certain EU programmes at least for initial funding.

The agency could also have a foundation at the side, to widen possibilities for funding beyond the contributions of governments.<sup>145</sup>

## Units

- Reporting line for whistle-blowers
- Witness Protection Unit

<sup>145</sup> To raise funds, Interpol works with the 'Interpol Foundation for a Safer World'. See: <https://www.interpol.int/content/download/16674/file/INTERPOL%20Foundation%20for%20a%20Safer%20World%20-%20INTERPOL%20Cooperation%20Agreement%20-%20November%202018%20.pdf>

- Monitoring Unit, including case monitoring – attention should also be given to sports’ associates, such as event hosts, sponsors with major (financial and personal) input on sports federations/ clubs
- Intelligence and Investigations Unit, including a cyber department
- Legal Unit – responsibility for building cases and enforcement, with a department that focuses on recourse of cases to the civil justice system, offering legal advice and support for the claimants, be it individuals or organisations
- International Relations and Policy Coordination Unit – information and intelligence sharing links first with law-enforcement agencies, facilitating exchange between law enforcement agencies. Also, maintain relations to national sports integrity entities, other regulatory bodies such as WADA and integrity units of sports governing bodies. The unit should, based on the agency’s investigative findings, provide recommendations to sports governing bodies / their disciplinary bodies for disciplinary action.
- Special units focused on specific types of sports crime, such as abuse, match fixing (by partnering with the National Platforms), etc., and working closely with the overarching units could be established as well.
- Research Unit – conduct and promote research on prevalence and tendencies with regard to various sports crimes, on how to regularly connect sports-based anti-corruption work to other processes and overlapping problems such as tax evasion, money laundering, organised crime. Another focus of this department would be to assist law enforcement in setting legal precedents.
- Communications Unit – responsible for informing the general public and the media, for regularly documenting and publishing about investigations and outcomes, as well as informing publicly on recommendations to sports federations regarding disciplinary sanctions.

Tasks such as prevention and education within the sports community would be of secondary importance for an intergovernmental agency with focus on crime.



## Stakeholder-legitimised agency

Governments (or an organisation such as the EU, the Council of Europe) are also likely to be the driving agents in the creation of this agency. They would, however, place emphasis on the participation of sports key stakeholders, federations and independent athletes' organisations, from the outset.

The agency would assist law enforcement with investigating sports-related crimes, and help build cases against perpetrators. Mainly, it would take over tasks that were previously in the regulatory responsibility of sports governing bodies, with a strong mandate to monitor compliance with a code-to-develop, to receive complaints via its hotline / reporting system, detect and investigate integrity breaches, and to issue sanctions, also in cases federations have not done so and against federations.

These tasks can be carried out following complaints, tip-offs by whistle-blowers, or on the agency's own initiative as well as on behalf of sports federations or law enforcement agencies.

Special emphasise would be placed on care for whistle-blowers and victims, including legal aid and offering pathways for remedy and redress.

Additionally, focus on prevention, standard setting and certification, education and capacity building is intended.

### Path

In order to achieve the participation of sports governing bodies, various avenues should be explored by governments, in cooperation with athlete representative bodies who are open to a regulatory agency that pools expertise and resources and offers independent investigation and sanctioning of sports perpetrators.

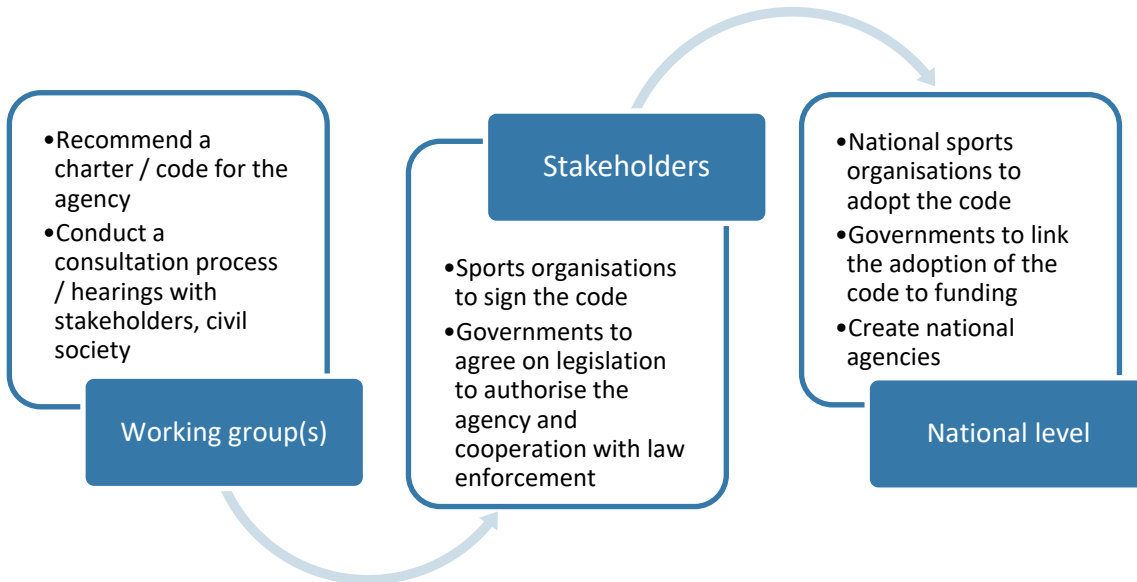
A transnational organisation such as the EU or the Council of Europe in alliance with governments from other continents could mandate a working group to develop a charter/ code - either a new code of governance and conduct, or, as a first step, a code to authorise the agency's actions in enforcing existing rules. The code would be presented to sports organisations to sign and serve as a basis for the agency's operations.

The working group would be composed of experts on sports governance, anti-corruption, match fixing, human rights of various professions, and include consultation, hearings with willing sports stakeholders such as federations, athletes representative bodies, sports integrity units or safe sport centres, and of survivors' groups and individuals with lived experience of abuse and other maltreatment in sport.

Care should be taken to ensure geographical and gender representation already in the working group.

Subsequently, governments could make the adoption of the charter mandatory for national sports federations, as a precondition for public grants or certification, or for international sports governing bodies to host their events and spend taxpayer’s funds.

Corresponding legislation to authorise the agency’s cooperation with law enforcement, would follow. An international convention is a possibility further down the line.



### Objective(s)

The agency would help to restore confidence in sports and its organisations, by contributing to a high level of integrity in sports. It would enforce (ideally) a new code of governance and conduct, setting standards also regarding the protection of athletes and children, and assist law enforcement in combatting sports-related crime.

The agency’s main remit would be to deal with integrity breaches, misconduct in international sports organisations and /or on top-national level, including offering pathways to remedy to victims.

The agency would provide an independent centralised whistle-blower-/reporting platform as well as protection and (legal) support for victims and witnesses, monitoring, specialised investigative expertise and enforcement capabilities (the latter as a non-governmental agency limited to disciplinary cases), and case management.

Furthermore, the agency would serve as a clearinghouse to certificate persons and programmes for sports organisations, and place emphasis on prevention and education, by promoting standards and capacity building in sports organisations.

The agency would serve as an umbrella organisation for national sports integrity-centred bodies.





## Governance

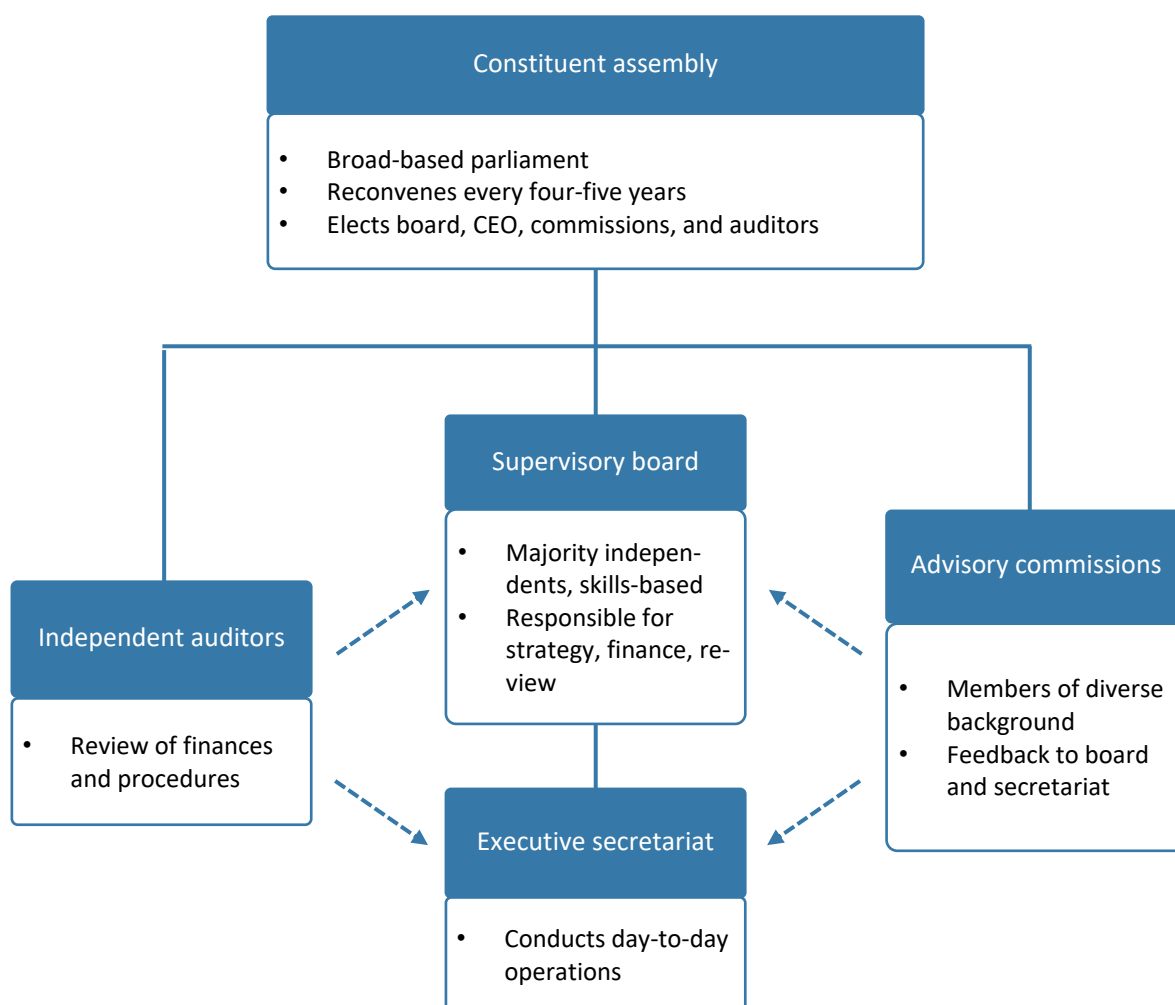
The agency could be established as a foundation governed by a skills-based supervisory board. The board and the CEO would be elected by a broad-based constituent assembly after an open application and recruitment process. The assembly reconvenes every four to five years for renewed elections. Key stakeholders and a majority of representatives from civil society related to and affected by sport send their delegates to the assembly.

The majority of board members would be independents from diverse backgrounds and professional areas such as law enforcement, anti-corruption, human rights, sports, finance that want the agency to succeed. Key stakeholders (governments, sports federations, athletes) can be given the option to appoint one representative each to the board. The senior agency employee, the CEO, also would have a seat on the board.

The board is not involved in the day-to-day operations of the agency. Instead, the members provide strategy advice to help the agency navigate challenges, also regarding funding, they deliver independent oversight and guidance to ensure the agency is meeting its objectives and operating within its legal and ethical framework.

Consultative bodies / advisory commissions composed of representatives, appointed on a rotating basis and reflecting the broad societal impact of sport, would feed into the work of the supervisory board and the executive. Among others governments and transnational organisations, law enforcement agencies, sports governing bodies, athletes organisations, coaches associations, NGOs (for example with the remit of human rights, abuse,

environmental issues), academic societies/associations, sports lawyers' organisations would delegate their representatives to advisory commissions.



## Funding

Initial funding would be provided by governments / transnational organisations (see above model) and sports organisations, directly from their budgets or indirectly, with the clear understanding that the funding would not influence the agency's decision-making in any way. The same principle applies to other potential financiers, be it private or public entities donating for the agency's cause.

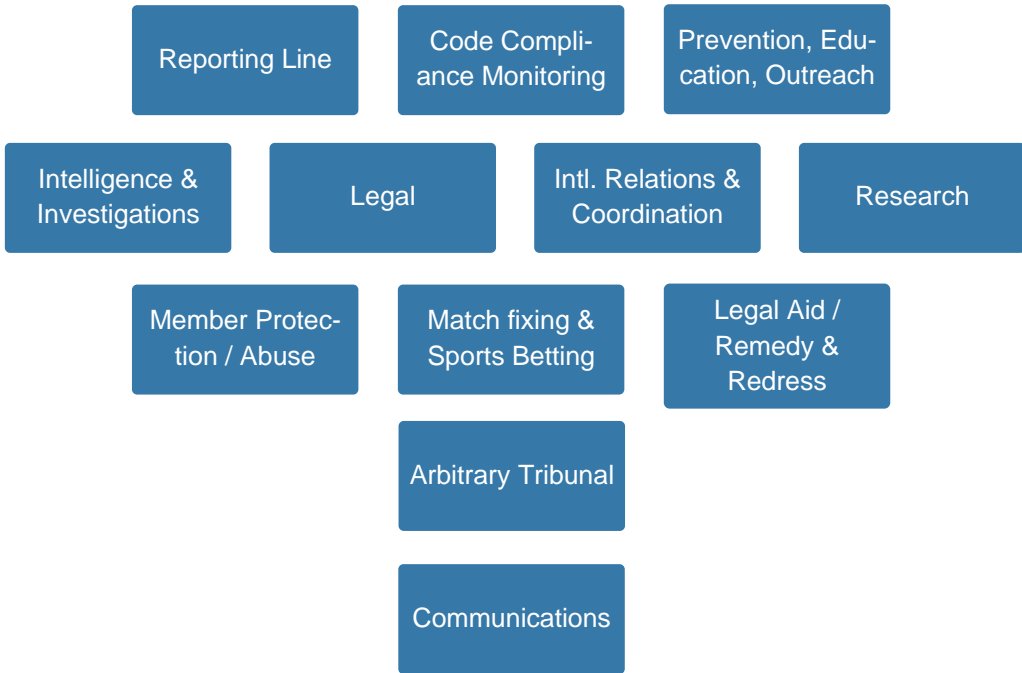
Since this agency also might operate as a service provider on demand, fees for investigations for example on behalf of sports federations should also contribute to funding. The agency could also benefit from financial fines it levies for violations, or from seized assets.

The involvement of betting operators or media rights holders, including the question of whether such funding can be fixed / institutionalised, is controversial but certainly worthy of consideration.

## Units

- Reporting line for whistle-blowers, also responsible for source protection.
- Monitoring and Code Compliance Unit – responsible for oversight of sports organisations and their disciplinary bodies /integrity units, case monitoring included. Attention should also be given on associated industries, e.g., such as sponsors with major input on sports federations/clubs. This unit could also offer certification and vetting, for integrity policies of sports federations or for persons to be employed by them.
- Intelligence and Investigations, including a cyber department.
- Legal Unit – assisting law enforcement to build cases, and with own enforcement/sanctioning capacities in disciplinary cases.
- International Relations and Coordination – for establishing and maintaining information and intelligence sharing links with law-enforcement agencies, other regulatory bodies such as WADA or betting regulators, integrity units of sports governing bodies, national sports integrity entities.
- Research Unit – conduct research and analysis on various aspects of corruption and integrity in sports, such as the prevalence of corruption in different sports or the effectiveness of different approaches to combating corruption.
- Special Unit Member protection – responsible for safeguarding, for cases of sexual abuse, other forms of abuse and harassment; unit to be equipped for a holistic, rights-centred and trauma-informed approach.
- Special Unit Match fixing / Sports Betting
- Special Unit Remedy and Redress / Legal aid – providing restitution. mechanisms for victims of sports corruption and abuse, providing pathways to civil justice recourse, and maintaining a fund for legal aid.
- Prevention, Education and Outreach Unit – including policy and programme delivery to assist sports federations, conduct education and awareness campaigns.
- Communications Unit – responsible for informing the public and media of monitoring results, investigations, findings/recommendations, and sanctions, for keeping a database with persons prosecuted and / or sanctioned for sports-related crimes and integrity breaches that should be maintained and publicly accessible. Annual reports on the agency’s activities should be presented.

**Units**



## Abbreviations

AI	Amnesty International
AU	African Union
CAS	Court of Arbitration for Sport
CoE	Council of Europe
EPAS	Enlarged Partial Agreement on Sport (of CoE)
EU	European Union
FATF	Financial Action Task Force
FBI	Federal Bureau of Investigation
FCPA	Foreign Corrupt Practices Act
FIBA	Fédération Internationale de Basketball
FIFA	Fédération Internationale de Football Association
FIFPRO	Fédération Internationale des Associations de Footballeurs Professionnels
GDP	gross domestic product
GRECO	Group of States against Corruption (of CoE)
HRW	Human Rights Watch
HUMINT	Human Intelligence
IBIA	International Betting Integrity Association
IBIS	Integrity Betting Intelligence System (of the IOC)
IF	International Federation
IFAB	International Football Association Board
ILO	International Labour Organization
iNADO	Institute of National Anti-Doping Organisations
IOC	International Olympic Committee
IPC	International Paralympic Committee
IPACS	International Partnership Against Corruption in Sport
MARS	Magistrates and Prosecutors Responsible for Sport (CoE-established network)
MINEPS	International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport
NADA	National Anti-Doping Agency
NBA	National Basketball Association (US)
NGO	Non-governmental organisation
OECD	Organization for Economic Co-operation and Development
OG	Olympic Games
SGB	Sports Governing Body
SIA	Sport Integrity Australia
SIGA	Sport Integrity Global Alliance
TI	Transparency International
UEFA	Union of European Football Associations
UK	United Kingdom
UN	United Nations
UNCAC	United Nation Convention Against Corruption

UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nation Convention Against Transnational Organized Crime
US	United States of America
USOPC	United States Olympic and Paralympic Committee
UWW	United World Wrestling
WA	World Athletics
WACA	World Anti-Corruption Agency
WADA	World Anti-Doping Agency
WIA	World Integrity Agency
WIACA	World Integrity and Anti-Corruption Agency
WTO	World Trade Organization

# APPENDICES: DOCUMENTATION

## Appendix 1: Cover letters to the survey by Jens Sejer Andersen

**Fra:** Jens Sejer Andersen

**Sendt:** 17. januar 2023 18:42

**Till:** ...

**Emne:** Inviting you to survey on World Anti-Corruption Agency in sport (WACA)

Dear ...

With this letter, Play the Game opens a new year by following up on a commitment we made at our 25th anniversary conference in Odense in June 2022. During a debate about the need to establish a World Anti-Corruption Agency for sport (working acronym WACA), a great number of experts called for effective action.

A suggestion was made that Play the Game get involved as a catalyst for creating a specific, operational proposal, and we vowed „to pick the brains“ of all relevant stakeholders who share the view that sport needs independent oversight. We would like to invite you to take part in this process and share your knowledge, experience, and creativity.

As you may know, a first proposal that explores the background for establishing such a new agency and roughly outlines its possible mandate and structure is now available at [www.stopcorruptioninsports.eu/the-study](http://www.stopcorruptioninsports.eu/the-study).

It was presented by Member of the European Parliament Viola von Cramon in Strasbourg at the beginning of October and has triggered a number of positive reactions from governments and experts.

At Play the Game we estimate that the report by the Green MEP constitutes an excellent starting point for further development of the idea. Hence, we have employed the main author of von Cramon's report, German journalist Grit Hartmann, to work on Play the Game's behalf to coordinate the upcoming consultation process.

When and where this process will end, is a question we still leave open. We will do our best to advance, but also set aside due time to consider and discuss all proposals. We may convene an open conference, online or hybrid, in the first half of 2023.

But first we will start with a survey that Grit Hartmann and Play the Game have designed together, targeting some critical issues, both in establishing an agency and its mandate. Your participation would be greatly appreciated, even just on the questions that you feel confident to respond to or that are important to you.



We welcome you to enter the survey here: <https://www.survey-xact.dk/LinkCollector?key=SXDKGXMSJ236>

Please submit your contribution no later than Monday 30 January.

Reading the above-mentioned report, especially chapters 10 and 11, is an advantage, but no precondition for contributing to the survey.

We will later share the key findings and ideas that emerge from this first stage of consultation. Your answers will be kept anonymous even if you decide to share your contact information at the end of the survey.

Beyond this kick-off/survey: Any suggestion, any proposal to qualify the agency-idea or to recruit support for it is welcome. Please reach out to our project coordinator:

Grit Hartmann  
+49 151 ...  
[grithartmann@gmx.de](mailto:grithartmann@gmx.de)

Should you hear about relevant people/ stakeholders whom we might have overlooked among the over 200 persons we have selected for the first round of consultation, then you are also welcome to contact us in this regard.

While wishing you a fruitful 2023, we thank you in advance for all the advice and information you wish to share,

Best regards / Bedste hilsner

Jens Sejer Andersen  
International director / International chef

Play the Game/Danish Institute for Sports Studies  
Frederiksgade 78B, 2.  
DK-8000 Aarhus C  
Denmark

**Fra:** Jens Sejer Andersen

**Sendt:** 3. februar 2023 10:48

**Till:** ...

**Emne:** Massive response to WACA survey and short deadline extension

Dear ...

We are delighted to report a massive response to our survey on a possible World Anti-Corruption Agency (working title) with 150 contributions from experts and stakeholders - and still counting.

Warm thanks to all who joined in!

Many of you have used the slots for comments to share profound and thoughtful reflections and suggestions. Much substance has been added and the way is paved for further, more focused debate.

If for some reason you missed our first deadline, we have decided to keep the survey open until

**Friday February 10.**

Do not hesitate to add your thoughts at <https://www.survey-xact.dk/LinkCollector?key=SXDKGXMSJ236>

Further comments can still be sent to our project coordinator:

Grit Hartmann

+49 151 ...

[grithartmann@gmx.de](mailto:grithartmann@gmx.de)

Over the coming weeks we will make a report based on your responses and take further steps to develop the debate. We will of course keep you in the loop.

Meanwhile, once again thanks for your contribution,

Best regards / Bedste hilsner

Jens Sejer Andersen

International director / International chef

## Appendix 2: Draft by Fair Sport, Edwin Stier and Johann Olav Koss

This outline was provided via email and cleared for publishing.

[1/29/2023 draft]

### Proposed Outline for WACA Project

#### I. Problem to be Addressed: Corruption in International Sports Competition

The mission of the World Anticorruption Agency (WACA) would be to provide and promote effective oversight, compliance, and enforcement mechanisms to combat corruption in international sports competition. Within this general mission, the following are proposed priority targets: government-sponsored corruption; bribery and other forms of corruption supported by large corporations and other concentrations of private wealth; and corruption involving organized criminal groups.

##### A. Government-sponsored corruption

Corruption initiated or supported by governments is the most difficult to combat using traditional compliance and enforcement mechanisms. Government involvement can make corruption schemes more effective, as illustrated by the role of Russian security agents in facilitating doping at the 2014 Sochi Olympics. It can make corruption harder to detect and, if detected, harder to enforce sanctions. Governments involved in such corruption can use their control and influence over media to generate and disseminate false narratives that undermine anticorruption initiatives and institutions. Finally, governments that engage in corruption can sabotage efforts at investigation and enforcement more directly through their influence over traditional oversight organizations such as IOC and FIFA.

##### B. Concentrations of Private Wealth

Large multinational corporations, billionaire oligarchs, and other private actors have the resources to promote corrupt schemes on a large scale while evading existing enforcement mechanisms. Such private concentrations of wealth are even more powerful when they act in concert with governments.

##### C. Organized Criminal Groups

Organized criminal groups can operate or support corrupt schemes such as by supplying illicit drugs and laundering money. Countering organized crime requires specialized expertise and resources not often available to traditional sports oversight agencies.

## **II. Problems with Existing Standards and Oversight/Compliance/Enforcement Agencies**

Effective control of corruption requires, first, adequate standards, and second, agencies with the authority, competence, and resources to oversee compliance with the standards and to penalize noncompliance.

Current anticorruption standards and the agencies responsible for ensuring compliance with them are limited in their effectiveness in large part because of the following:

- Their governing bodies include, or are subject to the influence of, nations and other actors that are not committed to fighting corruption and in some cases are themselves involved in corrupt schemes.
- Their standards are inadequate.
- Their investigative and enforcement mechanisms are cumbersome and lack sufficient resources.

## **III. Alternative Regulatory Models**

Constructing an alternative to existing oversight and enforcement agencies requires choosing an appropriate regulatory model. The first choice is whether to pursue a “universal” or “selective” model, followed by choices concerning the extent to which the proposed organization will follow what, for shorthand purposes, will be called “legal” or “self-regulatory” models of oversight and enforcement.

### **A. Universal**

Jurisdiction of oversight/compliance/enforcement agencies is global or nearly so. There are counterpart agencies at regional/national levels. Examples from the sports world are the IOC and FIFA. More generally, examples include the United Nations, which generated the UN Convention Against Corruption (UNCAC) and the World Bank, which has an investigative and enforcement component.

### **B. Selective**

Jurisdiction is limited to selected nations, by geographic region, and/or by other criteria. There may be counterpart agencies in participating countries and/or other entities (e.g., regional authorities). Examples from the sports world include organizations overseeing sports that are concentrated in certain countries or regions, such as baseball, American football, and American college athletics. In other respects, selective regulatory organizations can be structured much as universal ones.

Examples outside sports include the European Union, the OECD, and the African Union, OAS, and other organizations based on geographic regions, economic sectors, or other criteria.

### **C. Legal**

Whether it is universal or selective, the organization's standards and enforcement can be based primarily on a legal or a self-regulatory model.

In the legal model, standards are grounded in laws of sovereign jurisdictions and/or international conventions (e.g., UNCAC); agencies of sovereigns and/or accredited international organizations (e.g., UN) are responsible for enforcement.

### **D. Self-Regulatory**

In the self-regulatory model, standards are set by a non-governmental organization (NGO) with associated organizations in individual countries (e.g., IOC, FIFA). Agencies of the NGO conduct enforcement activities, primarily at national or institutional levels with oversight/appeals to the international NGO and/or associated NGOs (e.g., CAS).

## **IV. Proposed Organization Combining Elements of Above Models**

The proposed WACA organization would combine elements of existing regulatory models with a view toward preserving what has been shown to work while avoiding the main obstacles to effective anticorruption efforts.

### **A. Selective**

The proposed organization would be selective, not universal. It would be a "coalition of the willing" – nations and entities willing and able to sponsor effective anticorruption measures – and would exclude those with a record of tolerating or, worse, participating in corruption.

As a practical matter, the core membership would consist of jurisdictions relatively free of internal corruption with strong rule-of-law traditions and democratic institutions, including independent judiciaries and competent law enforcement agencies not controlled by partisan political factions.

Each member could have a local counterpart to the umbrella organization. Provisions could be made for non-members to participate in and eventually join the coalition upon satisfying specified criteria.

### **B. Combined Legal and Self-Regulatory Elements**

The organization would combine elements of the legal and self-regulatory models outlined above.

Legal elements would include standards defined by and enforceable through laws enacted by sovereign states. For example, a pact in the form of a treaty or convention would be adopted by WACA members requiring each member: (1) to enact domestic legislation subjecting specified corrupt practices to criminal and civil penalties; (2) to maintain a domestic agency with the authority and resources to enforce these laws; and (3) to allow the member state to cooperate with WACA in appropriate cases.

Sports-related precedents include the Rodchenkov Act in the U.S., which defines doping-related offenses and authorizes American law enforcement agencies to prosecute them.

Similarly, the WACA pact could call upon member states to expand both their extraterritorial jurisdiction over sports-related corruption and the definition of such corruption to include conduct beyond doping.

Anticorruption models not limited to sports include UNCAC, which obligates individual nations to enact antibribery legislation modelled on the American Foreign Corrupt Practices Act (FCPA) and to maintain a government agency for the enforcement of the laws so created.

Self-regulatory elements could include incentives for individual members to resolve cases themselves whenever possible, with the umbrella organization being primarily responsible for oversight, education, lobbying, and promulgation of new standards as needed. The umbrella organization could also provide investigative and other support in transnational cases beyond the capabilities of individual members. For this purpose, it would serve as a clearinghouse for allocating resources in particular cases to the most appropriate jurisdictions.

## **V. Financing Model**

The financing model used by Interpol appears well suited to the proposed WACA organization. Basic operating expenses are covered by fees paid by member nations. The amounts, and changes to them, can be set as specified in by-laws. These fees would be supplemented by grants and donations from public and private organizations, which could be used to fund projects.

## Appendix 3: Statement by Sophie Kwasny, CoE, Sport Division

Von: KWASNY Sophie <Sophie.KWASNY@coe.int>

Betreff: RE: Inviting you to survey on World Anti-Corruption Agency in sport (WACA)

Datum: 6. Februar 2023 um 13:55:28 MEZ

An: Jens Sejer Andersen <jens@playthegame.org>

Kopie: Grit Hartmann <grithartmann@gmx.de>

Dear Jens and Play the Game Team,

The Sport Division of the Council of Europe thanks Play the Game for the possibility given to contribute to topical and important reflections regarding means to safeguard the integrity of sport and protect it from any form of corruption.

No efforts can be spared in ensuring that sport reaches a corruption free, violence free and abuse free state. This has been the objective and commitment of the Council of Europe for decades and remains a priority.

Regarding proposal by Play the Game and Viola von Cramon-Taubadel to set-up a World Anti-Corruption Agency as described in <https://www.stopcorruptioninsports.eu/the-study>, the Sport Division points to the following elements:

Full profit and use of the existing international legal instruments must be made: civil and criminal law conventions on corruption are to be fully applied in a sport environment. Furthermore, the Macolin Convention which is specifically tackling sport manipulation is open to any country in the world and aims at harmonising the legal frameworks preventing and responding to match-fixing. The operational work of its Network of National Platforms is another important piece of a multi-faceted set of responses to this common threat.

Full benefit of the existing fora and platforms involved in the fight against corruption must be seized: such is the case of the MARS network on the integrity of sport which gathers at international level magistrates and prosecutors responsible for cases of manipulation of sports competitions, corruption, violent and abusive behaviour of spectators, anti-doping, etc. Furthermore, the International Partnership Against Corruption in Sports (IPACS) which was set up over five years ago and has delivered a number of reference tools, such as the benchmark on good governance in sport and its guidelines, is a relevant instance which already brings together governments and sport organisations. Developing and reinforcing this Partnership seems one of the instrumental steps to take to better protect the integrity of sport.

Supporting ongoing projects such as the establishment of a multi-sport safe sport entity that would specifically tackle at international level and for sport organisations the difficult problem of violence and abuse in sport, including sexual violence towards minors.

The Sport Division looks forward to the next steps of the work carried out by your Organisation and remains available to support and enable the contribution of governments on this important topic.

Best regards

Sophie Kwasny

Head of the Sport Division / *Chef de la Division Sport*

Executive Secretary of EPAS / *Secrétaire exécutive de l'APES*

Council of Europe / *Conseil de l'Europe*

<http://www.coe.int/sport>



## Appendix 4: Statement by Wilhelm Rauch, Swiss Federal Office of Sport

**Fra:** Wilhelm.Rauch@baspo.xxxxxxxx

**Sendt:** 30. januar 2023 10:55

**Til:** Jens Sejer Andersen <jens@playthegame.org>

**Cc:** ...

**Emne:** AW: Inviting you to survey on World Anti-Corruption Agency in sport (WACA)

Dear Jens

We would like to thank you for the opportunity to comment on the idea of a "World Anti Corruption Agency"

We welcome initiatives with a view to combat the various forms of corruption in sport. However, before discussing the details of an agency, in our opinion, questions of the overall concept of fighting corruption in sport should be clarified. We therefore do not comment on the individual points of the questionnaire at the moment.

1. Corruption covers a variety of forms and aspects. In order to achieve a uniform understanding of the term corruption, it would be necessary to divide it into different offences that are clearly defined. It would therefore have to be described precisely which behaviour is inadmissible in sport and should be combated.
2. Due to the particular nature of corruption offences (especially the lack of a perpetrator-victim constellation and therefore the particular challenges of proving such offences), the involvement of state prosecution authorities regularly appears to be mandatory. The role of the state and the role of (private) sport must therefore be defined, as they operate in different legal spheres.
3. These different roles make it necessary to enact separate substantive regulations on the basis of which corruption offences can be prosecuted and sanctioned under both criminal law and association (disciplinary) law.
  - 3.1 In our opinion uniform criminal offences would have to be designed and implemented at the national level in such a way that cases of corruption could be prosecuted at all levels of sport practised under private law. This state claim to prosecute corruption in private associations could be justified by the great social importance of sport and the corresponding social damage caused by corrupt behaviour in sport.
  - 3.2 We do not consider a regulation mainly based on association law, as it is the basis for the fight against doping, to be sufficient, not least because corruption cannot be proven with a simple medical test.
  - 3.3 Only national legislation makes it possible to investigate and prosecute suspected offences with adequate coercive measures. Such legislation should ideally be supplemented with provisions that allow the criminal courts, in the case of convictions, to prohibit persons from engaging in certain activities in sports organisations in the future. At national level, further regulations on administrative law and administrative sanctions (e.g. concerning authorisation requirements or financial aid) may have to be enacted.

- 3.4 Multilateral treaties, such as those already existing at the level of the UN or the Council of Europe, are the relevant instrument for international legal harmonisation and mutual legal assistance. Within such an international treaty, special importance should be given to rules on the exchange of information both between states and between state authorities and sports organisations.
  - 3.5 In addition to state legislation, it would be necessary for sports organisations (on the basis of a uniform understanding of the term) to adopt clear anti-corruption rules and to impose disciplinary sanctions for corrupt behaviour. The rules of the federations could also include, for example, that persons who have been criminally convicted for corruption offences are banned from any management activity in the sports organisation.
  - 3.6 These disciplinary rules would also have to be harmonised. This can be done by voluntary agreement among the international sports federations and / or under pressure from the IOC. It is thereby conceivable that this harmonisation will be implemented in such a way that the sports organisations hand over their competence to issue disciplinary rules or, if necessary, the investigation and sanctioning of disciplinary violations to an "Agency". For reasons of governance, however, it seems out of the question, that an agency could combine all these competences (rule-making, investigation and sanctioning) at a time.
4. Conclusion: The idea of an international agency for combating corruption in sport, responsible to fulfil partial mandates that lie within the regulatory competence of sports organisations, is worth examining. In our opinion, however, it can neither be introduced separately from state measures to fight corruption nor replace them.

We hope that these remarks are helpful to you

**Wilhelm Rauch**, attorney  
Head of strategic legal services

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## Appendix 5: Full documentation of comments

### Question 1: Agency's name

*In the working title “World Anti-Corruption Agency” – the term “corruption” is meant to encompass a multi-faceted approach that covers the entire spectrum of corrupt activities in sport. A broad definition is needed because threats to the integrity of sport can be found in a wide range of activities, from serious and/or organised crime to “minor” issues of ethics and behavioural values. There are suggestions that it would be better to speak of an Integrity Agency for this captures a wider range of behaviours. Which name would you prefer? (Mark one.)*

- a) *World Integrity Agency (for sport) – WIA*
- b) *World Anti-Corruption Agency (for sport) – WACA*
- c) *World Integrity and Anti-Corruption Agency (for Sport) – WIACA*
- d) *Other*

### Comments to answer d) ‘Other (names)’:

- I'm not convinced that such an agency would be effective
- a simple memorable name. Avoid acronyms
- I agree that the spectrum is very broad (money laundering, doping, match fixing, illegal betting, sexual & human rights abuses; sportswashing; etc.). For this reason, I think it is best to build a new definition.
- International Sports Ombuds
- World Anti-Sports Fraud Agency
- World Sports Integrity (Agency) - WSI (or WSIA)
- it depends on the mandate. Slight preference for WIA
- World Agency for Sport Integrity (WASI)
- International Sports Integrity Agency (ISIA)
- World Anti-Corruption for Sport
- law enforcement
- Global Sports Integrity Agency
- World Anti-Sport-Corruption Agency (WASCA)
- World Sport Integrity Agency (WSIA)
- World Integrity in Sport Executive (WISE)
- Anti-Fraud Office of Catalonia
- alliance for integrity in sport
- Sport Integrity Centre/Agency
- Sport and Anti-Corruption Alliance
- World Sport Integrity Agency (WSIA)
- Dont support a World Anti-Corruption Agency
- 1. Sports Anti-Corruption Commission, or 2. Sport Integrity Agency/Center
- none
- Name must be coherent to mandate, which is undefined yet.
- World Anti-Corruption in sport Alliance
- corruption in what? sport federations?
- International Agency Against Corruption in Sport - IAACS

- Clean Sports Agency
- World Sports Integrity Agency (WSIA)
- World Sport Integrity Alliance
- World Sports Integrity Agency
- World Integrity Agency for Sport (WIAS)
- World Integrity Agency for Sport (WIAS)

**Overall comments to the question on agency's name:**

- It is a difficult one. I would favour Integrity Agency, as it has a wide remit but, more importantly, it does have a more positive outlook. The main problem with using integrity is that in the area of sport integrity has been lately used also to include doping, hence there might be a problem of understanding. Also, integrity has been used to refer to many issues linked to athletes welfare, which I am not sure are now part of the remit of this agency. hence, whilst Integrity is tempting, it might not effectively represent what the agency is supposed to do.
- The World Anti-Corruption Commission: Eradicating Corruption Globally"
- In my view is better a positive name rather than one "against" something. On the other hand, integrity allows more much actions than fighting corruption.
- I think it is more appropriate since it needs to cover range of negative phenomena in and through sport.
- I like how it combines integrity and corruption. Some other names could be - Global Financial Intelligence unit of Sport - WorldWide Sport Financial Intelligence Unit - World-Wide Sport Clearing house
- Having the word Corruption in the title will attract wider interest and attention than Integrity
- For me, an "agency" is associated with law enforcement agencies, such as the FBI. In my opinion, that should be avoided. One option I can think of is: World Anti-Corruption Task Force. Now, if the word "World" is included, I hope it is not limited to Europe alone.
- its as much about integrity as it is about corruption
- Agency should not be confined to corruption
- WACA as an acronym sounds like "wacky" in English and I think it should be avoided. In addition, I think the new agency should avoid comparisons with or in any way be in the shadow of WADA. I think a simply name such as Fair Sport. Sports Integrity Agency or the Sports Integrity Bureau would be better.
- It has to be clear from the beginning that the Agency is established to fight corruption as the biggest threat to sport. The word "integrity" in some parts of the world and in some sport disciplines does not carry any particular weight and people might get confused if we would talk about "Integrity Agency".
- Integrity - There is a duty to protect the integrity of the game, the system of active recreation and sport by ensuring that all participants within the system "are safe and compete under equal and unpredictable conditions."We can identify 3 levels of integrity: human integrity, Integrity of the sports game and Integrity of sports organizations.
- Of course, that term "Integrity" represent a broad concept where the corruption is involved, but in our case since the corruption in sport it is a "pandemic" phenomenon in sport regardless of economical or cultural level of country and continent, using the name "World Agency of Integrity and Anti Corruption in Sport" for me sound to be right focusing in the most problematic phenomenon for the world sport family, of course again, inside the integrity concept, as the most problematic issue involved in this respect.
- The only thing is it does sound very familiar to WADA, maybe it would give an impression that there are some connexions between the two
- I think it is important for the name to contain: 1. "sport(s)", to give context to the subject 2. "world", to show its international jurisdiction 3. "agency", as I believe this word conveys a sense of authority with an operational remit, almost in a pseudo-governmental sense

- WACA resonates with WADA however the agency should somehow have 'sport' in its name, in my view. With WADA it's clear doping is about sport, but with WACA that would not be the case. Also, it would be preferable that the agency is "for" something, rather than "anti", unless the plan is really to set up a disciplinary system that cuts through all existing sport disciplinary infrastructure and is equipped with supra enforcement powers that can punish legal and natural persons subject to its jurisdiction anywhere in the world. Finally, the name should ideally be more transparent about the end purpose of this agency. Fighting corruption is important (I dedicate my life to it) but it's not an end goal - it's rather a means to something bigger. In the case of sport, it is to ensure sport can deliver all its potential as a life enhancing activity for mankind.
- Integrity is the goal and standard, the constant to attain and maintain, while Anti-Corruption is the fight, the battle. Integrity is good governance, while Anti-Corruption is the war to defend the standard of good governance.
- Sport needed in the title
- Integrity incorporates other elements such as governance and legitimacy. The term corruption limits the name of the organization.
- To me, it best describes the agency's work, purpose, and aim. I think the word "integrity" should be left out of it. Sports bodies can set up their "integrity" bodies to promote integrity and transparency, while WACA uses their "integrity" books and other developed laws to prosecute erring officials.
- Word "Sport" should be incorporated in the name of a new body. If we focus on corruption also this word should be included in the name. Also there is a question, if there should be word "Agency" included. Many organizations such as IFs resign to use type of organization in its names. UWW, WA,
- For my point of view World Integrity and Anti-Corruption Agency (for Sport) - WIACA has a complete and includes absolutely all negative phenomena in sport ...not only Anti-Corruption fight
- I think "World Integrity Agency" is concise and all-encompassing: it suggests both combatting corruption and building ethical practices.
- Although corruption is definitely a problem without doubt, it is only one out of many problems within sports. Integrity covers more broadly. I also find it more prudent to use a word that reflects something that an agency works for (integrity) rather than works against (corruption). I know that similar deliberations are the reasons for many NADOs to change their names from "anti-doping" to "sports integrity" or similar.
- World integrity agency: sounds too much like something without power WACA: similar to WADA which is well known for its judicial power WIACA: too long, does not sound powerful
- The term integrity covers a wide range of actions. Therefore, there is a risk that stakeholders' expectations will be too high.
- I think the name should be clear on the focus on sport.
- The agency needs to have a positive remit to promote integrity rather than a purely negative one to prevent corruption.
- Even if the word corruption can be used to cover the whole spectrum I think people in general connects that word to a more narrow picture. For that reason I think adding integrity broadens the picture of what the agency's complete task is about.
- In my opinion, this general term best covers all threats to organized sport regardless of the doping issue. WADC is an adequate alternative because the term is already in public use.
- If you use the word corruption - it is important that the agency is bound and limited by the definition. That's why integrity will give it a broader scope and can serve as a broader definition of the playing field.
- I prefer integrity as it covers wider as I see it
- It is my opinion that World Anti-Corruption Agency (for sport) is not a good name for a few reasons. -Sport is really not in the name, and is added almost as an afterthought. Sport should be front and center in the name of the agency/organization. -The acronym (WACA) is too close to WADA. I think the general public has a negative perception of WADA due to them not uncovering widespread doping, and by having an acronym that is almost identical, this would cause the world's population to automatically have a

negative connotation and association with any type of new sport anti-corruption/integrity agency that would be created. -I agree that "anti-corruption" should not be in the name because it narrows the focus too much of the overall purpose and intent.

- My only concern would be the use of the word 'agency', which sounds too 'institutional' for me. A minor concern it is true.
- To avoid confusion with WADA both in name and in task and history
- I think in terms of first impression, people will think that WACA's jurisdiction is about corruption in general, not specifically for sport. From branding point of view, I also think using WACA as the name will confuse most of the people. That's why I suggest the name as WASCA (World Anti-Sport-Corruption Agency).
- Integrity is broader than corruption and affords the agency the opportunity to extend its legitimate reach into other activities (beyond corruption) that bring sport into disrepute.
- Considero que el nombre seleccionado WIACA da respuesta a las necesidades y problemáticas actuales del deporte.
- I believe combining integrity and corruption send a stronger message
- I suggest that in the name of the agency, it is considered to communicate that it is a different agency than WADA, that it does not tackle doping (a corruptive and sometimes even criminal behavior) and it does not stand above WADA and the World Anti-Doping Code but co-habits the sport integrity ecosystem with all other anti-doping organizations
- It is simple, understandable and easy to use
- Its understandable and easy to use by everyone
- I believe that both terms can go together taking into account the background that has been taken into account around the sport.
- While I prefer "Integrity" -- because it emphasizes what we are for rather than what we are against -- I fear that megasports' reputations are presently so weak that claims to promoting integrity would be taken as a joke.
- I think the organization should be clear that in stating its focus on Sports in the name - by inserting Athletic or Sports in the title. In order to keep the title short, and easier to recall, I selected WSIA. With respect to the use of Anti-Corruption or Integrity, I think the term "integrity" has a positive connotation - which I think is important in promoting acceptance among athletes and fans/spectators (whose support in terms of volunteering information, fundraising and the court of public opinion will be critical to success). Calling the organization the World Anti-Corruption Agency (WACA) will be a bit confusing since the organization is focusing primarily in sports and there are numerous anti-corruption organizations already in existence.
- I believe that the name of the agency as The World Integrity and Anti-Corruption Agency is better as long as it covers all the issues concerning the problems that may occur in sports activities. From this point of view having the name of the agency in this form is the best solution as long everything is clear and does not leave place for any doubts or interpretations with regard of the agency mission.
- I believe that the version "World Integrity and Anti-Corruption Agency" is better because it shows from the very beginning that the agency is meant to address a vast sphere of issues concerning the sports activities. From my point of view this form it does not leave place for interpretations or any other doubts regarding the agency's mission.
- My proposal would be something that is memorable and meaningful. The World Integrity in Sport Executive (WISE) would convey that the people involved in the organization are appointed based on their expertise and with the ability to provide wise oversight of sport activities.
- We are an institution specifically tasked with upholding the transparency and integrity of public sector administrations and employees in Catalonia. The priority goal of the Anti-Fraud Office is to prevent and investigate possible cases of fraudulent use or allocation of public funds. This aim encompasses any other irregular appropriation deriving from behaviour involving conflict of interest or the use for private profit of information arising out of the functions inherent to the work of public sector personnel.
- Many sports bodies will claim that they "don't have a corruption problem", whereas nearly all acknowledge their responsibilities in relation to maintaining integrity. For this reason it is important that integrity is in the title.

- I believe that the version "World Integrity and Anti-Corruption Agency" is better because it shows from the very beginning that the agency is meant to address a vast sphere of issues concerning the sports activities. From my point of view this form it does not leave place for interpretations or any other doubts regarding the agency's mission.
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- The name World Integrity Agency includes anti-corruption, equal opportunities, equal rights, protection against physical, psychological and sexual violence.
- an agency to start as a working entity is too great a step
- I believe that 'World Anti-Corruption Agency (for Sport) - WACA' is the most suitable suggestion as it can be easily understood and is shorter than the other options.
- It is about international crime and corruption. That is what such an agency has to deal with. So-called minor issues can remain with the sports associations; you can't take everything away from them anyway. Of course, the dividing lines are blurred.
- I think it depends on the main objectives of the Agency, if it is intended to address both corruption (linked to the commission of a crime) and ethical issues, then its name should be more comprehensive (so including the idea of Integrity, and not only Corruption)
- "Corruption" might not encompass all relevant aspects (and prefix "anti" might overemphasise the deficiencies rather than progressive approaches) ... BUT ... name & acronym a) are very catchy (reminding of WADA), easy to pronounce etc. (compared to WIA or WIACA) and b) capture the core of the problems at hand [plus anthem already exists: World Cup hit "Waka Waka" by Shakira]
- The term "corruption" might not cover every aspect, the prefix "anti" might disguise that positive approaches are also included ... BUT ... WACA is a) very catchy and easy to recognise (similar to WADA) and b) more convenient than other more complicated acronyms like WIACA [plus: anthem already exists - World Cup 2010 song "WACA WACA" performed by Shakira]
- It has to have the word Sport in it (e.g. WACA makes no sense as it implies an agency against corruption in general). If the idea is to have sports bodies buy into it, then the word should be "Integrity" not "Corruption".
- It is very easy to understand the main aim
- Although we should respect the fact that WADA has played its important role, the sanction-centered framework will no longer work well in sports industry. Therefore the agency should focus on the victims-centered approach as well as setting up effective remedies. Based on the above, creating an alliance among stakeholders is more sensible than having an authoritarian body like WADA. The name should reflect the concept.
- I think that Sport Integrity is the core issue that inevitably incorporates activities against sport corruption. I think it's better to have a positive message in the title (Sport Integrity) instead of a negative (Corruption)
- It encompasses broad term "integrity", but stresses "corruption" as the main pillar.
- It must have the word sport in it - WACA would mean an agency against corruption in general (not just sport). If the sports institutions are to be encouraged to be a part of it then "Integrity" is probably a better word than "Corruption". Anti-Corruption Commissions exist on national level and people can therefore relate to them in many countries. "Commission" also might be less problematic than "Agency" for some stakeholders.
- Depends on where you want to pitch it - integrity can easily be used as a remit to move away from corruption and just focus on on-pitch matters i.e. matchfixing rather than general stuff
- We understand that the agency should cover wide range of corrupt activities, but the name WIA could be confusing in the relationship to WADA, not clear if it would cover antidoping as well. That's why we think WACA would better define the mission of the agency.
- none
- Integrity better allows for an expansion of topics

- The name must be coherent to mandate, which must be defined very accurately within governmental environments in dialogue with civil society/private sector/intermediate bodies, and through/after hearings of sport bodies.
- an anti-corruption agency with global reach is ambitious and existing mechanisms should be strengthened and maximised.
- Integrity has a rather positive meaning, whereby anti-corruption rather negative. So people with integrity are better than those not being corrupt.
- WACA brings up connotations with 'wacky', which is northern English slang for mad/ eccentric
- "Agency" suggests an organisation that will have investigative / legislative powers. If that is the intention, then it works. If it is intended to be more of a pressure group / intelligence resource then maybe it may be better to be "Organisation" or similar.
- The broader the better SWIA Sport Word Integrity Agency
- I agree with the title World Integrity Agency as Integrity is a bigger umbrella that directly tackles corruption. The definition of Integrity is doing the right thing when people are not around to see you doing it. That means it's most relevant when people have no idea. Corruption tends to happen in the dark when people have no idea. Thus, it's symbolically the solution to corruption.
- The term "anti-corruption" is unambiguous. It articulates clearly that there is a problem in sport and in needs to be dealt with. The term "integrity" is more neutral.
- Even though you may well cover all integrity topics under the name WACA, I feel it would be important to include the expression "integrity" already in the name.
- I think the positive name (for integrity vs anti-) is a better image to project publicly. Also, I think an anti-corruption (although I use the term.... Too often unfortunately) May push away some of those who have become wary of investigative bodies.
- WE agree that Integrity is a better title.
- Keep it simple. Integrity is all encompassing (incl. corruption)
- Very clear name
- The use of the words integrity and corruption will send a strong signal
- 'Integrity' has a broader and more positive meaning than 'Corruption' Corruption is a more technical term usually refers to a situation where a public official acts in self interest contrary to norms of his/her role
- I think it is important to capture both the "integrity" (including behavioural and safeguarding issues) as well as the "anti-corruption" (match fixing, organised crime etc) in the agency name. Often these issues are linked or committed by the same people (eg. corrupt officials taking bribes as well as abusing their position or committing acts of physical or sexual abuse).
- WACA would be in line with the World Anti-doping Agency WADA
- An sport only anti-corruption agency with global reach is ambitious and existing mechanisms should be strengthened and maximised as a priority.
- It needs to be perceived as, above all, a regulatory agency. Anti-corruption only may induce the idea that it will be mostly an investigative agency.
- Using the term World Anti-Corruption Agency (WACA) narrows the remit of the agency to definite instances of corruption. There is also a similarity to WADA, whom some view as a corrupt organisation intent on managing doping, rather than tackling it. There are also allegations that WADA is in the pocket of the IOC - something that the agency needs to distance itself from. In addition, an integrity agency can examine issues such as safeguarding. Athletes are often the victims of organised, State, doping, for instance, rather than being the criminals that they are often painted to be. An integrity agency could undertake this role, while it would seem a strange thing for an anti-corruption agency to do!
- I believe WACA has been accepted by the "early adopters" already. You have created certain awareness, don't lose that.
- For me, it has to say what it does. If WACA then has to say something about sports because there are many anti-corruption bodies. It is key to have name recognition - How about World Integrity Sports Agency (WISA)



## Question 2: Path to establishing the agency

*One step on the road to establishing WACA could be an international convention like the one that predated the establishment of WADA. In the EU Commission, there are early considerations about a legislative act. Another possible way would be a Charter (basically a Code for WACA), signed by sports federations and governments. Which way do you think would be feasible? (Mark one or more.)*

- a) *Convention*
- b) *Charter*
- c) *Legislative Act*
- d) *Other suggestions*

### Comments to answer d) 'Other suggestions':

- International Treaty
- In my view they are not exclusionary. So the three can be taken
- small working group followed by a Charter
- First, establish the organization, its limits, how it will act, internal rules, functions, etc. I don't see a Charter viable. I can't imagine sports organizations and "governments" such as Qatar, Saudi Arabia, Philippines, Honduras, etc. signing them. I believe that legislation is the best option and that everyone is obliged to comply with it. Same rules for everyone and, in this way, they can do a better control. On the other hand, if some countries sign a Charter and others do not, it can happen that the signatories retract seeing that others do not.
- private action, followed by international mandate legislation
- This should be a broad based convention with State signatories - including Switzerland!
- Treaty - like the international treaty that created the United Nations
- code
- Council of Europe measures?
- I am not an expert in this field and find it difficult to assess the advantages and disadvantages of the various legal forms.
- I do not know what would be the best way to formally establishing such an agency, so will leave that administrative function up to those who have expertise in that area.
- An act or law must be most impactful. The agency can work to push every region or countries to have a sport-corruption law.
- Convention/Legislative Act unlikely.
- Agreements among stakeholders
- Legislation from at least other western nations must also occur. Perhaps tie it to membership at the UN?
- Dont support an Anti-Corruption Agency
- none
- First step a recognized working group with governmental representatives to define mandate and road.
- any of the provided options will require significant global momentum to reach an agreed set of words to enable support
- it depends on what you want the agency to do. make up your mind first...
- Any of the provided options will require significant global momentum to reach an agreed set of words to enable support
- EU legislation

## Overall comments to the question on agency's path:

- The legal basis for the agency is important, as it will dictate the powers of the agency. If the agency is to remain in the sports law and justice world, then probably a charter or convention is needed. But as the agency deals with very serious crime offences, there is a need for a legal basis that enables recourse to the civil justice system.
- Based on the information provided, it seems that all three options - a convention, charter, or legislative act - could be feasible ways to establish the World Anti-Corruption Agency (WACA). A convention, similar to the one that predated the establishment of the World Anti-Doping Agency (WADA), could be a useful starting point, as it could bring together various stakeholders to discuss and agree upon the terms and goals of the agency. This could be an effective way to build consensus and ensure that all relevant parties are committed to the success of the agency. Alternatively, a charter, or a code of conduct, signed by sports federations and governments could also be a viable option. This could be a more flexible way to establish the agency, as it would not require the same level of formal agreement and legal framework as a convention or legislative act. Finally, a legislative act, such as the one being considered by the EU Commission, could also be a feasible way to establish WACA. This would involve the passage of a law or regulation that formally establishes the agency and defines its powers and responsibilities. Ultimately, the best approach to establishing WACA will depend on the specific goals and needs of the agency, as well as the willingness and ability of relevant stakeholders to commit to its success.
- In my view all of them are necessary and not exclusionary steps. A convention is positive. A Charter would be great and a legislative act maybe is necessary if the ISF do not act by themselves
- Even though that convention presuppose longer path, I believe the processes of ratification, compliance and implementation would lead to development of the international body along with the appropriate code.
- Legislative act with cross jurisdictional powers and enforcement should be the way forward - as this gives the most power and authority for the body in carrying out duties - otherwise even if governments and federations sign up it may not be as effective
- Not sure if emulating WADA is the right way to go
- I think it is very important that the name is not more than the organization can make. Who works in it will also be very important. I'm not talking about "big names", but honest, dedicated people with a passion to always get to the truth; no matter what. On the other hand, it should not be limited to just one continent. Otherwise, sports organizations only need to move, as they did sometimes in history, to avoid control. Sports organizations need to know that no matter where they are installed, they will be controlled and that impunity has come to an end. In my opinion, the organization should have an investigative body, made up of people with distinct (complementary) skills and the power to investigate and file complaints with the Justice. Unfortunately, more and more media are copped by the money of sports organizations or respond to governmental interests; like Al Jazeera, L'Equipe, among many others. Another very important issue is that you need to provide protection for whisterblowers. They need protection and also to know that their sacrifice will not be in vain. Part of the future of sport is in their hands. For this reason, I think you have to think about how they will work with them. A key point for sports organizations is finances. Nobody checks them. Nobody. KPMG did not see the "FIFAgate"; Price Waterhouse Coopers did not see "Volleygate". They are complicit and part of the problem. Because it's simple, sports organizations pay to sign and approve financial statements. But nobody checks expense, ticket by ticket, invoice by invoice, contract by contract. Also, how much money they received, and by what, and what they do with it. The standards of Governance and Ethics of sports organizations are very low or non-existent. All should meet the same standards and accommodate their structures. No more internal control bodies, which we know are just a front. We already know what happened with the FIFA ethics and governance committee and other sports organisations. It is necessary to create a standard of active transparency that sports organizations are obliged to comply with: publish contracts, complete organizational chart, salaries, affidavits of senior officials, etc.

- one need an enforcement mechanism
- The UN Convention underpinning WADA is premised on a singularly "bad" thing in sport i.e., doping, but trying to get consensus on a convention that aims to tackle sports corruption would be almost impossible and ultimately futile especially as it would stray into the quasi-criminal law jurisdiction. In any event the UN already has an Anti-Corruption Convention.
- Though the legislative path looks like the right way to start, there is a risk of being another 'set of good intentions'. There would be a good idea to explore some commitment from chiefs of state, or at least, current ministries of sports (i.e. using MINEPS as a platform for it).
- Drafting and adopting a Convention would be a painful and extremely long exercise, with no guarantees of success. Since WACA is foreseen as a global organisation, such a Convention would have to be adopted by the UN, which makes it "mission impossible". A Charter, developed by experts, supported by (some) governments, offered to future members of WACA, is the only realistic option to get somewhere.
- The Convention is a very good tool for creating legislation in countries and Code for WACA signed by sports federations and governments.
- The purpose of the agency needs to be effective and have the authority to act, a legislative act would be the most effective method.
- I found more reasonable having both, a legislative act followed by a Charter, a basic Code signed by sports federations and governments. This one in the EU case, that for me will be the most effective way to save and secure the Agency working efficiency. But I am not sure that is the right module for other continents.
- In my opinion it is essential that the governments commit from the foundation of the agency and that the constitutive document reflect that. I find that in this case its far more important that governments' commitment to fight corruption within sport organisations is more important any action by sport organisations
- Establishing WASFA is urgent. It can be done, It needs to be done.
- In my opinion, existing sports governing bodies will not in general be leading the call for the agency's creation, and so the stronger the support from governments the better. if the agency is to have the powers it needs to operate successfully (investigations powers, powers to interview, powers to sanction, working closely with not only sports but law enforcement too), then there has to be a legislative grounding - otherwise there is a risk of it being toothless.
- Is there any view that this could sit as a by-product of UNCAC, though increased funding to UNODC?
- WIACA should be at the highest level at its creation, involving all nations recognized by the U.N.
- In my opinion, the Macolin Convention should be quoted as well.
- It's unlikely to happen without legislation. However, the possibility of the EU creating legislation might prompt sports bodies to co-ordinate proactively in an attempt to make the legislation unnecessary.
- The convention allows it to be binding. As an example, the Olympic Charter is not fully complied with.
- Conventions and Charter are more international instruments that could be used to prosecute erring officials anywhere in the world. Governments of federations should be made to domesticate such conventions through an act of parliament.
- It would be good to use existing model of successful international legislation as it works in regards WADA. Only cooperation between sport movement and public authorities can establish a ways to cooperate together for a sake of free corruption environment.
- The legislative act is binding and I believe that such an important issue must not be left to the goodwill of sports councils or states.
- I think an international agreement, lodged at UNESCO, would give the agency great heft.
- I think it will be an easier path to work with a charter from the beginning. This could be a stepping stone to a convention.
- For this topic there should be interventionist approach from states or EU as in case of WADA.

- I guess with a convention everything will be much slower (signing, ratification,...), more formal A charter is in my opinion better because of the flexibility and its dynamics Legislative act, only for Europe? Besides it would of course be very powerful statement if Europe would sign as one (whishfull thinking i guess :))
- Legislative path will give more impetus and weight to the agency in terms of its role and mandate.
- There needs to be pragmatism. If the EU will legislate, then good. But the CoE has been taking a lead in this area and might be better placed to take the next steps
- Convention to be followed up with a charter.
- WADA could be a model of best practice. The experience of some large (western) NADOs should also be considered.
- It is important to choose the 'name' based on which status it is going to have due to international law. If it is meant that other than states can be subject to the act a charter might be the best.
- I think it needs to be the way that obliges the countries to commit as much as possible
- I believe it important to enlist and have all of the major stakeholders, sponsors, governments, experts, academics, law enforcement, NGO's, etc. on board with this concept so that it will ultimately be able to receive the financial support necessary to function.
- There is no ideal way to do this, but I think a convention of various stakeholders (possibly through a remote service like Zoom) may be best. It could be unwieldy but would provide access for more stakeholders.
- A legislative act is easier to enforce.
- The benefit of a convention is that there are already conventions in place that can be used/incorporated plus it is an accepted 'tool'. However it is still quite high level so having a code under that convention that is more detailed and rigid is needed.
- The agency could grow gradually with the first start in the European Union, gathering the EU politicians to make something about anti sport-corruption, preferably with a legislative act that includes WACA's power that can authorise an investigation or order to detain perpetrators partnering with local governments and their law enforcers. We can learn from Blatter's case, when state law-enforcer could probe his wrongdoing and eventually detain him. We can also learn from the Bosman case, when state could intervene moral hazard in football world. Moreover, after establishing strong influence in the EU, the agency then could move on to another region, such as Asia and North America, and eventually the rest of the world. I feel that relying on such international conventions or treaties as ones produced via the UN or other international organisations, will not strong enough to eradicate sport corruptions globally, since most of politicians or public servants in developing countries are careless about those kinds of products. I believe, using law-enforcement approach through state/ governments will generate higher success rate. Obviously, the agency will not only work on law enforcement, but also the other two common measures: Education to prevent corrupt behaviors within sport stakeholders and monitoring/ investigation toward potential corrupt cases in the sport world. I would also urge that WACA or (WASCA) establish regional branches to provide stronger presence internationally in every region. I feel that, oftentimes, world/ international organisations perform lower in certain regions as they don't assign any representatives within those regions.
- Such an agency must have collaboration and support from the main global sports federations at the outset for any chance of success.
- Whole voluntary action, charters, conventions, etc. have a certain appeal and logic they are typically set-up by and gamed by the sporting institution. Given the gravity of integrity-related issues in sport (and the fact that many/most of these problems are created by sport), I think that it is high time that the autonomy of sport be challenged by legislative action on the issue of integrity/corruption.
- I believe that it is important to establish WIACA through a legislative act that regulates the conditions, responsibilities, organizations and commitments on the part of the international sports sector and of each one of the countries.
- Sports is an international activity. The agency with the support of EU and UN and others agencies should start by banning corrupt and nations that lack integrity from

international games and championship. Towing that path will send a strong message to nations especially African countries that there is place corruption in sports

- It seems more inclusive of many actors from different constituencies with different responsibilities and experiences therefore, by having members together, this will help to share challenges, good practices and thereafter with one collective voice, action and responsibility decide the way forward.
- I believe that the convention option has not borne fruit in previous versions such as WADA or UNESCO's International Charter for Physical Education, Physical Activity and Sport. A letter or code does not consolidate commitments either, only voluntary agreements, which nobody assumes or fulfills. I suggest that it be taken into account as a process of a legislative act, which begins with an immediate regulation for all the actors in the sport.
- I like the legislation idea, to the extent it will generate enforcement capabilities. I have no opinion on whether legislation is realistic.
- I think all three elements mentioned - legislation, charter and convention will be required at some point for this organization to be effective. However, one must start somewhere. I think this would begin with a draft charter presented at the first convention. The Charter is important for setting the overall mission and priorities for the organization. This will be essential for maintaining focus going forward. Overtime, the organization can adapt, expand or modify the Charter as required. I think legislation should be the last of the three and a lower priority for two reasons. First, introducing legislation is a time-consuming process that requires substantial work. Second, and more important, existing legislation exists to support anti-corruption efforts. From my perspective as a former diplomat, security official and financier, one of the greatest problems that the problems that "sports integrity/anti-corruption" efforts is the failure to leverage existing tools and inexperience in established anti-corruption techniques.
- Having worked in International Police cooperation for most of my career, I am aware that it is often difficult to get legislative agreement on common matters across jurisdictions. By proposing a Charter at a convention, agreement can be achieved which may instruct national legislation if countries choose to pursue that course. In the future, the act of legislating could become a condition of membership of the organization but it should not be a barrier in the first instance.
- The possibility of the EU enacting legislation might prompt sports bodies to co-ordinate proactively in an attempt to make the legislation unnecessary. The creation of the International Partnership Against Corruption in Sport (IPACS) may have been partly motivated by a desire to ward off action from the EU or other international bodies. The English Football Association, Premier League and English Football League have recently held talks in an attempt to agree on reforms among themselves which might prevent potential legislation to create an independent regulatory body for football in England.
- I think that a Charter would be the appropriate solution as there are some very important aspects to be taken into account. Firstly, a legislative act would be very welcome but in this case it could get into collision with the idea of sport's autonomy and for this reason some sports' organizations could rejected it, or at least they will disagree it. Secondly, a Charter would be more comprehensive regarding the number of countries that are to recognize and embrace it, as long as this Charter will be opened for all the states, not only for the ones that are members of the European Union, as is not the case with some countries from the Council of Europe, which are not in the EU. On the other hand, if a Convention like the one that predated WADA was effective and would support a smooth and quicker establishment of WACA, I think this version should be also taken into consideration.
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- Integrity is a matter of ETHICS - ethical conduct could never be implemented by laws ... on contrary
- convention is restricted to governments. sport and government could sign a charter which may give more coverage. a legislative act is by nature restrictive to the jurisdiction of the competent authority
- Sports federations have had decades to change their structures and cultures. They have only ever reacted to public pressure (mostly after media revelations; in some cases after legal proceedings, where almost exclusively journalistic work has laid the foundations) - doing everything to undermine, infiltrate, boycott and just overall weaken international initiatives at all levels. Organised sport under the all-encompassing umbrella of the IOC (and beyond) must have no place in WACA. Copying the WADA system is the wrong way to go.
- We are aware that if there is no mandatory imposition, the violation of which implies a sanction, it is more difficult for its content to be assumed, so the greater its coercive capacity, the more effective it is likely to be.
- All possible paths have pros and cons, but a charter or convention seem to be more realistic than a legislative act, which would probably a) be very difficult to achieve and/or b) contain a political/regional bias from the start (e.g. if initiated by the EU Commission) giving important actors a reason to reject the whole idea.
- If not legally binding it will end up as the Macolin Convention - we will all do our very best. And too many stakeholders. It should be a non-biased agency, without any requirements from betting, sports, data companies etc
- A charter/convention is probably easier to conclude, while a legislative act, e.g. drafted by the EU Commission, could have a regional bias from the onset (thus giving certain actors an excuse not to join the WACA initiative).
- The entity will need to have the sports federations and governments that want to sign up, sign up - then start work. It cannot wait for a certain threshold or number of federations/governments, or for legislation. A Convention/legislative acts would take forever and allow indefinite filibustering/obfuscation/delaying tactics.
- there must be a legal support that responds to the objectives of the WAICA
- A convention is something we can start with -given that we already have examples- but we can combine it with the other options (legislative acts, charters, codes etc) adopting the paradigm of anti-doping and combine it with existing tools (like Macolin convention for manipulation)
- The same path of an installment through a convention has proved applicable and recognizable among sports organizations already.
- All parties involved in the sport's ecosystem, in Transparency International and the criminal justice (Interpol, FBI, etc..) should be convened and together agree on establishing the agency. Their contributions should help in instituting the agency's regulations.
- A Charter can come first and legislative act / convention after (otherwise it would take forever). There are many other alternatives to explore including, for example: attaching to an existing anti-corruption framework (like the OECD, UN or CoE), or looking at one strong national framework and extending it out (e.g. US and FCPA which now applies to many countries world-wide), etc etc.
- I think Charter relies too much on the agencies themselves and it is clear that many struggle with this and have been too imbedded in self-regulation to do something that may negatively impact some of those in charge
- none
- Legislative act would rank high in importance.
- First step MUST be a Working Group composed by governmental and intergovernmental representatives - not necessarily all countries of course, officially recognized, with the mandate to define multistakeholder approaches involving civil society/private sector/intermediate bodies, and to implement hearings of selected sport bodies.
- A legislative act would mean a strong and binding mechanism.

- From my limited experience, the specificity of sport would suggest a charter is the most expedient way for this to progress. Obviously, that comes with problems and conflicts - as with CAS
- It will be challenging to get sports to sign up to anything like this - particularly those with more sophisticated existing integrity operations like football, tennis, athletics and biathlon. Legislation would only be EU relevant.
- If effective, there needs to be national legislation in addition to both international and national non-legislative regulative measures. Learning from the area of Anti-Doping: It is important to keep the obligation of sports and of governments separated, but at the same time complementary. In antidoping the grey area between sport and government seems to have muddled the picture of roles and responsibilities .
- Convention is inefficient and too complicated.
- Both the convention and the charter need a careful bottom up process to include all relevant stakeholders.
- The idea of a charter will fit best as all stakeholders interested and passionate about the organisations activities would align with it's do's and don'ts. The charter shouldn't be available to only sports federations and governments. Other stakeholders like journalists, managers, coaches and others in the industry must be given the chance to sign the charter.
- Legislation is required if the agency is to avoid simply become a talking shop.
- Time is also important, legislative changes will take a very long time whereas other measures would be quicker and be a better starting point, that may well be followed by legislative actions.
- The Convention process for WADA took place after WADA was established to allow governments to accept the Code, not to accept the body itself. I suggest there be thought given to the rules and mandate of the body before engaging in this topic.
- It doesn't need to be more different than WADA.
- An international convention requires participation and ratification by States and that is when the Agency can work effectively. In this regard, I would like to call attention to the work of the United Nations Office on Drugs and Crime and the UN Convention against Corruption. The Conference of Ministers to the convention has adopted two resolutions with respect to sports. The office itself engages in a wide range of issues related to corruption in sports: See <https://www.unodc.org/unodc/en/safeguardingsport/index.html> Therefore, some groundwork has already been done in this area and there might be an opportunity to use this platform and the current work to facilitate your work. It might have been done already but just wanted to flag this. In addition, the Macolin Convention of the Council of Europe also covers issues of corruption and match-fixing in sports and has established enforcement and monitoring mechanisms in this regard. I would suggest consulting and establishing links with these inter-governmental platforms to facilitate the process and use the experiences that they do have.
- I think a charter may be a more flexible option than either a convention or legislation. A convention is quite static. Meanwhile, while legislation could be amended, it would be up to the initiative of the host state (or EU) where the legislation originates. This would create a less-flexible organization. For WADA, this was fine. But for a broader organization facing more amorphous concerns (corruption, integrity, etc.), I think the flexibility would be a strength, as opposed to the possible legitimacy benefits created by having the backing of a convention/legislation.
- Legislation in Nigeria is not effective an international convention like Wada that all countries will be signatory and they have the power to sanction erring county or federation is better
- focus on developing a 'Charter' allows for this initiative to move beyond the jurisdiction and changing politics of individual states to a focus that is directed at the optimal norms of behaviour in question rather than the legal obligations of each party to a 'Convention'
- Legislation from an international perspective makes it too difficult to investigate and respond quickly (jurisdictional confusion etc). A Charter or Code - similar to the WADA Code - with sports as signatories to the Code alleviates this. Becoming a signatory to the Code/Charter could also be a prerequisite for admission to certain events eg. IOC events.

- All above mentioned instruments would be needed and don't rule out each other. A Convention open to all state parties would set a legal base for the new agency and a Charter would be needed to specify the participation of the parties to the Agency's work. A legal act at the EU level would set the legal framework implement the Convention.
- Timeframes are extensive for any of the options contemplated.
- I explain the part of the reasons for my preference here: <https://www.euronews.com/2021/11/12/only-the-eu-can-save-football-from-itself-view>
- I would steer away from a legislative act. A Convention could help formulate a Charter, setting out the agency's aims and objectives. The Convention could also explore various funding avenues, perhaps pulling in some of the existing agencies (as well as discovering - once and for all(!) - how they are funded themselves).
- From my perspective, I believe a convention will have a stronger impact on making it an international conversation since the beginning, being in platforms and discussion where governments and federations are interested in being part. Make it a public-level urgency, something that can not wait. Even if it is a convention, I believe on the necessity of a code that governments and federations signs. They will sign only if the biggest sport governing bodies sign it (IOC). It is well-known that Mr. Bach was the first promoter of the ITA, asking the IFs to give to the ITA their antidoping efforts.
- There has to be a mandate, otherwise it will suffer from lack of legitimacy and no mandate to investigate - as there have been investigative commissions into sports corruption (biathlon, McLaren, etc) they are mandates from the sports. If sports do not mandate this then it has no legitimacy.

### Question 3: Creating a code

*It will be necessary to create a code for sport integrity and anti-corruption, in accordance with the UN Guiding Principles on Business and Human Rights, with minimal standards that apply throughout sport and put an end to the inconsistency of current regulatory, monitoring and enforcement regimes. Such code would be the basis for the work of the agency.*

*3.1: In your opinion, what are the most important existing documents that should be used for the development of a universal code or should be part of it (such as the Macolin Convention)?*

*3.2: Do you see elements that are not sufficiently covered in any of the existing documents (such as arrangements for remedies for victims of corruption and/or abuse?) that should be included in a code?*

### Comments:

- 1: In my opinion, some of the most important existing documents that should be used for the development of a universal code or included as part of it are: • The UN Convention against Corruption (UNCAC) • The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions • The Council of Europe's Criminal Law Convention on Corruption • The Council of Europe's Civil Law Convention on Corruption • The International Olympic Committee's (IOC) Code of Ethics These documents provide important guidance and standards on issues related to corruption and integrity in sport, and could serve as a useful starting point for the development of a universal code. 2: Arrangements for remedies for victims of corruption and/or abuse are one topic that, in my opinion, is not fully covered in the existing papers. The ability to access justice and pursue compensation or other kinds of remedy is crucial for victims of corruption or abuse in sports. This might be accomplished by include particular clauses in a global code, such as establishing a system for reporting and handling charges of corruption or abuse or setting up a fund to aid victims financially.
- 1. Mancolin Convention National Integrity Framework in Australia 2. It is important to hear the victims of corruption and put clear how corruption damages sport in all countries and Federations



- 1. UNTOC; UNCAC; FATF Recommendations; CET 185 in Cybercrime 2. Involvement of the politically exposed persons represents crucial facilitators to corruption in and through sport. Special provisions on whistleblowers are needed.
- Broadly the issue of good governance in sport should be a key pillar as it justifies a great framework already in place. While making use of industry best practices in the form of local, national and global Anti money laundering policies
- Macolin Convention Protection of victims of corruption and abuse
- It is not my area of expertise, but there is no single code that gathers everything. Moreover, this is a race against corruption: "made the Law, made the trap", as they say in this part of the world. In other words, new forms of corruption appeared in recent years and others evolved for the worse, such as match fixing or illegal betting. Sexual abuse and protection of whisterblowers and whistle-blowers are not fully covered in any code. I do not think it is a bad idea to start from the basis of existing codes; as long as a list is drawn up first, because in some codes the subjects are not dealt with completely and with all the edges, for example.
- The Guiding Principles are a good start
- The Macolin Convention is very narrowly focused on match-fixing and has had little to no impact operationally on anti-match fixing programs in sport. Governments have signed up to it but how many genuinely have, for example, developed national anti-match fixing platforms etc. It would be preferable to develop an Ombds type system where by IFs etc agree to refer matters for investigation by the Ombuds and on foot of that investigation a recommendation is made either to criminal authorities, CAS, remitted to the IF etc.
- 1. Dynamic Accountability could be an appropriate concept for this initiative. <https://www.csostandard.org/resources/> 2. Organizational Culture and mechanisms to follow up on this. Professor Vassil Girginov has some relevant insights on this topic.
- 1. UNCAC 2. UNTOC 3. OECD AB Convention 4. The Macolin Convention 5. CoE Civil Law Convention on Corruption Missing elements: recovery of proceeds of corruption, identification, assistance to, protection and compensation of victims and whistleblowers in sport, responsibility of sports organisations and federations, effective cooperation among sports organisations, law enforcement agencies and other state agencies (e.g. betting regulators and operators), the "AC role" of sponsors in sports,.
- In my opinion, all existing universal codes such as the Macolin Convention, the Anti-Doping Convention and other ethical codes of conduct should be used. Their synchronization is necessary. The conclusion would be the centralization of negative phenomena in sports under one umbrella. Every negative phenomenon can have its own platform, but in the end it is good to focus on one organization.
- 1. Taking the key parts of Codes from sports that have leading activity in tackling corruption in their sports and underpinning them with the principles of Human Rights and investigative and legislative processes. 2. Victims and witnesses should have greater provisions and support incorporated into the code.
- in my opinion, this code, let's agree to say "universal", should not be a simple extension of conventions or UN international legislation with minimal additions as suggested in point 1, but should be a code that directly addresses the phenomenon of corruption in sport, obviously being in line with the aforementioned legislation.
- It should be based on existing general standards related to corruption and sport specific sources. I don't think it should deal with disciplinary infringements by players re match fixing, for example betting regulations breaches. The scope should relate to institutional and high level corruption which remains widely untouched at this moment. Situation of athletes who breach regulations within a corrupt environment that basically forces them to do so syhould be considered. Remedies for victims, as well as protection/incentives for whistle-blowers should be addressed.
- 1. The Jakarta Statement on Principles for Anti Corruption Agencies 2. UN Convention against Corruption
- Whilst the agency and the code fall neatly within the ambit of the Macolin Convention, there are plenty of operational considerations that need to be enshrined within a code that sets out the exact workings of such an agency - none of which are covered by any existing documents. Remedies for victims of corruption and/or abuse are mentioned

above, but there are countless other considerations that need to be provided for too: the precise remit of the agency, who is covered, what the offences are, what the investigations process is, what rights exist (legal representations, appeals process etc), does the agency have the power to handle (and pay?) confidential informants (HUMINT)..... the list here is very long and it is essential to set everything out in order for the agency to have strong foundations.

- The Code should include a system to receive reports of whistleblowers, ensure their safety, and grant without delay asylum for whistleblowers. The Code should help whistleblower fight legal cases against perpetrators they are reporting on and give them media and legal support. Do not leave whistleblowers on their own to fight and put their lives in danger. I am a whistleblower, and I need a protective reporting system, which does not exist.
- Macolin Convention, Antidoping Convention, Saint Denis Convention.
- I agree with all those described in the document, I would add three: Olympic Charter, UNESCO Charter and World Anti-Doping Code, clarifying that they are international references. As a lawyer, I recommend that the structure of the Code be built on the basis of principles and not rules, that is, common law prevails and not positive law.
- First, I will recommend any UN documents that deal with corruption, drugs, and related offenses, such as the UNODC documents on corruption in sports Secondly, advanced legislation on safeguarding sports from various governments and sports federations across the world
- I feel not capable to answer this question.
- 1. Macolin Convention was also accepted by the Council of Europe and that is important for non European Union country ( Serbia is example) 2. No
- UN Convention Against Corruption Macolin Convention UN Universal Declaration of Human Rights There must be a mechanism to review compliance with the code, and remedies for breaches.
- Apart from the UN and Council of Europe conventions and guiding principles on human rights etc. the Macolin convention should definitely be part of it. Safeguarding is probably an area that should have attention in a sport integrity code since this an area that is vague in its description and is not only a criminal matter, but as well a matter of culture and behavior. Remedies for victims is also important. Since a lot of sports integrity issues are criminal matters already in most countries (corruption, sexual abuse etc.), I think a code should concentrate on obliging and guiding signatories on how to work with these issues in close collaboration with relevant authorities nationally as well as internationally.
- 1. HR and All existing conditions should be the legal base 2. clear definition and responsibility of regulatory role of sport organisations and their commitment in protection of public goods and public interest in sport.
- 1. Macolin Convention is a good starting but there is need to further consult on issues that are unique to other parts of the world beyond the EU. Organisations such as Interpol's Match Fixing Taskforce should also be central in the processes. Budapest Convention on Cybercrime can also be another important statute to look at as most corruption is now digital. 2. Gender and sextortion issues need more attention.
- Too big a question for a text box, but the Code should probably collate all the existing measures into one document and legal/policy measures. Care should be had to go too widely as this will lead to issues of enforcement and may end up just being a 'wish list'. So priorities should be around human rights, match fixing, anti discrimination, organisational corruption. Maybe some key pillars that stakeholders can agree on
- No comment; not my realm of expertise
- Macolin convention for sure
- 1. Macolin Convention, but I prefer to prepare new document with combination of best practices from others 2. Some on operational level - sentence for not cooperation, building database and exchange of information - sentenced and investigated person, regulation of data rights and transmission for betting, Procedures and duties for sport federations ( with sanctions if not comply)

- UN Guiding Principles on Business and Human Rights are important for a world-wide approach. Further guiding principles are to be examined and adapted according to the target direction. The rights and protection of athletes must become the guiding theme.
- 1. Inspiration from criminal codes and for example FIFA Disciplinary Code 2. Maybe protection of whistleblowers
- <https://www.oecd.org/corruption/oecdantibriberyconvention.htm>
- 1. I am afraid I don't have sufficient knowledge 2. I find it important to gather all integrity issues - Doping, matchfixing, unethical behavior, corruption, abuse and abuse of power - under the same umbrella to maximize the expertise within the agency and create synergy
- 1. With so many global organizations involved (or trying to be) in sports corruption (UNODC, Interpol, SIGA, IPACS, etc.), along with the various international sports governing federations themselves (IOC, FIFA, World Athletics, Tennis, Cricket, etc.), there is obviously a plethora of constitutions, statutes, bylaws, codes to choose from in formulating a universal code. If a world-wide sports integrity agency were to start to become a reality, I believe a committee of governance experts should be formed to comb through all of the various organizations and sports federations to determine what a universal code should include (or not include) so that the best possible product could be formulated and created that has the best fit for all. 2. To assist in the continual funding of a global sports integrity agency, fines, penalties and financial sanctions should be a part of such a new universal code.
- A universal code, derived from various documents (not just UN Conventions) that may include local sports organizations, statutory law and method of remedy would provide a broad base of information. The one problem regarding remedies for abuse is that it could conflict with national criminal laws. I happen to think the approach in the U.S. -- using Racketeering, Wire Fraud laws with broad jurisdiction is the best (but I'm biased as I am American and an attorney). That is what brought FIFA to be more accountable - charges against 50 FIFA members in North and South America and the threat of a trial with significant prison terms for corruption.
- Existing conventions in the realm of sports (anti-doping, matchfixing, spectator violence), corruption, money laundering, organized crime. The setup of the Macolin convention is appealing since it is not a stand alone convention but rather specifies existing ones to be applicable in the sport context plus it fills any gaps that are not covered by doing so
- Olympic Charter World Anti-Doping Code IOC Prevention of Harassment & Abuse in Sport IOC Prevention on Competition Manipulation
- 1. I can't provide any knowledge about this question. But maybe we can learn from usual criminal law that has ever been used to persecute sport criminals. 2. I am sorry I can't give you comprehensive answer about this.
- 1. Council of Europe, Macolin Convention. 2. United Nations, Good practices and initiatives in the prevention of corruption: Awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the United Nations Convention against Corruption (Chapter II)
- International charter of physical education, physical activity and sport. Brighton Declaration Olympic letter Sports regulations Anti-corruption laws
- I don't have a good knowledge of the existing code so I won't be able to comment on this
- The World Anti-Doping Code (WADC) contains provisions to tackle conducts which can be considered "corruption" in the sense of WACA. The WADC targets sport officials and athlete support personnel for their role in the administration, collusion, etc. of anti-doping rule violations. And then the WADC is adopted and executed on a level by National Anti-Doping Organizations and internationally by Sport Federations. In its entirety, the anti-doping system is interconnected and interdependent. Thus, I think it is essential that prior to the drafting of a World Anti-Corruption Code it is carefully analyzed how it can best harmonize with existing anti-doping regulations internationally and nationally.
- The most important existing documents include. Code of business conduct and ethics Whistleblowing Gifts and hospitality policy and risk management

- 1. The documents issued at UNESCO's MINEPS meetings, as well as documents that talk about the preservation of safe sport, such as what has been stated by the World Health Organization, the Inter-American Development Bank (Sport for Development), the Ibero-American Sports Council (Sport as a tool for sustainable development), the International Working Group (IWG) on Women and Sport (Brighton plus Helsinki 2014).
- 2. 1. The documents issued at UNESCO's MINEPS meetings, as well as documents that talk about the preservation of safe sport, such as what has been stated by the World Health Organization, the Inter-American Development Bank (Sport for Development), the Ibero-American Sports Council (Sport as a tool for sustainable development), the International Working Group (IWG) on Women and Sport (Brighton plus Helsinki 2014). 2. I believe that of all the issues that lack further development and coverage by the code, it could be related to the social responsibility of sports organizations, associated with the double career of athletes, environmental responsibility and sustainability, social risk in sports practice, accompaniment in vulnerable populations, among others.
- I am perplexed by the notion that the UNGPs would provide the foundation for an anti-corruption agency; typically, UNGPs are thought to apply to human rights while other documents apply to corruption (as evident, for example, in the IOC Model Host City Contract). To the extent we are treating corruption as a rights violation, however, this may prove viable at least conceptually. But recognize that the UNGPs include numerous provisions that do not presently apply to global anti-corruption enforcement. Unclear whether WACA wants to become a trailblazer in anti-corruption compliance and enforcement, or instead, should take the safer (and more credible) approach of adopting widely-recognized anti-corruption principles (as seen in guidance from UK, France, US, or Brazil, or perhaps the OECD Guidelines for Multinational Enterprises).
- Agreed on the Macolin. Powers of the Agency need more detail in terms of techniques, the power to question The power to download phones, computer records and demand banking information/ access. Suspension and punishment of those that don't cooperate Power to chase assets of those involved in corruption. Ability to obtain cooperation from those that offend in return for lenient punishment. Type of offence and range of punishments to be set to include removal or suspension from office.
- I would include the UN Convention Against Corruption as well as the UN Convention on the Rights of the Child. I would also include the Anti-Doping Charter/WADA Charter. In terms of restitution or compensation, I feel that is a complex multi-jurisdictional issue and therefore the language should be brief.
- I do not have strong opinions on specific documents, but an analysis of standards of practice across different international federations should be considered to identify common themes that make the guiding principles more applicable within the sporting context. One sport that I have often admired for the way its handling of such matters is rugby - See World Rugby's governance website.
- The Macolin Convention is indeed a key document. The IPACS Benchmark is the work of a number of stakeholders and takes account of numerous previous projects: <https://www.ipacs.sport/good-governance-task> The IPACS Benchmark includes some relevant detail, which has not yet been incorporated by many sports organisations. See for example B1 – Code of Ethics, B4 – whistleblowing, B7 – safeguarding and others on the need for victims to be able to seek remedy The IPACS Benchmark has influenced the IOC's recently updated Basic Universal Principles of Good Governance: <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Integrity/Bonne-Gouvernance-EN.pdf> Both of these are informed by the ASOIF governance assessment questionnaire 2021-22: <https://www.asoif.com/governance> Code for Sports Governance in the UK – see detailed requirements on Board composition in Tier 3, Principle 1, for example: [https://www.sportengland.org/funds-and-campaigns/code-sports-governance?section=tier\\_3\\_-\\_requirements\\_with\\_commentary](https://www.sportengland.org/funds-and-campaigns/code-sports-governance?section=tier_3_-_requirements_with_commentary)
- 1. I think that The Macolin Convention would be a valuable contributor for the Code of WACA and so will be the Sports Governance Observer for international federations and National Sports Governance Observer, both realized by Play The Game. In my opinion all the available existing data in the anti-corruption sphere should be used as a specific content for sports domain as long as it is reasonable for WACA's approach. In this respect, all the available sports' codes and frameworks such as those in Canada and

Australia or all the codes of sports' organizations and others approaches apparently not related to sports conventions like UNCAC, UNTOC or OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and OECD' "Guidelines for multinational enterprises" should be taken into account. 2. I think that the initiative of sports organizations with regard of structuring and organizing new competitions, such is a potential European Football Super League, deserves a special approach from WACA's point of view. This new Super League would go far apart from the European Sport Model, which has at its core the European sport's values such as diversity and open competition and I believe that from this point of view it could be a reason of concern.

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- FIFA anti-corruption directives <https://digitalhub.fifa.com/m/7895e17ae0642f31/original/t8m7wdzgxmerctqienol-pdf.pdf> The International Partnership against Corruption in Sport (IPACS) PROCUREMENT OF MAJOR INTERNATIONAL SPORT-EVENTS-RELATED INFRASTRUCTURE AND SERVICES [https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Leading-the-Olympic-Movement/ipacs/Procurement-Guidelines-EN-v4.pdf?\\_ga=2.1875825.1374225617.1674309661-233306744.1629746127](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Leading-the-Olympic-Movement/ipacs/Procurement-Guidelines-EN-v4.pdf?_ga=2.1875825.1374225617.1674309661-233306744.1629746127) The IPC Handbook includes details about the duties and responsibilities of all IPC Members. <https://oldwebsite.paralympic.org/the-ipc/handbook>
- 1. a large number of UN and international treaties 2. codes and IOC charters 3. UNCAC 4. Macolin 5. many others Q 2. no obvious gaps apart from the enforcement and consequent resources
- 1.- The "DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL" 2.- The protection of whistleblowers
- UNCAC is a basis. But only a basis. A best-practice solution must be sought here. In which other areas (economy, politics) are there actually effective mechanisms (internationally)? Basically, almost all conventions dedicated to sports business lack fundamental points, none of these papers reflect the reality in international sports business. This is also a result of decades of lobbying by sports corporations, which have used a lot of money and political means at all levels to soften and block such papers. Corruption and crime have been reduced in such papers (Macolin is one of them) almost exclusively to match-fixing, betting fraud and illegal trade in doping substances. This is in line with the propaganda and narrative of sport, according to which - figuratively speaking - evil always invades the wonderful world of sport from the outside. In large parts, however, the sport system has been designed as a parallel society in which national and international legislation applies little. A partially lawless space that guaranteed control-free activity at the highest functionary level for many decades and still guarantees it in large parts. What is needed here is not only a cultural change and enormous educational work (which sports politician understands the game and actually sees the problems?), but also drastic structural and legal measures - and urgently so. Important here is the legislation in Switzerland, which is home to some 60 international associations. The structure of the law on associations promotes intransparency and corruption. The measures

introduced about a decade ago (after the World Cup was awarded to Qatar), including listing sports officials as politically exposed persons, are far from sufficient. Here, too, the sports corporations have raised enormous funds to lobby against all the tightening measures. Basically, a gigantic cultural change is needed in politics to introduce and implement the necessary changes. But when you see that the long-time Swiss Federal Councillor Ueli Maurer (one of the most important IOC lobbyists for decades) now sits on the so-called IOC Ethics Commission, you can see how complicated a solution it is. Actually, these structures and mechanisms should all be dismantled and people like Maurer should not play any role in a process of establishing WACA and really fighting corruption. But that will not be possible. Compromises will be necessary - but without giving these people important positions at the same time.

- 1. The Sport and the European Convention on Human Rights, the Macolin Convention (as said), the European Convention on Human Rights, the Olympic Charter, the European Commission's White paper on Sport, the Declaration by the European Council in Nice on the specific characteristics of sport, the Enlarged Partial Agreement on Sport (EPAS), the International Charter of Physical education/Physical activity and Sport, among others. 2. Not only the measures identified in the statement, but also those that have to do with the protection of whistleblowing, and specific protocols should be established for their action and protection, since despite the existence of the Directive since 2019, it is essential to make it known and implement it more rigorously in the field of sport.
- 1. All conventions and declarations mentioned in the study in chapter 11 ("The WACA code: A first approach") are very relevant, most especially UNCAC, UNTOC and the OECD documents. Sustainable Development Goals (SDGs) - especially SDG 16 linking (anti-)corruption with the aim of building peaceful, just and inclusive societies - and other related or soon to start follow-up processes can also provide guidance in creating a WACA code. 2. Yes, victims are mostly overlooked, probably because they do not have a lobby, cannot easily be identified etc. The WACA code should include clear and transparent institutional arrangements that facilitate e.g. hearings, asset recovery and redistribution ... Secondly, the great and growing schism between professional/pecuniary and all other forms of sport (especially grassroots and self-organised) should play a role to counter the elitist discussion/understanding of modern sport. This also includes a recognition and appreciation of other forms of physical activity that were destroyed or have been neglected in the course of the colonial expansion and are - in most cases - not organised or not accepted by international federations (which were mostly founded prior to decolonisation). Indigenous communities shall not be forgotten in such a process because they can contribute very different perspectives that would enrich the understanding of global sport - in this regard, the UN Declaration on the Rights of Indigenous Peoples as well as certain continental/regional treaties could provide additional guidance.
- Macolin convention is, of course a start, but I think this should not be a UN human rights group. It should be a place to detect fraud, abuse, fixing etc which should lead to a police investigation and possible punishment
- 1. All conventions and declarations mentioned in the WACA study in chapter 11 ("WACA code") are relevant, most especially UNCAC, UNTOC and OECD documents. The Sustainable Development Goals (SDGs) - especially SDG 16 explicitly linking corruption and peaceful, just and inclusive societies - and its follow-up process as well as continental/regional treaties (on human rights and other relevant issues) can also provide guidance. 2. Yes, victims are usually sidelined (probably because they cannot organise or lobby for themselves or are not visible at all). Therefore, a future WACA code should have clear and transparent mechanisms dealing with victims' demands holistically (i.a. through truth-telling, reconciliation, asset recovery, redistribution). Along the same lines, it is necessary to expand the focus (which tends to be on professional/pecuniary sport organised in federations mostly founded in an age of colonial and imperial thinking) and include grassroots sport as well as physical activities exercised by cultural minorities and indigenous communities around the world.
- - Equility and gender - Monitoring and follow-up of corruption cases - Protocols and sanctions for victims of abuse by sports leaders

- 1. Although it is a bit outdated, a document like "UN Global Compact - Fighting Corruption in Sport Sponsorship and Sport Related Hospitality: A Practical Guide for Companies" would be helpful 2. arrangements for remedies for victims of corruption and/or abuse
- When we fought a development in Canada that would increase dangers to children, our lawyer would NOT allow us to use any UN document, saying that they have no weight in Canadian law. I feel a Code must have international legal teeth. I am not talking about actions that are illegal, such as money laundering through sport, or game fixing--I will let other experts comment on those issues. I am talking about how we address cross-border sexual abuse, the country-hopping nature of many predators, and those who enable and cover for them.
- For the Manipulation of Sport Competitions we have the Macolin Convention which is quite "rich" for the specific issue. For anti-corruption we have the two resolutions from UNODC (7/8 and 8/4). For safeguarding we don't have similar tools.
- Necessary documents have been mentioned in the "Finding a Global Response to Corruption in Sports".
- Codes and rules are not the issue - the issue is applying them. Therefore, it might make sense to simply use the IOC Code of Ethics as the basis (perhaps merged with others, if needed), since this already provides a headstart (since no negotiation or acceptance is required of the content from most of the sports bodies). Negotiating a new code will provide a huge opportunity for delay and filibustering.
- This is an interesting question. Basing on some other codes and following the format is probably key on getting buy-in but think there needs to be some more input into the monitoring and enforcement aspects that need to be covered
- 1. Macolin Convention 2. no
- No need
- As reference: SafeSport Code -- US Center for SafeSport More information possibly needed for global code on the overlap of doping and abuse. Also, research shows that emotional abuse is a component of all abuse, policies, codes do not reflect this. A lot of room for improvement in this code, but it would be good as reference. Declaration of Guiding Principles for the Future of Anti-Doping (2022). More emphasis needed on the independence of regulators and CAS. Universal Declaration of Human Rights United Nations Convention against Corruption UN Code of Conduct for Law Enforcement Officials Athleten Deutschland's "Sport and Human Rights: Options for Action for Athletes, States, Federations, and Sponsors" USOPC Bylaws - specifically, the composition of the board (and all U.S. NGB governing bodies) regarding directly elected athlete representatives (section 3.2). Athletes need to have directly elected representation in governing bodies. CAS Code of Sports-related arbitration - add specificity regarding independence, particularly regarding governance and funding.
- 1. Macolin Convention 2. Co-operation between sports organizations, information exchange
- UNCAC Resolution 7/8 2017 UNCAC Resolution 8/4 2019 HLPs G20 2021 (including Concept Note) UNESCO ACTION III Guidelines on Sport Integrity UNODC Global Report on Corruption in Sport Transparency International Global Report on Corruption in Sport CoE Conventions UNESCO Charter on PE, Art.11 Code is a step too advanced for now possibly. A Policy Recommendation Paper would more appropriate. A "universal" approach is not fully convincing in policy perspective.
- 1. The Macolin convention is a useful specific set of requirements. 2. the elements of corruption are largely covered by existing rules, statutes and conventions. the missing elements are enforcement action.
- Again, all of this depends on what you want this agency to do. You need to make up your mind about this. What is the agency's mandate? To prosecute corruption by individuals? To act as an independent ethics commission for sport officials (what sport officials, in international federations)? To enforce compliance with good governance standards?
- 1. Increased sign up to the Macolin convention would seem to be the best route 2. This is too complex a subject to deal with in one box! One area to look at is law enforcement - some countries do not see sport manipulation / anti-doping as criminal matters, others

- do. Those that do are not always keen to co-operate with sports and share intelligence or evidence.
- A universal obligation for states/governments to penalise corruption in not-for-profit and in for-profit sports organisations. This includes the abuse of power/positions, possibility to buy influence on decisions (e.g. incl. matchfixing-related, related to buying votes and influence decisions on athlete selection for teams)
  - I have no knowledge to answer this. I would think of Human Rights Convention at first.
  - Macolin Convention UN Human Rights Relevant UN codes and regulation Relevant National legislation Olympic Charter
  - 1. Macolin convention 2. Safeguarding, initiatives against abuse and violence
  - I believe that sports regulations across the board should be considered
  - 1. All existing integrity and anti-corruption codes from all sports governing bodies such as the IOC, FIBA, NBA, FIFA, IFAB and other alike should be adopted to be used as a foundation. 2. In order to make the integrity and anti-corruption code for WIAC, all existing codes from 1 should be reviewed by the team in charge of creating the code and suggestions to improving them should be made by the relevant stakeholders so as to make them more robust.
  - Certainly the Macolin Convention would be a start. But I would need to do more research to make more recommendations.
  - Macolin Convention United Nations Conventions against Corruption
  - I would consider a fusion of the variety of codes that address human rights, safeguarding from abuses and harassment, SafeSport, IOC docs on reporting mechanisms, and analyzing working models on adjudication with arbitration and judicial bodies of remedy.
  - this depends on the full mandate. if it is to be integrity then perhaps look at World Athletics Integrity Code as a precedent. The Macolin Convention is a very useful document but as it is still to be ratified is it working ? nowhere are there remedies for "victims" of sporting fraud. how far can this go and how to build a fund and a watchdog for the fund are key issues for debate.
  - definitely need convention
  - As I said extensive work has been done so far by adopting two related international conventions. The UN Convention against Corruption, and the Macolin Convention. What I see needs to be seriously addressed and taken into account is to create a binding framework for sport governing bodies. The UNGP itself is not a binding document so I don't see how the remedy mechanisms would bind sport governing bodies to this framework. This may need some brainstorming and more investigation to see what options are available. If everything, in the end, is again dependent on the consent of sport governing bodies to the Code or any other document then I think we are back to the starting point.
  - If there is insufficient coverage, whistleblower protection should be high on the list of things addressed. If there is no whistleblower protection, there are no whistleblowers, meaning it is much harder to uncover corruption/unethical activities.
  - In Nigeria and most African countries nothing exist at the moment and where they do , they are not effective. An international like Wada is what will work here
  - IOC Code of Ethics
  - - SIGA universal standards - sports betting integrity - Sorbonne International Centre for Sport Security - Building Principles for Protecting the Integrity of Sports Competitions - Centre for Sport and Human Rights - Sporting Chance Principles
  - The most important element in my opinion is the structure of the organisation. The problem we see repeated again and again in sport is that people who start perhaps with good intentions get into positions of power and cannot be challenged. A multi-stakeholder set up, that relies on coalitions and does not enable one group to dominate, is essential.
  - 1. Macolin Convention and other anticorruption legislative instruments. 2. The main question is the scope of "the specificity of sport" behind which many actions in sports are hidden. There must be a way to see behind the economic activities of the international sport organisations that enable corruption.
  - Establish new Code with best practices



- 1. The Macolin convention is a useful specific set of requirements for a specific response. 2. The elements of corruption and responses are largely covered by existing rules, statutes and conventions. The missing elements are coordinated and cooperative enforcement action.
- More than a code its institutions and institutional requirements that are necessary. Most of the standards and rules already exist in the statutes of federations. It's independent monitoring and enforcement that is lacking
- A major problem is the athlete agreement, which in the UK at least is signed with a governing body when an athlete enters elite sport and receives funding. These agreements often require athletes to accept the jurisdiction of the CAS and agree to keep disputes outside of courts of law. This makes athletes vulnerable, as sport can argue that because athletes have accepted the 'specificity of sport', normal human rights such as data privacy, human rights such as right to a fair trial are not fully applicable to them. The Code should enshrine that sport doesn't operate outside of the normal rule of law, and athletes have the right to recourse to a court of law if the sporting system fails them. That way corrupt federations have less room to hide from prosecutors, and have less scope to abuse athletes. Beyond that, I cannot be much help here - sorry!
- I am not really aware of all the documents but let's not try to invent the wheel. Learn from other industries that are more advanced in this topic.
- 1: The UN Convention against Corruption and the UN Convention against Transnational Crime. The Council of Europe Convention on the manipulation of Sports Competitions. 2: Independent of sports organisations and given investigative powers.
- 1: European Convention on Human Rights (ECHR), Charter of the Fundamental Rights of the EU (CfR EU); Macolin Convention; OECD Public Integrity Indicators; Good Governance Benchmarking Tools (NSGO, NADGO), European Anti-Fraud Office (OLAF) policies; UN Guiding Principles on Business and Human Rights; Universal Declaration of Players' Rights; CoE's European Sport Charter and Code of Sports Ethics
- 1. world anti-doping code 2. corruption and abuse are two very different things and should not fall under the same umbrella; they do not require the same types of expertise and approaches to dealing with allegations/incidents
- 1: European Convention on Human Rights (ECHR), Charter of the Fundamental Rights of the EU (CfR EU); Council Resolution on the key features of a European Model of Sport (2021); Macolin Convention; OECD Public Integrity Indicators; Good Governance Benchmarking Tools (Play the Game's NSGO, NADGO), European Anti-Fraud Office (OLAF) policies; UN Guiding Principles on Business and Human Rights; Universal Declaration of Players' Rights; CoE's European Sport Charter and Code of Sports Ethics 2. preventive/educational practices, methods of implementation and enforcement, sanctions/penalties, definition of stakeholders' roles and responsibilities
- There are a done of documents, but there is less bodies and actions. A unifying code with buy in will work

#### **Question 4: Mandate**

*How essential do you consider the following capabilities/responsibilities of WACA?*

- Ongoing monitoring of compliance with a WACA code-to-develop*
- Operating or administering a whistle-blower platform, encompassing all sports integrity issues, including a source protection framework*
- Investigative powers (also by engaging external investigators, specialised companies), collecting, assessing and disseminating relevant intelligence, if appropriate to law-enforcement agencies*
- Enforcement powers, such as referring integrity breaches to disciplinary bodies of sports organisations and/or to national and international law enforcement agencies; issuing disciplinary sanctions against individuals and/or non-compliant code signatories*

- e) *Provide pathways for effective remedy for victims of corruption (and abuse)/integrity breaches*
- f) *Education, outreach and training within the sports community*
- g) *Assessment in relation to risks and threats in individual sports and of their capacity to manage those*
- h) *Support the establishment of national sports integrity agencies and act as an umbrella organisation*
- i) *Do you see other important capabilities / responsibilities?*

**Comments to answer i) 'other capabilities / responsibilities':**

- I think the investigating power are not the most important for a World Integrity Agency. There are other bodies expert on this field. Asking for collaboration is the way
- Here are a few additional capabilities that could be useful for an anti-corruption agency:
  - Mediation and dispute resolution services: An agency could provide a neutral third party to help resolve disputes that arise between different stakeholders in the sports world. This could include disputes between sports organizations, between athletes and teams, or between sports organizations and other external parties. Expert advice and technical assistance: An agency could offer expertise and guidance to sports organizations and other stakeholders on how to prevent and combat corruption and promote integrity. This could include training programs, workshops, or other educational resources. Research and analysis: An agency could conduct research and analysis on various aspects of corruption and integrity in sports, such as the prevalence of corruption in different sports or the effectiveness of different approaches to combating corruption. This could help inform policy and decision-making within the agency and other relevant stakeholders. Monitoring and evaluation: An agency could establish systems for monitoring and evaluating the effectiveness of its own programs and initiatives, as well as the efforts of other stakeholders to combat corruption and promote integrity in sports. This could help identify areas for improvement and ensure that resources are being used effectively. Partnerships and collaboration: An agency could work with other organizations, both within and outside of the sports world, to develop and implement programs and initiatives to combat corruption and promote integrity. This could include collaborating with law enforcement agencies, non-governmental organizations, and other relevant stakeholders.
- Monitoring and investigating associated industries that are able to have a major input on sports bodies/clubs behind the scenes. For example, sponsors that put money into clubs and bring in their own personnel/players, and organisers of training camps, where match fixing occurs unhindered
- <https://www.lawinsport.com/topics/item/duty-of-care-in-sport-making-the-case-for-a-sports-ombudsman-in-the-uk>
- Engage countries from the Global South to join this initiative Bring some 'mechanisms of solidarity' for non-European countries Supporting National NGOs who already have investigations Work with National Law enforcement offices and local NGOs which already have investigations or proofs of corruption between NF and IF
- WACA could and should do more in preventive area, too (in addition to existing "education,...")
- It is necessary to educate professional employees for individual negative phenomena in sports.
- No one.
- For me, in order to have competency in the investigation of corruption, match-fixing, doping or safeguarding and abuse issues (assuming these are deemed to be within the remit of the agency), there must be strong capabilities and powers held by those

- employed at the agency. Persons must be compelled to assist with investigations (attendance at interview, phone records etc) or face appropriate consequences.
- We might as well expand the WADA convention to cover anti corruption powers? The system is already in place, including the network of National Anti-Doping agencies.
  - Media within WIACA. Treaty should include agreement by nations to receive whistleblowers for safety, exempting them from difficult processes in asylum-seeking, making it easy for them to be protected without delay.
  - In cases of corruption, act as the last instance of the IOC, CAS and FI.
  - The Agency should have regional offices, and perhaps sub-regional offices that could be accessible to sports bodies likewise individuals who intend to make a report. The mode of the report should be reflexible to all. Investigating sports washing should also be part of the responsibilities of the Agency.
  - None
  - We need to avoid an 'enforcement' model that privileges police and law enforcement. The model should be preventative and educational first and foremost. Standard setting should be key alongside capacity building to help drive up standards.
  - support independent work of integrity officers in federation - coordinate international stakeholders in their work and initiatives which could help protect sport
  - What is important? To find the responsible and held them accountable or to find the problems within the system in order to prevent future abuse.
  - As mentioned before, in order to assist in deterring corrupt or unethical behavior and conduct, substantial financial penalties, fines sanctions, etc. for both the world governing bodies and national associations should be levied if found to be complacent, willfully blind, and/or an aider / abettor.
  - Significant athlete representation -- and not just retired athletes, but present athletes who establish policy. This is going to be difficult, because athletes are under pressure from their nations and could suffer harm for speaking up.
  - Research capabilities.
  - I won't add any clues.
  - Train the sports community regarding corruption and integrity in sport
  - Power to exclude corrupt federation from international games and championships
  - How to strengthen witness and suspect engagement mechanisms following the Plan-do-check-act (PDCA) methodology. How to mainstream other policies into "one system" approach to counter corruption at all levels and areas.
  - I think it critically important that WADA exercise jurisdiction not just over natural persons but over organizations as well; that it have the ability to sanction organizations; that the code requires organizations to adopt compliance programs; and that WADA provide meaningful compliance guidance and supports organizations in their efforts to implement it (in the manner of France's AFA).
  - Development of an intelligence and research capability. Power to maintain a database of suspects and suspicions.
  - Nothing to add on this point
  - All of the topics proposed are important for such an organization to be impactful. The responsibility should be to coordinate international initiatives and investigations with the suppose of national agencies that have the power to enforce the organization's mandate.
  - Maintaining a permanent collaboration with media institutions.
  - Maintaining a permanent collaboration with media institutions.
  - Partnership with national anti-corruption agencies
  - Guaranteed and comprehensive protection and support for whistleblowers and assumption of all costs incurred for this, if applicable, compensation for damages. Possibility to ban entire countries from international sports if they do not comply with the standards of the Integrity Agency and violate its code.
  - Those who seek to establish a WACA, and in the end only provide lucrative contracts for the Richard McLaren's of this world, are missing the point. Even the investigations of McLaren and his subcontractors have mostly neglected fundamental issues and only determined a minimal picture. In part, these investigative findings are a disaster, the

world boxing federation AIBA being a case in point, where a former IOC member is ultimately branded as the main culprit, but even that is inadequate - above all, however, the role of the IOC as an institution is completely ignored, history is blanked out and the crucial role of other IOC members and presidents is also completely ignored. In short, examples like these must not be a benchmark for a WACA, they are rather bad examples.

- ... among others ... # documentation and publication of investigations etc. (outreach beyond sports community, informing general public, cooperation with like-minded actors etc.) # connect sports-based anti-corruption work to other processes and overlapping problems (e.g. tax evasion, closing tax havens, money laundering, organised crime)
- - collect and publish information about investigations, reach out to the general public and the media - connect and use synergies with other international processes working for the common good in related thematic areas (e.g. tax evasion, tax havens, money laundering, organised crime) by exposing the role of and links to actors in/around sport
- I think that the most important task is to help establish national integrity offices and national anti-corruption codes
- - Promote that the anti-corruption entity is completely independent - Promote gender parity from the management of the entity, board positions, hired personnel, etc. -Include vulnerable groups to have a more intersectional perspective
- It is crucial to set guidelines for the exchange of information because these problems are global
- Research and Development of the code
- None
- All this must emerge from a Working Group, if not fully official, at least recognized by governments as a credible initiative. The current landscape is very articulated and populated by different actors and initiatives and duplications, overlapping and incoherence should be avoided.
- improving the standard of integrity and awareness of corruption within sports and empowering participants in sport to raise their concerns and agitate for change.
- There is often a missing link between sports and governments / law enforcement agencies when it comes to integrity. This could be a great opportunity to fill that gap and a WACA or similar could provide opportunities to share information, best practice and intelligence via various forums.
- Capacity to monitor the gambling market. In today's system the monitoring systems are closely linked to the financial interests of the gambling market. One hand solves what the other causes.
- They should have the power to prosecute offender in an international court
- Process to arrive at a Charter should start with a risk assessment to identify the most common typologies of systemic cheating in sport
- Improving the standard of integrity and awareness of corruption within sports and empowering participants in sport to raise their concerns and agitate for change.
- - Enforcing governance requirements and imposing sanctions on international federations not complying with this. - Monitoring and enforcing electoral proceedings and rules and democratic standards. - Enforcing due process and independent requirements on sports arbitration systems.
- I would add that restitution mechanisms for victims of sporting corruption are essential. Victims or abuse/corruption are often left without closure, because the perpetrators of that abuse/corruption are not held to account. The Agency should take an active role in supporting athletes and whistleblowers in ensuring that this happens!
- As Declan Hill said, this industry is drowning in nonsense - one of those is the vulture organisations and consultants making money on the backs of integrity. All investigative capacity should be internal so as to avoid such situations.

#### **Overall comments to the question on mandate/powers:**

- Overall, I believe that the mandate and powers listed for the World Anti-Corruption Agency (WACA) are necessary and important in order to effectively combat corruption

and promote integrity in sports. I particularly think that ongoing monitoring of compliance with a WACA code-to-develop, operating or administering a whistle-blower platform, and investigative powers, including subpoena powers and the ability to collect and assess relevant intelligence, are essential capabilities for the agency to have. These will help ensure that misconduct is identified and addressed in a timely and effective manner. I also think that enforcement powers, such as the ability to refer integrity breaches to disciplinary bodies and law enforcement agencies and issue disciplinary sanctions, are crucial in order to hold individuals and organizations accountable for misconduct. Additionally, providing pathways for effective remedy for victims of corruption (and abuse)/integrity breaches is an important responsibility for the agency to have, as it will ensure that those who have been harmed by such actions are able to seek justice and receive appropriate compensation or other forms of redress. Finally, I believe that education, outreach, and training within the sports community, as well as assessment of risks and threats and support for the establishment of national sports integrity agencies, are important capabilities for the agency to have in order to prevent corruption from taking root and promote a culture of integrity within the sports world.

- The educational and promotional side of Integrity around the world is the most effective way to achieve it
- Involving at a senior level those companies who are making money from sports bodies for provision of integrity services and at the same time also making money (and passing/retaining information?) from other industries such as betting would be a mistake. This is one of the weaknesses of the existing sports integrity complex.
- The National Sports Integrity Agency should be given a sufficient mandate for investigative powers, enforcement powers and whistleblower protection through legislative measures. Significant national cooperation between state authorities is required.
- I think that the 8 points cited above are comprehensive both in the legislative and administrative aspects.
- When it comes to whistleblowing, the Agency would have to first gain trust of athletes and other people who are to report in order to make sure this is effective. I also see education and compliance monitoring as secondary tasks.
- The mandate and powers must be agreed and enshrined in legislation.
- CAS relies on an arbitration system and its sanctions are limited. The agency should have its own disciplinary tribunal and abilities to impose sanctions, in particular financial penalties and execute asset seizures (corruption is generally about money).
- Consider that often the national governments themselves are corrupt and coddle the abusers in the national federations. WIACA should be independent of national-level investigation and prosecution.
- Those that arise in the survey seem correct and pertinent to me.
- The Agency should be totally free from sports federations and individual influences.
- I think the principle of the partition of power is important to have in mind. WACA (or whatever name) should be a regulator (like WADA) and coordinate and support the efforts around the world. The executive work should lie within the signatories to a charter/convention/code and WACA should have the authority to monitor compliance and refer any violations to a court system. Like WADA in anti-doping. Preferable to have a more independent court system than the current CAS system.
- None
- Focus on prevention, standards, education and capacity-building.
- Control - if sport organization working in integrity - in all ways (prevention, reporting possibility, investigation) - mandate to sanction if hiding something or ignoring integrity.
- The system on enforcement of integrity in sport is already complex. It is important to build on existing structures when it will be relevant and possible to use it. It is important to analyse the relation between the charter and national criminal law and national enforcement authorities.
- There is going to have to be a fine balance between the mandates/powers of a WACA type agency as opposed to the collaboration and respect for the law enforcement and statutory authority of countries around the world with their differing customs, norms, morals and especially civil and criminal laws.

- The problem is going to be dealing with the IOC and the Federations, some of which are very powerful. They have their own governance systems and have accepted CAS as a place for dispute resolution. I don't know how this potential conflict can be solved.
- Independence in governance is crucial to be effective. Structural funding is needed. Independent powers with regard to federation and other SGB's as well as events. (in)direct power to influence for instance policies with regard to bettingmarket regulation, data providers etc.
- Yes, this thing is the most important. The agency should have that authority to launch investigation or even detaining the perpetrators, of course in partnership with governments' law enforcement.
- There is no basis for such an agency to have investigative powers except with the cooperation of the sports federations supporting the agency.
- Campaigns and policies to prevent corruption and situations that affect the integrity of sport
- Mandate international Federations to publicly disclose all grants and support to countries especially African countries
- At oversight level, the C.H.I.D.R.E.N approach needs to be embedded into implementation strategies. Culturally sensitive: Corruption safeguards need to be tailored to the cultural and social norms of the context. Holistic: All anti-corruption engagements should be viewed as integrated into all aspects of an organization as opposed to being an additional element Incentives: There needs to be a clear reason for individuals and an organization to work towards the anti-corruption cause. Leadership: The intended and planned corruption preventive measures need to have strong support from those working in key leadership roles. Dynamic: Corruption preventive measures need to be continually reviewed and adapted to maintain their relevance and effectiveness (that is why I suggested the convention operation model than others). Resources: The implementation of the preventive measures need to be supported by appropriate resources ( eg. Human resource, time and financial) Engaging stakeholders: Stakeholders and stakeholder theory needs to be applied to keep track of various stakeholders needed at any point in time and listen to their voices regardless of the status Networks: Keeping symbiotic relationships within the consortium Isomorphism: Employing mimetic, coercive and normative methodologies in implementation of activities.
- Specific criminal offences for sport corruption to be implemented in all IOC member countries
- Sports Integrity is a low priority compared to employment, inflation, cybersecurity, infrastructure development, foreign investment and diplomacy/ international relations for governments (politicians dont campaign on it and voters dont really consider it when voting). As a result, governments will not make it a high priority with law enforcement or judiciary agencies. Sport Integrity is also a lower priority with financial and insurance firms which have tremendous access, exposure and influence over the sports. Most of the investigative assets/efforts of such organizations are not focused on integrity issues. Therefore, this agency (WSIA or whatever) will need to be able to conduct investigative work and support whistleblowers - to demonstrate to the public sector as well as the private sector that the problem exists as well as help support the investigations of public sector and private sector entities. Success breeds success. Whistleblowers will be critical to such organizations and effective support to whistleblowers gives other/ future whistleblowers to come forward. The reliance on former law enforcement and attorneys, as is often the case in such agencies, is unwise - such individuals lack the understanding of long-term strategy (each case is just one piece of a larger plan); supporting sources (which neither profession does well); and investigation without compulsion authority (intelligence work) is a field where they have limited experience. Furthermore, the references in this document to the EU compel me to caution the tendency of a European bias in populating the organization. Such individuals will lack sufficient experience in Africa, Asia and the Americas. For some cooperation, especially in the diplomatic and legal sense, the organization should employ some Americans as well as British.
- International enforcement is heavily dependent on having state agencies that have legal powers to execute investigations and impose their findings. Member countries should

be required to have such an agency that the global governing body can work with to conduct investigations.

- The issue of jurisdiction could be very difficult to manage. One option would be to consider what is the simplest possible mandate and set of powers which would make a significant difference, rather than trying to work out what the sport sector ideally needs. To start with the organisation might offer services which sports bodies can pay for on demand, rather than being compulsory. There is currently an acknowledged need for a centralised, anonymous reporting system with investigative capacity. However, several of the larger sports bodies have already set up such systems, as have some national agencies, and would not want to use a centralised system.
- Cooperation with journalists can provide important information about the activities of sports organizations. Also, an official connection with the media institutions can bring the WACA's actions to the public's attention and at the same time can prevent activities that may be outside the legal framework.
- Cooperation with journalists can provide important information about the activities of sports organizations. Also, an official connection with the media institutions can bring the WACA's actions to the public's attention and at the same time can prevent activities that may be outside the legal framework.
- Proposed powers are overly ambitious and risk reducing support for common principles of strengthening of the sport environment.
- Of course, investigative powers are the absolutely crucial thing. But that will never be enforceable worldwide. My imagination is limited as to how, for example, Qatar, Russia, China and Saudi Arabia could be forced to cooperate with criminal investigators from other nations. One should not strive for anything utopian here, but for simple yet effective mechanisms and means. A crucial issue is the cooperation and exchange of information between investigative bodies of different countries. Practical example: In recent years, much has been reported about the criminal investigations against sports multinationals and top officials in the USA, Brazil, France and Japan - and, of course, about the alleged investigations in Switzerland (after all, Switzerland is quickly involved in almost every issue that is uncovered nationally and affects international sports federations). However, there has never been a truly lasting cooperation between investigators from the USA, Brazil, France, Japan, Switzerland and other nations. There have only been a few bilateral meetings and talks and, in two spectacular cases (the arrests of FIFA officials in Zurich in May and December 2015), successful requests for administrative assistance. To put it more positively: If mechanisms can be developed here at the international level that enable real lasting cooperation, a lot would be achieved. In the many years of criminal investigations in the aforementioned nations, numerous pieces of circumstantial evidence and documents were seized that could not even be used in the respective proceedings (the Americans, for example, only prosecuted football officials, but they seized a lot of material on numerous Olympic associations). This is where we have to start, and we may not even need international conventions for this.
- WACA shall support actions to establish legal precedents in order to promote the development of international law
- - asset recovery and redistribution of funds to victims (including "indirectly" affected grassroots/school sports, indigenous/underprivileged communities etc. suffering from corrupt officials diverting funds originally meant for physical education, school competitions, recreational spaces, public infrastructure etc.)
- "Enforcement powers, such as referring integrity breaches to disciplinary bodies of sports organisations" - this is a self-contradictory statement, as referring integrity breaches to disciplinary bodies of sports organisations often leads to non-enforcement.
- I am afraid that even an "independent" organization will eventually have a culture that adopts the culture found in organized sport. People don't go into sport admin in order to play the system, and most never do, but they are extremely complicit. There is a lot of criticism in Canada of the Office of the Sport Integrity Commissioner--too close to sport organizations, and criticism of those who are hired to be consultants. They've all been in sport for decades and they never seemed to notice the epidemic levels of abuse. How could they be so blind for so long, and now cash in on suddenly being experts?

This article from today is very telling: <https://www.cbc.ca/news/politics/kirsty-duncan-abuse-sport-trudeau-1.6727658>

- These powers should also be protected from any "abuse of power" from Entities that would misuse them for other interests.
- The most important element for me would be 1. independent and properly-resourced ex-officio investigative powers, and then 2. sanctioning powers (perhaps only in cases of failure to act by the relevant sports body/governmental authority).
- We would welcome stronger mandate for monitoring of national sports federations and other stakeholders.
- None
- All this must emerge from a Working Group, if not fully official, at least recognized by governments as a credible initiative. The current landscape is very articulated and populated by different actors and initiatives and duplications, overlapping and incoherence should be avoided.
- Enforcement capabilities would need to be part of the envisioned agreed controlling mechanism or otherwise enforceable national or international laws. Referral of a case to the relevant existing law enforcement mechanisms is not a power that should be limited to any organisation.
- Be aware that sports have existing integrity units / capabilities and that there is inherent risk of crossover and / or duplication of efforts. Do not try to supersede existing regulation of sports or this will fail. Work with sports to establish where the gaps are. Many smaller sports need support, whereas bigger ones may not.
- Investigation and enforcements are somewhat opposite tasks, but to exclude one of them would make this new Agency again toothless.
- I think that timing should be taken into consideration when discussion priorities. Over time, the importance of some capabilities may vary. For example, the set up of a whistleblower hotline may not be a top priority at the beginning of WACA as other capabilities should be implemented first, but in a second phase this may well become a priority.
- International sports federations support corruption in sports in Africa because of votes so they should not be part of the process that prosecute offenders
- The education and risk assessment should be the remit of national sporting bodies and/or international anti-corruption agencies (eg. International Tennis Integrity Agency / International Cricket Council Integrity etc).
- The most important thing would be to create a system that either allows WACA investigate and refer cases to relevant authorities itself or to cooperate so closely with them that efficiency can be guaranteed.
- Enforcement capabilities would need to be part of the envisioned agreed controlling mechanism or otherwise enforceable national or international laws or treaties. Referral of a case to the relevant existing law enforcement mechanisms is not a power that should be limited to any organisation.
- See previous
- Having Jurisdiction and Recognition of sanctions and remedies could take time but it is worth it.
- As Declan Hill said, this industry is drowning in nonsense - one of those is the vulture organisations and consultants making money on the backs of integrity. All investigative capacity should be internal so as to avoid such situations.

### **Question 5: Structure - foundation**

*It is suggested that WACA (like WADA) should be set up as an autonomous and self-governing foundation.*

*Do you see another option and why?*



## Comments:

- It would be interesting to explore the legal and regulatory framework of the World Trade Organisation, which is an international organisation that has some regulatory powers, even a tribunal that delivers binding decisions to countries. It is important that an agency such as WACA remains independent from the sports governing bodies, but equally from governments, many of which "state sponsor" corruption in sport.
- There could be several options for the structure and foundation of the World Anti-Corruption Agency (WACA). One option could be to establish WACA as a standalone agency or organization, with its own governance structure and funding mechanisms. This would allow WACA to have a high level of independence and flexibility in carrying out its mandate and could make it easier for the agency to adapt to changing circumstances or needs. Another option could be to establish WACA as a department or unit within an existing organization, such as the United Nations or a national government. This could provide WACA with a strong foundation and access to resources and expertise, but might also limit the agency's independence and flexibility. Another possibility could be to establish WACA as a consortium or network of organizations, with each member contributing resources and expertise to the agency's efforts. This could allow for a more collaborative and inclusive approach, but might also make it more difficult to coordinate and make decisions. Ultimately, the best structure for WACA will depend on the specific goals and needs of the agency, as well as the willingness and ability of relevant stakeholders to support its work.
- I agree
- Hybrid formation.
- This is the best option and should be located in a neutral jurisdiction
- No
- i don't
- totally agree and one further point, do NOT locate it in Switzerland or under Swiss law
- Establishing WACA as a Think tank could be an option, under the governance of some universities. This could give WACA the chance of being independent, have democratic structures, and avoiding 'self-governing' issues. WACA as a Think tank could be funded by public and private sponsors (fully disclaimed) and provide services to governments committed to finishing corruption in sports from the root. Bringing sponsorship from top sports-related brands could be a good idea, but avoid sponsorship from the sports betting industry.
- There is absolutely no other option!
- It is a possibility. I have no other suggestions.
- I think that WADA model should be a good experience to be followed.
- Yes, foundation structure with association. It is a typically Dutch structure. The structure is more democratic and transparent.
- Transparency and accountability are crucial in order for there to be confidence in the body charged with undertaking integrity investigations. The eternal "who watches the watchers?" conundrum.... There is an argument (that believe has merits) that says having a single agency charged with investigating corruption across governance, match-fixing, doping etc in ALL sports is cumbersome and unwieldy: it's too big and too much. Therefore, one idea would be for each sport to have its own INDEPENDENT integrity agency like the ITIA in tennis), with each agency having a global remit and responsibility for investigating and prosecuting match-fixing, doping, safeguarding and abuse cases, and each being OVERSEEN by the world sports integrity agency, which would also have the remit for investigating governance-level corruption within those sports.
- Tri-partite setup like the ILO: 1) national governments 2) SGBs 3) Player Unions and Athletes' Associations
- There should be a supervisory board of independent members that oversees the organisation. The issue with sport corruption is precisely that it lacks regulatory oversight. International sport federations are self governing. Creating a self governing body to oversee self governing bodies will just replicate the systemic design flaw at its core. The supervisory board should have representation from States, Athletes, ISFs, clubs, etc.

- It should not be a mere foundation like WADA. It should be as important as the UN, UNESCO, ILO, WHO.
- No
- It is the correct figure, because the foundation will not be linked to natural and legal persons. It also allows eliminating the bad practice of copying people, as happens in the IOC
- WADA to me is not autonomous in my view. WACA should be a creation of national governments. It should have its own mode of recruitment and secondment of staffers just like the "InterPol". But in this case, the body SHOULD only focus on sports-related crimes
- No
- No. It can not be effective if it is not independent. The challenge will be making it independent yet accountable.
- I agree. However I think it should be considered how to get especially the sports movement on board. One way could be to give them influence on the legislative framework since they clearly are one of the stakeholders. However it should be avoided from the beginning that they have any influences on the executive decisions. Lessons learned from WADA should be taken into account.
- independence, legal background for work and jurisdiction are crucial for effective operations
- No, independence is most important
- I agree. Should be autonomous and self governed
- I like the option of autonomous foundation is good.
- There needs to be oversight to avoid the problem of the current integrity companies who act as private police with no oversight. Oversight can come from an independent board made up of stakeholders + independent members (majority)
- No, no other options - this path seems wise and proper to me.
- I agree with it. Disagree with not possibility to hire people from sport federation - if they results, experience and best practices - there should be no reason to not hire them
- No, suggested way is the best one possible
- Each time you create a new organisation you create new fight for competencies. It should be a part of the report and analyse if the benefits of a net autonomous organisation justify to create new complexity.
- Complete independence is key
- It is not that I don't see another option, but a WACA type entity cannot be beholden to any nation, government, political system, religion, or financial support system. Anything but complete independence would be unacceptable and would create many of the same issues it would seek to prevent.
- WADA is not perfect. But I'm not sure if it is WADA itself or the policies it makes. But I think that model probably is the best model.
- Besides autonomous it should be independent
- no
- I think the other way. That, it is probably better, if WACA (or WASCA) is governed by a mixed of representatives from sport governing bodies and governments/ states' officials.
- I suggest that in addition to being a foundation, it can consolidate itself as a regulatory organization in the fields of corruption and integrity at an international level.
- Yes, very important
- No, it should be self-governing but with a collaboration than a confrontation model of governance.
- I do not consider another option
- Many governments will be reluctant to accept outside organizations to have a role in dealing with corruption that may affect their nationals.
- No
- In its initial phase, at least, I cannot see another option. The time required to establish this under UN auspices would simply take too much time and subject it to larger diplomatic fights.
- Unfortunately not

- The only issue with this that I can see is that the organization is dependent on nations to be participants. Without engagement from these member countries, it may become difficult to get buy-in from agencies that are not acting in good faith if the foundation is autonomous and self-governing. Countries want to have a say in how things are run if they are going to be held accountable by an organization for their actions.
- No
- I believe that WADA should be set up as an autonomous and self-governing foundation.
- I believe that WADA should be set up as an autonomous and self-governing foundation.
- NO
- An autonomous foundation would be logical pending the support for the concept.
- It is important to guarantee a high independence level
- WADA is not autonomous. Sport or the leading multifunctionalists of the Olympic system also dominate within WADA. We should all know and (unfortunately) recognise this - and draw decisive conclusions from it for the WACA idea. In this respect, it seems to me that this question is misleading or based on an incorrect premise. One of the initial questions asked about the structure. My answer is also at this point: sport must not play an institutionalised role in a WACA as it does in WADA. Sports multinationals have no place in WACA institutions.
- I think it is a good option, as long as there are formulas to guarantee its independence, such as external audits, the obligation of documentary transparency and everything that has to do with its members, or others, because seeing what has happened with organisations such as FIFA or in some cases of the Olympic Games, any precaution is too little.
- not at the moment
- not at the moment
- Totally autonomous
- WADA has failed. We need a new model.
- I agree
- This is a right approach.
- It should be AUTONOMOUS and DECENTRALIZED. Since it will be tackling issues from all over the world, all continents should be equally represented, so that implies that there should be clear guidelines for nominations or elections of individuals who will be in the agency's governance.
- It does not necessarily have to take a Foundation structure.
- Needs to be autonomous and independent to function correctly otherwise open to abuse
- We agree with autonomous and self-governing foundation.
- None
- The suggested option is justified.
- With the premise that mandate must be defined yet, for sure a self-governing body appears a relevant option, possibly preferable. But other options are viable, depending on the mission: multi stakeholder, intergovernmental, not governmental.
- an autonomous and self governing body appears beneficial.
- general assembly composed of athlete representatives, IFs, international organizations. Management composed of anti-corruption/ governance / sport experts.
- Could it be established as a quasi-governmental structure based on a treaty? Clear limitations for a non-governmental international structures
- No
- Could it be related to UN? To ensure political coverage.
- No
- Autonomy has it's setback as people's mindset and approach to operation can change. Some autonomous institutions are known to be corrupt i.e. FIFA and even WADA. To promote clean and transparent activities as well as decision making, WACA should be a non-self governing foundation. In tackling integrity and anti-corruption, transparency is very key.
- This would be my preferred option.
- No, independence is absolutely key!

- Self governing using experts in the field. I don't really see another option. The problem of sharing responsibility with other organizations is that the very operation or lack of "policing" integrity issues as well as real independence is part of the problem and contributes to prevalent COI that can arise.
- there could be crossovers between WADA and WACA, so to avoid bureaucratic duplication consideration of a merger might be useful. the base question will remain and that is one of governance
- No, it should be the autonomous and self-governing foundation.
- foundation should work
- No
- I totally agree
- agree should be autonomous and self governing
- I believe this would be the most appropriate option to minimise the potential for real or perceived bias
- Corruption as a phenomenon is more linked to national criminal and procedural legislation which can make similar kind of governing structure as is in place in WADA inefficient. WACA could benefit in more close relations with national authorities and more network-like model. That would also be more cost-efficient.
- If there is sufficient global support then a WADA like establishment is reasonable.
- I think it will be more effective an EU agency (see previous comments)
- Autonomous and self governing are grand words. But difficult to ensure. The agency will need funding. If it accepts funding from sport, can it be autonomous? From Governments? From sponsors? I don't have the answers, and I am sure that the 'heavyweights' involved in this debate have already considered this!
- It must be an autonomous and self-governing foundation. I do not see any other option because of a potential conflict of interest that could hurt the credibility of WACA. Without credibility, WACA would be another sport washing organisation.
- What about embedding WACA in a supranational government body such as the European Commission - Justice and Consumer Rights? With extraterritorial arms - e.g., in connection to European financial system, companies, etc.- analogous to the U.S. RICO act. Is Interpol a possibility?
- Based on legislative act, because WACA shouldn't be able to revise the rules concerning independence, term periods and other good governance issues regarding the organisation.
- Self-governing models lack accountability. This organization should be subject to review by independent external auditors, paid from a pool of funds that does not come from the organization's own budget. Such audits should be not only about the appropriate use of funds, but also about good governance practices and legal/ethical compliance.
- Anything that ensures it's legitimacy and mandate to act

### **Question 6: Structure – Board**

*WACA is envisioned as an agency with an administration carrying out the executive functions, overseen by a board of non-executive members. Sports organisations should not delegate more than a third of the members, and preferably delegate independent representatives (as could governments). We would like to discuss ideas for the board composition. How important are the following representatives in your view?*

- a) Representatives of governments (possibly independents, delegated by the governments)*
- b) Representatives of transnational organisations, such as UN, OECD, EU, Council of Europe*
- c) Representatives of international sports organisations (possibly independents, delegated by the organisations)*

- d) *Representatives of independent athletes organisations and unions*
- e) *Representatives of existing international sports integrity organisations such as IBIA, WADA*
- f) *Representatives of law enforcement agencies such as Interpol/Europol*
- g) *Representatives of civil society such as Transparency International, HRW, AI*
- h) *Representatives of sponsors and media (rights holders)*
- i) *Other important representatives?*

**Comments to answer i) ‘Other important representatives’:**

- One area that I feel is missing is legal/justice experts. There is mention to law enforcement, as in mostly investigation and police, but given the nature of the agency and the possible lead to prosecution, representatives or experts of prosecution and law/justice need to be part of the board.
- Women's sports organizations: Representation from women's sports organizations could ensure that the agency is able to effectively address the unique challenges and opportunities facing women in sports and promote gender equality in the industry. Disability sports organizations: Representation from disability sports organizations could ensure that the agency is able to effectively address the unique challenges and opportunities facing athletes with disabilities and promote inclusivity in the industry. Youth sports organizations: Representation from youth sports organizations could ensure that the agency is able to effectively address the unique challenges and opportunities facing young athletes and promote the development of a culture of integrity in sports at an early age. Olympic and Paralympic committees: Representation from Olympic and Paralympic committees could ensure that the agency is able to effectively address the unique challenges and opportunities facing elite athletes and promote the integrity of high-level international sports competitions. International sports event organizers: Representation from international sports event organizers, such as the organizers of the World Cup or the Olympics, could provide valuable insights on the unique challenges and opportunities facing these events and help to ensure that the agency is able to effectively support them in promoting integrity. Athletes' commissions: Representatives of athletes' commissions, which are groups of athletes that advocate for the rights and interests of athletes within their respective sports, could provide valuable perspectives on the experiences and concerns of athletes and help to ensure that the agency is able to effectively address the needs of this group. Academic and research institutions: Representatives of academic and research institutions could provide valuable insights on the latest research and thinking on issues related to corruption and integrity in sports and help to ensure that the agency is informed by the latest evidence and best practices. Businesses: Representatives of businesses that are involved in the sports industry, such as sporting goods manufacturers or event organizers, could provide valuable insights on the unique challenges and opportunities facing these businesses and help to ensure that the agency is able to effectively support them in promoting integrity.
- Experts in Sport Integrity issues, such as professors, researchers
- Financial intelligence units - Intelligence services as they would help in tackling organized crime and help with intelligence.
- See earlier comment on involvement of involvement of sports integrity services. Also, would involvement of supporter bodies at some level help with the provision of information? Some very valuable work has been done in exposing unsuitable clubs owners and sponsors by fans. Invariably, this is ignored by sports authorities until it becomes a problem, which is another existing problem with sports integrity. A WACA should allow

for some involvement for supporter information to prevent a repeat. Also, the Council of Europe is doing very good work in this area and should be involved

- this covers it
- Universities, independent experts, preferably scholars. Journalists or an association of them.
- Really independent experts (individuals, not related to any organisation) from the areas of law enforcement/anti-corruption/human rights/sports.
- No one.
- Independent Agents.
- Independents and direct senior agency employee.
- Sponsor groups should be represented because sport corruption is deeply rooted in the amount of cash that comes in to sport through sponsorship deals. This includes sport manufacturers, car makers, and other major sport sponsorship contributors. Unless and until sponsors stop leveraging on the vulnerability of corrupt or corruptible sport officials to achieve commercial gains, there will be big corruption in sport. Other groups including City Mayors or bodies representing Host Cities / institutions. Another major source of corruption in sport is around the hosting of international events. As long as host institutions are willing to buy votes and sport officials are in the business of selling their votes, there will be corruption related to where major sport events take place.
- Whistleblowers who have successfully fought their fight for sport integrity. Their experience and wisdom will be invaluable. Survivors of abuse in sport who are willing to speak up and stand up for others in similar situations.
- National platforms against sports manipulation coordinators
- Representatives of academic organizations of sport sciences. Representatives of sports coaching organizations. Representatives of sports lawyer organizations.
- Sports officials should be less relevant in the formation of the body
- Former athletes Representatives of athletes affected in the past by corruption.
- Academics
- Academics should be included, insofar as critical scholarship helps to maintain context, nuance, an independence
- Referees representative. Current and former athletes also as ambassadors.
- Representatives of the national sports integrity bodies; Experts on ethical issues; Investigative journalists
- Academia with expertise in sports governance/integrity
- Athletes Union representatives (for US and Australia), which have strong labor experience.
- Sports Ministers and sport lawmakers from countries as much as possible.
- Media especially journalist with solid track record of exposing corruption in sports
- Disenfranchised groups, victims and survivors of corruption selected from various regions
- Representatives of some anticorruption agencies were not specifically mentioned but maybe they were implied with the mention of Transparency International. I would recommend including some organizations that focus on compliance - for example financial and pharmaceutical.
- Governments and sporting organizations require representatives in order for any judgments to be accepted by these groups. Failure to address these groups will leave to organization toothless when they are required to make a finding or judgment. With this in mind, Law enforcement and player engagement is also important as these groups are the source of information that make detailed findings possible.
- I think that the board composition as discussed above will be complete.
- I think that a permanent representative of the Council of Justice and Internal Affairs can be very useful in terms of the fight against organized crime, in the context of judicial cooperation in the European Union.
- representatives of academic bodies
- The listing is insufficient and not well enough thought out! I basically have problems with the listing on this question. And I also do not see 1/3 mandates for sport in a WACA. I already tried to make that clear in the previous question. Institutionalised sport and its

powerful multi-officials (this is where the lack of transparency, the abuse of power etc. starts) has no place in the WACA.

- actors that are not part of organised sport and sport federations, do not have a lobby, are overlooked etc. - grassroots athletes - school/university sport (teachers) - health experts (e.g. to analyse harm done by sport) - indigenous communities - environmental/social activists (opposing sport events, construction of sport venues etc.) ... among others ...
- - grassroots/leisure sport representatives (incl. youth) - cultural minorities and indigenous communities - environmental/social activists opposing (major) sport events, construction of venues, wasting public funds etc.
- - women's associations - associations that protect human rights NGOs
- Coaches and referees along with athletes
- N/A
- With mandate undefined yet, for the moment no comments are possible.
- fan/supporters organisations
- Professors in ethics, political science and integrity
- Youth sports groups.
- Academics in ethics; specifically trained independent actors in specialized areas. A broad pool like sport resolution.
- Credible journalists
- major professional sports leagues should be represented as well
- .
- The most important, for me, is involvement of the athlete unions and human rights organisations. Another thorny issue to be considered is gender equality in sport. How will the new agency engage with that particular issue?
- Athlete support personnel (trainer, medical staff, etc.)
- Anyone that avoids inherent conflicts of interest or organisational obstruction

#### **Overall comments to the question on structure/board:**

- The structure of the board, as explained in the report looks more like a "representative board" rather than a skills-based board. Given the nature and role of this agency, I feel the board needs to be far less representative of stakeholders and more independent and skills-based. Look at the composition of the board of regulators such as national energy regulators, for example. Another interesting example is the board of UK Anti-doping, which to me is a great mix of expertise, skills and some sports knowledge. The roles of the board members should not be designed by who they represent, but by the skills they bring and the organisational needs of WACA. If a representative board is politically unavoidable (e.g. to engage stakeholders), then the figure of independent directors, with a clear number of those, needs to be considered. It is normally not a good idea to fudge this saying that stakeholders could/will nominate independent members; because many will not.
- Overall, I believe that it is important for the board of the World Anti-Corruption Agency (WACA) to be diverse and representative of the different stakeholders in the sports world. I believe that it is particularly important for the board to include representatives of governments, transnational organizations, international sports organizations, independent athletes organizations and unions, and existing international sports integrity organizations. These groups can provide valuable insights and expertise on issues related to corruption and integrity in sports and help to ensure that the agency is able to effectively carry out its mandate. I also think that it is important for the board to include representatives of law enforcement agencies, civil society organizations, sponsors and media, and professional sports leagues and teams. These groups can provide valuable perspectives on the role that they play in promoting integrity in sports and help to ensure that the agency is able to effectively engage with and support these stakeholders. Finally, I believe that it is important for the board to include representation from a wide range of other stakeholders, including women's sports organizations, disability sports organizations, youth sports organizations, Olympic and Paralympic committees, and

international sports event organizers. This can help to ensure that the agency is able to effectively address the unique challenges and opportunities facing these groups and promote a culture of integrity in sports more broadly.

- The future body should incorporate WADA's competencies gradually.
- On the third point I selected less important as to the nature of conflicts of interest that will arise.
- No one source of personnel to the board should have a majority
- There has to be a clear cut between board members with and without executive powers.
- It will be important to set up the funding of the agency and, accordingly, to appoint the members of the board. Of course, it is important to have all members of the organization represented, who are affected by the solution of negative phenomena in sport.
- I found it structured well.
- Independents must dominate the board. Whilst having the representatives at Board level from sport and elsewhere is important in the interests of cooperation, it is vital for the Board to be dominated by independents and direct senior agency employees whose loyalties lie squarely with the code and objectives of the agency rather than a different organisation. Otherwise the Board risks having no integrity itself. Sponsors, rights holders, betting industry reps etc should absolutely not be allowed onto the Board.
- Veto power in decision-making should be given to every group of representatives to ensure consensual and truly tripartite governance
- The structure has, somewhat, to be decoupled from donors structure so that it is representative of society as a whole. At the same time, this should not become a "self licking ice cream", where funding sink holes like some NGOs and other advocacy groups, which are mostly in the business of justifying their own existence rather than doing anything practical.
- I am wary of including national government representatives. In my experience, they are corrupt and are the enablers of corrupt national sport federations. The composition of the WIACA board should be transnational, supranational, international.
- What was stated in the survey seems correct and pertinent to me.
- I believe the board should give policy direction to the body, budget approval etc, while the head of the administration see to the day-to-day running of the agency
- As mentioned previously it will be important to learn from WADA and separate the stakeholders from any executive body from the beginning.
- Those who cede a part of their sovereignty should get the most representative power
- None
- External members very important but also need stakeholders
- Representatives of existing international sports integrity organizations such as IBIA, WADA. -Very important but of course its have to be the appropriate organization.
- It should be not too wide to avoid conflict of interests and leak of information
- The selection of members should not be subject to political constraints. Experience, integrity and, above all, independent competence are important. Diversity is a prerequisite.
- Certain percentage should be athletes or retired athletes. There should be some academics/scholars who study governance and are NOT connected to particular sports organizations financially (either as a consultant or employee).
- I won't add any comment.
- It's important to have people with strong pedigree in sports who not in government or federation but independent sports buffs with strong anti corruption pedigree
- The Board should have 10 members for genuine diversity and must have the ability and willingness to serve with accountability, professionalism, equity and commitment..
- I believe that the success of the agency could be in taking into account actors that are not linked to any international or national sports organization, that the representative number of each estate is balanced. If this is not taken into account, the door will continue to open so that the real exercise of the agency is dominated and when it comes to making decisions, the conflict of interest will continue to exist.



- Law Enforcement will come as investigations arise and are successful. There is no need for formal participation. Similarly, the press will come as viable stories or leads emerge. Again, I see a lot of European focus and little mention of non-EU organizations. I think this organization will need folks from Britain, the US, Indonesia and Peru, at a minimum, to be successful.
- The organization should have an independent executive with representatives from governmental and international sporting agencies. The Executive should be responsible for conducting the day-to-day operations of the organization, with the responsibility to present findings, recommendations and sanctions to their member agencies in a structured format that includes a consultation and appeals process. Any organizational changes or updates should be dealt with at the AGM where all member agencies would be provided with voting rights - similar to many current international organizations.
- An initial committee will need to be established but after that open recruitment to the board would be preferable to organisations nominating "their" representatives. Rules should ensure gender balance and diverse, global representation, including athletes. However, it is also important to keep the board manageable in size.
- From my point of view, a transnational structure with representatives of the main factors of the sports phenomenon, together with those of civil society and European institutions, is primarily desirable for the WACA.
- From my point of view, a transnational structure with representatives of the main stakeholders of the sports phenomenon, together with those of civil society and European institutions, is primarily desirable for the WACA.
- I repeat: The listing is insufficient and not well enough thought out! I basically have problems with the listing on this question. And I also do not see 1/3 mandates for sport in a WACA. I already tried to make that clear in the previous question. Institutionalised sport and its powerful multi-officials (this is where the lack of transparency, the abuse of power etc. starts) has no place in the WACA. Comments on this: Of course, governments and transnational organisations will have important functions and majorities on the Board, no question. Here it must be a matter of appointing the real experts, i.e. seats for those institutions that are actually committed to fighting corruption and crime - i.e. only to the relevant working groups and institutions in the UN, OECD, EU, COE and others. Sports organisations themselves may have observer status at most. It is very fashionable to promote "independent athletes' organisations" and "athletes' unions" and to think they are great. But these organisations are also only allowed to have observer status here. Nothing more. Of course, one can and should fall back on the expertise and the forces of the few existing so-called "sports integrity organisations". However, these institutions are partly or even completely financed by the sport. So caution must be exercised here. Of course, Interpol/Europol representatives belong on such a board. However, on the way there, one must openly and critically discuss the dubious role of Interpol/Europol in the past decades. It is not only about the dubious activities and careers of former employees/agents of Interpol and Europol, it is also about the institutions themselves and their manifold questionable cooperations with sports corporations such as FIFA or the IOC. This must be cleared up on the way to the WACA! Per se, these NGOs should not be given a place. Here too, especially at TI, there has been too much cronyism with the sports multinationals in the past and also in the present. Whoever would continue this in a WACA process would be making huge mistakes. Similar to so-called sports unions (which are rarely unions, but which are always and exclusively lobby associations), caution must be exercised with NGOs. While I say with the athletes' unions for many clear reasons: only observer status, some of the NGOs (especially HRW for decades) have done important and outstanding work over a long period of time - enlightening work. That alone must be the yardstick. TI, for example, has not done any research of its own, never, that is not the approach of TI at all, there problems are to be solved in dialogue - and exactly that cannot be the approach of WACA. In this respect (this is of course very abbreviated), an important role for TI in the WACA network is ruled out. One also has to be careful with sponsors and media. Unfortunately, this list also has major weaknesses here. Let's start with "the media". These are divided into the dominant part of "the media", which are partners and financiers of the sports system under investigation, and the tiny part of "the media", which do investigative

work. The approach here can only be: The few investigators in "the media" must be given a place in the WACA structure, without which hardly any of the spectacular corruption cases would have been possible. But "the media", the media groups that act as financiers of the system and promoters of the system have no place in a WACA. They can only have an observer status, they are closer to the perpetrators than to the investigators! One should try to oblige them on a political level to automatically transfer a percentage of their expenses for TV rights to finance WACA measures. Something similar should be tried with the other financiers of the sport system, the sponsors. (This too, however, goes in the direction of utopia, has also been discussed and attempted in the area of WADA and with the national agencies for decades - with minimal ridiculous success. Unfortunately).

- # consider equal opportunities aspects (among others) - gender - age (youth representatives) - cultural/regional representation - different professions (not only lawyers!) # restriction of term limits # independence
- consider diverse backgrounds/views, e.g. regarding - gender - age - region - profession (not only lawyers!) - organised/unorganised sport
- - Gender parity - Greater representation of vulnerable groups
- Don't like the idea of sponsors and media on any board. Can't imagine IF's would bring more transparency and integrity.
- It seems from the way that the questions of this survey are structured (e.g. "WACA is envisioned as an agency" ... "Sports organizations should not delegate more than a third of the members" etc etc) that you already have decided (partially or fully) the answers to many of the questions.
- The problem with having representatives of sports organisations is there is an inherent conflict of interest in their involvement. Same with government. Get that you need buy-in, but that does not need to be at board level but could be in committees that feed into the Board. Otherwise vested interests and conflicts of interest will take over
- Having sport org representatives just furthers an existing model that has shown the world to not work. A new model is needed and please include independent athletes/ reps (ideally directly elected) in the governance, at least a third if possible. I'm happy to be in touch to brainstorm on ways to gather votes and/or the selection processes for these seats.
- With mandate undefined yet, for the moment no comments are possible.
- limiting impacted parties input is envisioned by the report authors as an attractive feature but will require strong arguments as involving impacted parties is a key consideration in most regulatory scenarios.
- It should really be at a distance, as a Supervisory Board.
- Integrity units such as the IBIA should not be considered the same as WADA due to its commercial interests from its members.
- attaining independence must be the goal "representatives" itself indicates a lack of independence as one is "representing", and that can mean stating the view of an organisation ?
- Two terms maximum for each member
- Limiting impacted parties input is envisioned by the report authors as an attractive feature but will require strong arguments as involving impacted parties is a key consideration in most regulatory reform scenarios.
- I replied don't know for two reasons. I think the members of the organisation should be independent (and not representative) even if selected by a board composed of representatives of all organisations you mentioned. But as an EU agency they should simply be selected (as independent) from the EU, albeit have a consultative body composed of representatives of all those organisations
- How will the Agency respond when potentially compromised existing agencies (SIGA, SportRadar) want to get involved? They will...
- No commercial sponsors.
- Avoid the self-regeneration model, whereby the existing Board members recruit and decide who the next Board members will be.
- A full-fledged separation of powers between executive and oversight/supervisory functions is key Clearly defined term limits, gender and geographical balance,

- representation of diverse levels of expertise/skills, as well as open and fair (democratic) election principles are essential
- True independence and without conflicts of interest

### Question 7: Structure operational - units

*With respect to the broad range of sports integrity issues, the WACA would need a number of special units.*

*How important do you consider the following units?*

- Whistleblower and Source Hotline Unit (perhaps a liaison to an independently administered hotline / helpline) to undertake an initial risk assessment*
- Intelligence and Investigations Unit (liaison working closely with international and national law enforcement agencies, with the mandate as a receiver and provider of personal information, to law enforcement in criminal matters, and to sports organisations for code of conduct issues)*
- Special Unit Member Protection (including and prioritising Safe Sport) / Athletes Rights, including guiding for/access to legal aid and remedy*
- Special Unit Matchfixing/Sports Betting*
- Special Unit Monitoring and Code Compliance*
- Other important units?*

### Comments to answer f) 'Other important units':

- Minor athletes protection. Governance compliance unit.
- I agree that the World Anti-Corruption Agency (WACA) will likely need to establish a number of special units to address the wide range of sports integrity issues that it will need to address. Some potential areas where special units may be needed include: Investigation and enforcement: A unit dedicated to investigation and enforcement could be responsible for conducting investigations into allegations of corruption and integrity breaches, collecting and analyzing evidence, and referring cases to disciplinary bodies or law enforcement agencies as appropriate. Whistleblower protection: A unit dedicated to whistleblower protection could be responsible for operating a confidential hotline or platform for individuals to report allegations of corruption and integrity breaches, as well as providing source protection and support to whistleblowers. Education and outreach: A unit dedicated to education and outreach could be responsible for developing and delivering training programs for athletes, coaches, administrators, and other stakeholders on issues related to corruption and integrity in sports. This unit could also be responsible for developing and disseminating educational materials and resources on these topics. Risk assessment and management: A unit dedicated to risk assessment and management could be responsible for analyzing the risks and threats to integrity in different sports and developing strategies to mitigate these risks. This unit could also be responsible for assessing the capacity of sports organizations to manage these risks and providing support as needed. International coordination: A unit dedicated to international coordination could be responsible for working with other organizations and agencies around the world to coordinate efforts to combat corruption and promote integrity in sports. This unit could also be responsible for facilitating the exchange of information and best practices on these topics.
- On Doping. On violence.

- Establishment of a fit and proper person test for club owners and provision for Investigation of club owners where deemed necessary
- Child safeguarding Other financial and transnational economic crimes in sport
- Prevention Unit
- No one.
- Doping investigations
- A very solid and experienced legal team No point in running investigations if they don't translate into receivable evidence that can secure conviction in court.
- A unit that will handle asylum for whistleblowers. In my case, I am vulnerable. I have no power, position, or money to protect myself in my country, as I speak up to remove a three-decade abusive bogus national sport federation president, who faked all his general elections and is coddled by the current international sport federation president because of the votes he brings from Asia and because he holds male sport leaders by their throats as he employs prostitutes to hold them captive to what he wants.
- I have no recommendations.
- Legal Unit for prosecution Publicity/ Media Unit Research/ Education Unit
- A unit to work with good governance within sports (anti-corruption) would be relevant.
- Gender unit
- Human Rights
- International relationship and cooperation unit - cooperation between international stakeholders, international project like Erasmus+ and cooperation with universities also in research
- Analysing of structures and organisation in order to be able to see the failure in the structures and organisations.
- I may be getting ahead of myself without yet seeing the rest of the survey, but I believe CAS should be abolished and it's functions be made more independent and integrated in to the new WACA type agency.
- Sexual abuse by coaches and other athletes and sports officials -- I'm surprise that this has not been mentioned very much. It should be a major component of the organization.
- Anti-Harassment Unit with powers to enforce and punish perpetrators.
- I don't have any comment
- Strong media network across the world
- Establishing anti-retaliation policies
- I believe that some corporate or organizational social responsibility could be taken into account
- Intelligence research capability
- Policy Coordination: There will be significant overlap, at times, between this organization's mission with that of WADA or Casino/Gaming Regulators. The agency will need folks to coordinate information-sharing, coordination (to include deconfliction) and other support. Cyber Unit: This agency will be challenging powerful, vested interests, too include state actors. The cyber threat will be comprehensive and a cyber risk professional requires formal policy, some tools and discipline.
- An unit designed to provide permanent protection capable of immediate action in the event of need where WACA staff carry out their specific activities and also capable of providing event specific directions. The case of the Sport Integrity Australia is relevant and I think that a special unit with such powers can be useful for the WACA.
- I don't like this listing either. Similar to what happened before with the so-called sportsmen's unions, the buzzword "safe sport" is now being introduced here. But this cannot be the core task of a WACA. I also don't think that "athletes' rights" belong to the core tasks of WACA. That's what real and so-called athletes' unions are for. In the area of match-fixing and sports betting it is also difficult. WACA cannot and should not focus on this area. There are already agencies and companies in this field, and this area is comparatively well covered in national and international law - I say "comparatively well" in comparison to the many other issues of corruption and crime, which are almost not covered at all and on which WACA should focus.

- strong information and PR unit (to counter the prevailing narratives/propaganda of an apolitical/innocent/positive etc. sport system)
- - Special unit against situations of sexual harassment - Special unit against situations of discrimination based on race, gender, sexual orientation,
- Education - Awareness
- Education and Research Proactive Evaluation Unit
- Sanctioning entity or function court to adjudicate on the investigations (could be only in cases where sport/governments have failed to do do).
- Unit for support of national and international sports federations
- Defining Mandate is the first step to be taken.
- Safeguarding
- Gender inclusion Harassment / Abuse
- Legal unit
- Athlete abuse, gender equality, money laundering. There needs to be a push on betting's involvement with sport. Does betting sponsor sport or own it?
- Education and prevention unit.
- Prevention and Education Unit Coordination Unit (vertically: between national and transnational/supranational levels; horizontally: between governments, sports, and athletes, inter alia.)
- I&I with powers is essential. - International affairs -Research and Development - Centres of Excellence

#### **Overall comments to the question on structure / operational:**

- I acknowledge the importance of match fixing, but I doubt an agency like this will really be effective on that domain. I have doubts about whether it should be part of its remit, other than in terms of educating. Thus, I am not sure a match fixing unit is really necessary, as I feel an agency like this needs to be deeper, rather than wider.
- Some existing bodies such as FIFPRO have player hotlines for integrity issues and a WACA should not do anything to weaken these existing arrangements
- N.B. do not let lawyers dominate the staffing of any potential WACA. Moreover, do not let ex-police dominate the intelligence unit. In Australia, ex police dominate Sport Integrity Australia to its detriment as they tend to take a very negative and adversarial view of those under investigation.
- I find the five units proposed to be equally very important.
- A team dedicated to athletes transfers. In some countries it's better to be a racing horse than an athlete.
- Remember, not all whistleblowers are direct victims. There are those like me who sincerely care for their countrymen and are fighting to set them free from oppressive and abusive national sport leaders.
- What was stated in the survey seems correct and pertinent to me.
- The structures and operational units shall also have their mandate spelt out for effectiveness in work
- The area to cover is very broad and requires a lot of different skills and competencies. It is difficult already now to set up an operational structure without knowing on which legal basis they are operating. (charter/convention/code). Flexibility and agility would be a keyword here in my opinion.
- None
- Avoid an enforcement model
- The possibility of the units to be established also depends on funding and available budget. A successive build-up appears to make sense.
- These units are all well thought out and imperative in the overall structure.
- Here are my reasons for some skepticism. Investigations are expensive. Trying to monitor betting compliance is very difficult and takes a great level of sophistication (to be fair, some of the major betting companies have such units). And, one does not want to duplicate Interpol or the FBI, but work with them.
- I don't have any comment

- The organization's commitment to reporting should be publicized and if need be, a special App should be developed for everyone to access where/whenever they have issues.
- Taking into account the investigations that have been carried out on governance and legitimacy in organizational sport. Universal principles of governance should be considered and worked on. This would cover what has not yet been addressed, such as transparency in annual reports, international financial standards, among other aspects.
- I see hotlines mentioned so I want to mention an idea I presented to WADA - QR codes. Various Anti-Human-Trafficking agencies have used this well and I am happy to discuss it further. The Protection Unit will have some significant limits - it will be able to provide guidance, advice and possibly monetary assistance but challenged to provide extensive physical protection or legal support. I think that this unit will be coordinating activities of volunteers or other existing organizations (legal defense funds for example).
- As mentioned in another response above, the issue of jurisdiction could be very difficult to manage. One option would be to consider what is the simplest possible mandate and set of powers which would make a significant difference, rather than trying to work out what the sport sector ideally needs. To start with the organisation might offer services which sports bodies can pay for on demand, rather than being compulsory. There is currently an acknowledged need for a centralised, anonymous reporting system with investigative capacity. However, several of the larger sports bodies have already set up such systems, as have some national agencies.
- I don't like this listing either. Similar to what happened before with the so-called sportsmen's unions, the buzzword "safe sport" is now being introduced here. But this cannot be the core task of a WACA. I also don't think that "athletes' rights" belong to the core tasks of WACA. That's what real and so-called athletes' unions are for. In the area of match-fixing and sports betting it is also difficult. WACA cannot and should not focus on this area. There are already agencies and companies in this field, and this area is comparatively well covered in national and international law - I say "comparatively well" in comparison to the many other issues of corruption and crime, which are almost not covered at all and on which WACA should focus.
- regional offices could focus on specific issues (e.g. betting/matchfixing unit based in Asia)
- There should be pro-active approach towards some issues, not only reactive.
- Safe Sport matters require very specific skills and expertise (compared to anti-corruption, match-fixing, etc). Therefore, the question is whether this would already be dealt with by another entity e.g. the international Safe Sport Entity that FIFA and other sport organisations are already in the process of creating (see Ingrid Beutler for more info).
- Think you need to be very careful with remit - too broad = too expensive = problematic
- Defining Mandate is the first step to be taken.
- Negotiation of responsibilities with existing stakeholders will be important to obtain support.
- I suggest to prioritise the set up of common rules and guidelines and monitor the implementation within countries and sports organisations. conducting own investigations should be second priority.
- I wonder if SafeSport should be separate from broader corruption/integrity concerns. Including SafeSport (which is a huge issue all its own) under the same umbrella as corruption seems like creating an organization that is everything to everyone, and risks being nothing to nobody.
- Negotiation of responsibilities with existing stakeholders will be important step to obtain support.
- Should there be a special unit on criminality in football? The money involved and the level of criminal involvement in football might require its own special team...
- How was FIFA ranked #1 or #2 on "best governance" of all IFs just before Blatters Scandal? Learn from those silly methodologies for the monitoring unit
- Avoid making it too Euro-centric.
- Athletes should at least represent one third in main decision-making bodies
- Commercial separate from investigation/enforcement

## Question 8: Funding

*We are eager to hear ideas that go beyond the obvious split between sports and (possibly) governments, possibly in the comment section. But for now, we would like to get an idea of who should bear the greater share.*

*How important are the following payers with regard to WACA?*

- a) *Sports organisations*
- b) *Governments*
- c) *Betting companies*
- d) *Sponsors and media rights holders*
- e) *Other important payers?*

### **Comments to answer e) 'Other important payers':**

- Private event organisers, specially nowadays that their importance is growing. Circuit/league organisers. Private equity investors that bid to invest in sport clubs/franchises/events, should be levied.
- There are several potential options for funding the World Anti-Corruption Agency (WACA). Some possible options include: Government funding: Governments could provide financial support to the agency, either through direct funding or through contributions from national sports federations or other sports organizations. Private sector funding: Private sector organizations, such as sponsors or media companies, could provide financial support to the agency in exchange for the opportunity to promote their brands or products. Sports organizations: Sports organizations, including national sports federations and international sports federations, could contribute funding to the agency as a way to demonstrate their commitment to promoting integrity in sports. Donations: The agency could solicit donations from individuals, foundations, or other organizations that are committed to supporting its mission. User fees: The agency could charge user fees for certain services, such as training programs or risk assessments, as a way to generate additional revenue. It is important to consider the pros and cons of each of these funding options and to develop a balanced and sustainable funding model that takes into account the needs and resources of the agency.
- FATF, GRECO.
- Civil society groups Council of Europe
- Athletes
- UN, OECD, Olympic, and FIFA host countries/cities
- No one.
- Possibly look at EU institutions etc, but I think sports (firstly) and governments (secondly) should be the main focus.
- Sponsors stand to lose much in their brand image if the sport actors or teams they support turn out to be corrupt or abusive. On the other hand, they stand to gain much if consumers can associate them with sport integrity.
- I have no recommendations.
- International donors and agencies interested in relevant topics like human trafficking, human rights, child labor, gender protection etc International bodies like the UN, EU, AU, and their relevant agencies
- Athletes bodies and representatives Fans bodies and representatives
- - As previously mentioned, strict and substantial fines, penalties and financial sanctions of individuals, organizations, and companies. - Public and transparent donations (tax deductible)

- Individuals/Foundations/Charities -- Something like the Ford Foundation. Believe it or not, even GoFundMe. The non-profit sector is an important source
- Supporters Groups or Trusts and commercial brands who market themselves through sport
- LGBT and religious organizations
- Sport investigation experts. Where are you staffing from?
- Child Welfare Organizations Anti-Corruption Organizations
- Many governments and sports agencies assign limited funds to this sort of work but they are essential to making the organization a success. They should be required to fund the organization as an indication that they take the organization seriously and are committed to making it count. Media and Betting organizations are significant contributors also, but relying on funds from these groups may lead to the independence of the organization being called into question.
- European Union. The Union can provide financial resources through existing programs or through a newly created extension of them. A starting option that can be taken into account is the Justice Program (JUST). Even if at this moment the program does not seem to be available, as it appears from the European Union website, I think that a proposal regarding the creation of a permanent extension of it for the benefit of the WACA, can be a useful idea.
- Owners of major sporting events???
- It might be betting sports organisations etc could be a part of paying, but they should have no influence
- - broadcasters, media companies etc. - social media platforms, publishers etc. - (players') agents, consultants, promoters etc. - club owners, investment companies etc. - sporting goods manufacturers - sports facility constructors/managers etc. - fans/consumers
- Sports stakeholders i.e. clubs, leagues, players/athletes, fans, and so on. They often have their own representative organisations for their own specific interests, as they do not feel represented by the sports federations. Transnational entities already dealing with sport corruption issues (e.g. Council of Europe, UNODC, Interpol/Europol, OECD, etc.)
- Mandate must be defined previously.
- The public fund all these proposed payers by their consumption of the sport or contribution to the national treasuries they are subject to.
- Government and organizations like UN, EU and others
- The public fund all these proposed payers by their consumption of the sport or contribution to the national treasuries they are subject to.
- Human rights organisations; player unions
- Athletes Consumers / Spectators (Fan groups)

### **Overall comments to the question on funding**

- No sure about betting actors. Maybe they still using that for sport washing
- Involving betting companies is one one level absolutely correct as they are making money from sport, but involving betting companies would then allow them some input over the formation of WACA, which would invariably hinder this development through filibustering, etc. Also, given the fractured nature of global betting legislation and that the bulk of betting on fixed matches (and associated money laundering) takes place on grey/Asian/unregulated markets giving unnecessary prominence to regulated betting companies could prove to be a mistake
- Avoid betting companies, tobacco, and e-sports corporations at a first glance. But there should be a clear policy and rationale for funding.
- Funding should not carry any rights to interfere with managing/functioning of WACA, therefore, governments and sports organisations (who will try to "earn" that influence through funding) should not be the primary funders. Betting companies and sponsorship are: 1. less inclined to attempts to influence the WACA 2. a bit easier to control when it comes to limiting their influence on functioning of WACA



- In my opinion, the main donors should be sports organizations, governments and betting companies. Funding from sponsors should be open. It is not easy to get funding from sponsors, but it is very important from the point of view of the attitude towards the integrity of the sport.
- Betting Companies and Sponsors and media rights holders in my opinion are somehow subject of conflict of interest
- I would say there is absolutely no way that the betting industry or any sponsors should be feeding money into this. An "independent" sports integrity agency funded by the betting industry would lose all credibility before it even began working. I would also say that a successful agency that works with law enforcement to go after the actual criminal match-fixers and corrupters and seeks to recover the financial proceeds of their crimes (which of course is only applicable in countries where it is a criminal offence) should have those recovered proceeds fed into the funding of that agency.
- A risk assessment into sports betting should clarify the influence of betting companies. If betting companies profit from match fixing and other integrity breaches, they should pay a significant share of the organisation's funds.
- Those who benefit the most should pay the most. Commercial sponsors and Broadcasters is where the money is. Some international sport federations already dedicate resources to fighting corruption. How is this going to be taken into consideration?
- WIACA needs funding from transnational organizations who are stakeholders in the nations' rule of law and peace.
- Right to bet contract. % of all bets in the World
- Those described in the survey seem correct and pertinent to me.
- WACA should be insulated from funding corruption. Institutional funding by governments and sponsors should be desired. For example, a certain percentage of all sponsorship deals should be given to the body for its work
- I think an open approach to voluntary contributions should apply. I don't think it is excluded that private companies or foundations could contribute from a charity point of view.
- Betting companies and other sportsponsor companies can have interests in some case which are incompatible with their funding. Independency is key
- I think there is need to minimize the influence of actors who are interests in how this new body operates in terms of protecting their turf. Sporting organisations have a long history of suppressing scandals and stories that they deem to be problematic and often at the expense of victims. Governments are by and large also problematic in terms of transparency. It is therefore imperative to have athletes, fans and direct survivors of corruption in sport to take the lead.
- Need to avoid influence through funding. Governments + sports bodies need to pay
- Agree with strong involvement of betting companies and their fixed contribution or percentage from profit
- Those who benefit from sports must ensure the financing of such an institution. This raises the question of the extent to which highly paid athletes should also contribute. Unfortunately, when WADA was founded, it already became apparent that there was little interest in financial participation on the part of sports sponsors and sports organizations.
- I'm leery about getting sports Federations to fund -- given the history of many, I'm not sure if they would act in good faith. Same with sponsors. What would they want in return?
- It is probably better if the board of the agency also includes a representative from sport fans.
- The IOC should contribute and be responsible for the operation of WACA as a response to social responsibility with the sports sector
- Funding should sources from EU, UN, and foundations that sports good cause around the world
- Funding needs to be mobilized in all corners possible to sustain activities
- Demanding funds from sponsors could cause interest in the sports sector to be lost and sports financing to be affected. Even so, their participation in the agency should be

considered in terms of the social responsibility they have as allies of international and national sports organizations.

- Should not be reliant on the betting industry as they are the cause of the problem in the first place. Needs to be independent of this type of funding. Beside match fixing is not the only corruption crime.
- The buy-in from Sports Organizations as well as Sponsors will be important to establish some credibility. HOWEVER, the agency must be cognizant of the measures that such organizations will undertake to dominate the organization. Independence will be important. Government assistance will be difficult to obtain during down markets (like the current one).
- I would propose that countries be asked to contribute a small % of their GDP to the organization, as well as a % of the operating revenue of international federations. Smaller organizations could be required to pay an annual membership fee. This format would mean that the members that have the funds to pay the most are contributing in a proportional manner to those that are under tighter budgetary constraints. One difficulty with this approach is the calculation of the amount that each agency should be contributing.
- Governments are very unlikely to make a commitment to pay. In theory sponsors and broadcasters should be willing to pay to protect their own interests but attempts to get them to contribute to integrity programmes have had limited success (e.g. SIGA and WADA seeking sponsorship funding). The simplest model is to ask sports bodies to pay for the services they use. Some initial funding would be needed to get started.
- It is very important for WACA to ensure its financial independence, so as to guarantee the independence of its actions, according to its own mission. This is the reason why I consider that the funds received from betting companies, sponsors and mass-media are not a priority for the agency. In this respect, regarding the funds received from governments and federations, I think that the best option is for the governments to tax the federations on behalf of the European Union, so that the money from the federations is not transferred directly to the agency. As for the money coming directly from the governments, it can come from the money collected from the National Lottery for sports. Last but not least, the money from the football federations I think represents a special chapter. More precisely, football, which enjoys quasi-monopoly at the European and world level, should probably be taxed additionally, for the benefit of other sports. This is of course a longer discussion, but also, I think it is an idea that can be taken into account.
- Comment: to be independent, payment by sports organizations may not exceed one-third. Governments must provide most of the funding. Special fund for developing countries required. Media should not finance because independent reporting is at risk. Involve sponsors only if they have no rights of influence.
- The betting environment is a complicated mix of regulated and unregulated providers that pay a variety of costs, fees and taxes. unduly pressuring responsible actors will potentially drive more activity away from visibility.
- everybody earning money in/with and/or investing in and/or excessively consuming sport should contribute through a mandatory fee on all sales/transactions, e.g. one percent (similar to Tobin tax, Common Goal etc.)
- Percentage from event income. Percentage from legal cases.
- Entities that are directly linked to sport through, competition, business and governance should be the ones funding the agency as they are the primary beneficiaries of its activities.
- IOC, FIFA and UEFA, plus some of the other richer sports (Tennis, Golf, Cricket, Rugby, etc) easily have the money to pay for this (if it is say \$40-50m p.a. to start with e.g. benchmark to WADA/national sport integrity centre budgets). The trick in the case of football is to convince the clubs to insist on it being a funding element as part of player/employee release (to BTs for WCs and EUROS) and the athletes for the IOC/OG.
- Shares need to be carefully thought through as don't want to place too much power in a single entity's/ group of entities' hands. The importance of sponsor involvement (though sponsors need to be carefully vetted so this can cause other issues) in funding is that they often have consumer pressure to face if things go wrong as opposed to

organisations that turn deaf. However, the funding structure needs to be such that it goes into a pot and WACA decides how to allocate funds according to business needs - cannot have funders indicating how funds can be used (or not used) i.e. can't have funders (whoever you decide they should be) able to dictate agendas for WACA

- Betting companies should share the cost of WACA by some percentage
- Strategy consultation needs to be far and wide in order to identify the best way to secure funding. Global perspectives and diversifying the approach to soliciting input on this strategy would be important.
- Mandate must be defined previously.
- naturally the most contentious proposal will be who pays because it assumes the current payers are not prioritising their input or not paying proportionally for their gains. Increases in costs to any sector will be resisted especially in the case of reduced input into how it is then allocated.
- Don't have it reliant on SGBs like CAS is - it's immediately compromised. Maybe an EU-wide tariff on international broadcast rights or betting companies could pay for it?
- Betting companies make huge profits and percentage-wise do not contribute much at all to integrity efforts. Match fixing in particular only takes place because of betting.
- If sport betting companies and media rights organizations want to be part of this organization, maybe they can kick in some of the funding? Otherwise, the WADA-like mix of government and sport seems reasonable.
- Division of funding responsibilities between the suggested actors is an important factor. It should be clear from the beginning that it's a joint exercise that benefits not just governments and sport organisations. A good question is though how to create a funding model for the betting operators and sponsors but it should be explored more for sure.
- One of the most contentious proposals will be who pays because it assumes the current payers are not prioritising their input or not paying proportionally for their gains. Increases in costs to any sector will be resisted especially in the case of reduced input into how it is then allocated.
- See my comment on model and structure
- Betting organisations should be kept far away from this. Betting OWNS sport. The size of the industry is huge and growing, and the level of money involved has the ability to corrupt.
- I understand the reasons of why betting companies should be part of the funding but I think this could trigger a potential conflict of interest.
- Money to fund this cannot come from organizations and businesses that profit from betting, gambling and match-fixing.
- Should ideally come from different sources (checks & balances), including all stakeholder groups benefitting from the economic gain generated through elite athletes' performance and/or being directly involved in the governance of sports

### Question 9: Benefits for sports organisations

*We would be interested in your assessment of the benefits for sports organisations that might lead them to consider an agency that holds the mandate, resources and skills, as well as international connections, to effectively address the threat of corruption, abuse and other integrity issues as beneficial (apart from the external pressures that governments, for example, can exert).*

*How important are the following benefits for sports organisations?*

- a) *Restoring confidence in sports that has been eroded by corruption, abuse, matchfixing and other integrity issues, which can ultimately affect participation rates and have serious reputational, business and other implications.*
- b) *Improving decision-making. Corruption is not rational and cost-effective. It takes away money from the development of sport, and it leads to irrational decision-making.*

- c) *Corruption in sport and matchfixing are often multi-jurisdictional and /or transnational criminal activity. An agency and a code could help mitigate the effects of jurisdictional inconsistency and the lack of national criminal laws, and assist law enforcement agencies and sports governing bodies in investigating and prosecuting offences.*
- d) *Combating match-fixing. Escalating integrity risks associated with the growth of the regulated and unregulated global sports betting market, including the growing opportunities for match-fixing – with single sports governing bodies (and their various integrity units) not being able to combat modern match-fixing.*
- e) *Direct assistance for smaller sports governing bodies with limited budgets and staff to deal with integrity issues.*
- f) *Having a single point of contact, only one body to deal with, for all stakeholders (Sports governing bodies, athletes, sports betting operators and others) for matters relating to sports integrity.*
- g) *Cost efficiency. Partnership between sports organisations and WACA may contribute to greater cost efficiency through a pooling of resources and expertise.*
- h) *Other benefits/comments*

#### **Comments to answer h) ‘Other benefits/comments’**

- There are several potential benefits for sports organizations that might lead them to support the establishment of the World Anti-Corruption Agency (WACA). Some of these benefits include: Improved reputation: By partnering with an agency that is dedicated to promoting integrity in sports, sports organizations can demonstrate their commitment to these values and improve their reputation with stakeholders such as athletes, fans, sponsors, and the general public. Enhanced compliance: The agency could provide sports organizations with support in complying with relevant laws and regulations related to corruption and integrity in sports, helping to reduce the risk of legal penalties or reputational damage. Increased credibility: By partnering with an independent, internationally recognized agency, sports organizations can enhance their credibility and demonstrate their commitment to upholding the highest standards of integrity. Support in addressing integrity issues: The agency could provide sports organizations with assistance in addressing specific integrity issues that may arise, such as allegations of corruption or abuse, helping to minimize the negative impact of these issues on the organization. Greater transparency: By working with the agency, sports organizations can promote greater transparency and accountability within their operations, which can help to build trust with stakeholders and enhance the credibility of the organization.
- Developing integrity responsibilities and personnel at sports organisations that have not yet taken this on. This would include establishing which sports lack integrity units and engaging with sports set up solely to provide content for betting
- 1. Rising awareness of the systematic nature of corruption in sports. 2. This problem has been proven as a systematic one, so the benefits should be focused on governments, not on sports organizations.
- I don't now...
- An independent agency for corruption in sport addresses (and removes) critical the conflict of interest that currently exists: i.e. the same sports bodies that put on tournaments that are designed to maximise commercial success are the same organisations currently charged with investigating allegations of corruption that threaten that commercial success. The same organisation should never be responsible for both, as there is a grave danger that money will triumph over integrity. An independent agency would allow sports to concentrate on running their sports.

- Things will change! SGBs should realize that there might come a time when nobody will ask them any longer. Acting now will be the only chance to secure their status.
- Let's be clear: very few people care about corruption in sport. In fact, very few fans seem to care if a match is found out to be fixed. Maybe the losing team will be upset but not the side that wins. Corruption in sport is a societal problem. It should connect to public health initiatives and funding for youth around education and the benefit of physical activity for mental health.
- Coddlers should also be prosecuted, fined, and/or jailed, not only the criminals themselves.
- Have an organization that audits the decisions of the disciplinary or ethics commissions.
- The activities of WACA will help reduce the lack of trust in the sports business. It will promote more transparency and accountability in sports governance. It will reduce or close the gap of impunity in sports governance.
- Global recognition of the problem of corruption in sport.
- Independence and much more skilled experts with dedicated time to work on this topic. Support for those working with integrity within Sport federation or police.
- Counter the great danger that all sports and federations are subject to a negative image due to corruption.
- To better protect the fair athletes who face wrongdoing and/or are damaged by corruption and other integrity issues.
- I get what you are looking for. But given that U.S. and U.K. law enforcement have become more aggressive in prosecuting corruption and have the money and resources to do it, I'm not sure if WACA should devote millions of dollars to do this.
- For some sport organisations that are corrupt, the proposal of WACA will be a threat for them. I don't see these corrupt organisations will be happy to contribute.
- For us in Nigeria, a corruption free sports will solve many social, political and economic problems.
- Combating, age cheating and child athlete trafficking in global south.
- Protecting Children - Athletes do not start playing sports at 18. They are frequently recruited by criminals into corrupt organizations when they are underaged. Sexual abuse, physical abuse, extortion and bribery often involve children. It is an important motivating factor.
- My only comment on these proposals is that Match fixing should be a law enforcement investigation. WACA may have expertise that can assist but it should be led by a national law enforcement agency wherever the crimes occurred.
- A significant number of mid-size and smaller sports organisations would be glad to be able to out-source work on some of the most difficult issues they face and would welcome the existence of such a supplier.
- The relaunch of the real sports-specific competition.
- create a secure and safe environment for athletes.
- Sorry, but at this point I am not prepared to invest thought and working time: I am not at all interested in the benefits that sports organisations derive from a WACA. I am only interested in how to put the thumbscrews on the sports multinationals.
- direct assistance/partnership in assuming responsibility and contributing (financial) resources for the unavoidable task of tackling global challenges (climate change, social justice, basic education etc.)
- Single point of contact has much value, but sexual abuse is in its own category--we are talking about predators, and deviant sexual behaviour, while the victims are usually children. Not convinced an entity that address match fixing and corruption would understand the expertise and commitment necessary to address these heinous crimes. As the article I shared earlier shows, the Canadian gov't prioritized other issues, and buried this issue, telling the Minister of Sport it's achievement in sport that really matters. Many men and some women feel very uncomfortable addressing sexual abuse, and may want to minimize this dept. Most sexual abuse is historical as it frequently takes victims a long time before they can disclose. Because of this, investigating also takes a long time, and must be trauma-informed. This painstaking investigation is not sexy the way catching game-fixing is sexy and timely.

- Change will never be initiated by sporting bodies and there is no benefit that would instigate that. Change must come from the other stakeholders with the help of governments and trans-national bodies. But neither governments nor trans-national bodies can have any role in the staffing or operations of this, if it is to be effective.
- Benefits have been well identified.
- Educating athletes and SGBs on their rights - this is a critical shortcoming
- Recalibrating sport and politics
- I have been asking and looking for exactly this type of independent organization asking IOC and USOPC for such organization as it is important to follow up with and ITA like organization specifically addressing corruption and abuses.
- Restoring confidence in sports can't be emphasized enough. At the moment it has lost most of its credibility among big public and if it wants to be a trustworthy actor especially for the younger generations, it must "do something" for improving good governance. Other factors are important too but for the future of sports this really is a key question.
- A streamlined approach to law enforcement referrals through INTERPOL would be beneficial and an area of focus for WACA.
- In my view, the public are starting to accept that elite sport is corrupt. Football is like theatre, with old men paying lots to enjoy the diving and the drama. The agency should strive towards restoring public faith in sport as recreation where the best competitor wins - not the one who has been able to amass the most money.

#### **Overall comments to the question on benefits**

- Whereas benefits can certainly be listed, it is also necessary to analyse the negative consequences, mostly in terms of creating a defensive reaction from stakeholders, mostly governing bodies and competition organisers. Also, the creation of such body might lead to sport organisations being less proactive in the areas of anti-corruption and integrity education.
- The benefits for sport are not only about time, money, efficiency in general. Are also part of taking care of athletes wellbeing and the process of ethical management in sport
- It will contribute to the improving the image and increasing public confidence in the function and mission of sports organizations, which will be "rewarded" in favor of sports organizations in all aspects.
- see previously
- Investigation should be encompassing. In my case, the criminal - a continental and bogus national sport president - is coddled by the ISF president. Criminal consequences should include the ISF. WIACA should file cases against the ISF and its board, if it is proven that they knew about the criminal activities of their member and/or fellow board member but did nothing about it. That is the situation with the sport criminal whom I have reported since 2014!
- Those described in the survey seem correct and pertinent to me.
- The benefits are inexhaustive as WACA will repose more confidence in genuine corporate organisation doing businesses with federations
- None
- increase of trust and improve of image, Protection of sport and very important - protection of players.
- I know funding is a huge part of getting this off the ground, but WACA funding being provided by the sports governing bodies themselves, should in my opinion be avoided if possible.
- I don't have any additional comment
- There is need to solidify the oversight mechanism with officials who are accountable and proactive in helping organizations to promote the integrity of sports
- I cannot overstate the importance of highlighting how this agency will help combat crime. This will attract government as well as popular sport. There is a tendency to dismiss sports corruption as a crime that does not affect ordinary citizen. Therefore, it is critically important for such an agency to highlight how Drug Cartels and Russian Oligarchs, for example, have not only laundered money, but made money in corrupting

sports. It is likewise important to highlight the threats to young people to defeat the traditional argument that many people take - why would the millionaire athlete do this?

- Self-interested sports leaders and groups that can corrupt a leadership indifferent to the true values of sports will be prevented from acting. In this way, the values of sport will be protected, and the competition aimed at promoting meritocracy specific to sport will be able to take place freely, for the benefit of the public, as the specific values - victory, fair play, sports performance - will regain substance and the real power of inspiration.
- benefits will not be seen by successful and profitable parts of the sport sector. These entities will manage their own interests and not see the benefits of handing significant control to an outside agency.
- sport actors largely ignore magnitude of global challenges like climate change, need external pressure to accept and understand complex realities
- Instead of recommendations, there will be a regulatory approach toward integrity and governance.
- Sports Organizations are to see a benefit in the establishment of this agency through how it is going to save sport from becoming a cartel even in smaller sport organizations that are not very consequential on the international scene. It should help in bringing back fairness, discipline and competition in all sports.
- Think need to be careful about the prominence of match-fixing as not the only corruption issue and is one that sports organisations are more keen to deal with than other arguably more damaging corruption issues e.g. governance etc
- Sport bodies need to regain full credibility.
- Stakeholders will definitely want to see localised benefits while hoping for a global improvement in the level of corruption in their area of responsibility.
- Could become a cost saving measure as a shared resource which is very attractive.
- The benefits of corruption free sports or reduced to the barest minimum are unqualifiable
- Stakeholders will definitely want to see localised benefits while hoping for a global improvement in the level of corruption in their area of responsibility.
- Corruption or integrity scandals do not necessarily affect participation rates.

## Appendix 6: Survey with comments, provided by Athletes Germany (later)

### Introduction

Thank you for contributing to the survey on a World Anti-Corruption Agency for sport. You can open the questionnaire by pressing the “Next” button on this page. Your answers will be saved continuously, and you may interrupt the questionnaire process and resume later by using the link in the mail that you have received.

### How did we get your personal data?

Names and e-mail addresses are retrieved through the personal network of the Play the Game team and/or found on the websites of various organisations/authorities.

### What happens with your answers?

Play the Game is controller of the data, collected in this survey. Data collected in this survey will be used for the purpose of research in public interest. More information on how Play the Game secures your data and your rights as a respondent, can be found here: <https://playthegame.org/about/privacy-policy/>

Even if you accept sharing your name and contact details for further consultation at the end of the survey, your answers and comments will remain anonymous to the public unless you authorise us otherwise.

Thank you for your participation!

### Agency's name

In the working title “World Anti-Corruption Agency” – the term “corruption” is meant to encompass a multi-faceted approach that covers the entire spectrum of corrupt activities in sport.

A broad definition is needed because threats to the integrity of sport can be found in a wide range of activities, from serious and/or organised crime to “minor” issues of ethics and behavioral values. There are suggestions that it would be better to speak of an Integrity Agency for this captures a wider range of behaviors.

Which name would you prefer?

- (2)  World Integrity Agency (for Sport) - WIA
- (1)  World Anti-Corruption Agency (for Sport) - WACA
- (3)  World Integrity and Anti-Corruption Agency (for Sport) - WIACA
- (4)  Other \_\_\_\_\_

### Comments to agency's name

Integrity als bessere Umbrella term. Korruption wäre darunter gefasst, korruption ist für viele fernab von risiken für personen.



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### Path to establishing the agency

One step on the road to establishing WACA could be an international convention like the one that predated the establishment of WADA. In the EU Commission, there are early considerations about a legislative act. Another possible way would be a Charter (basically a Code for WACA) signed by sports federations and governments.

Which way do you think would be feasible? (mark one or more)

- (1)  Convention
- (2)  Charter
- (3)  Legislative Act
- (4)  Other suggestions \_\_\_\_\_

### Comments to agency's path

Convention; code international unwahrscheinlich

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### Creating a code

It will be necessary to create a code for sports integrity and anti-corruption, in accordance with the UN Guiding Principles on Business and Human Rights, with minimal standards that apply throughout sport and put an end to the inconsistency of current regulatory, monitoring and enforcement regimes. Such code would be the basis for the work of the agency.

1: In your opinion, what are the most important existing documents that should be used for the development of a universal code or should be part of it (such as the Macolin Convention)?

2: Do you see elements that are not sufficiently covered in any of the existing documents (such as arrangements for remedies for victims of corruption and/or abuse?) and that should be included in a code?

Erste Safe Sport Code Ansätze, s. Kanada, Usa, Schweiz, Australien; Code der Schutz von Personen und Schutz von Organisationen berücksichtigt; Matchfixing und Doping gut abgedeckt.

Remedy und Abhelfemechanismen sind key für Personen.

Code sollte auch Standardsetzung, Zertifizierung sowie Audit/Evaluierung etwa im Präventionsbereich beinhalten.

Auch Aufarbeitung (historic cases) nicht vernachlässigen!

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**Mandate/powers**

As envisioned, the agency would have a strong mandate, because a dedicated, continuous monitoring of and response capability to integrity breaches is clearly lacking in sports. Issues that require further action should be systematically referred to law enforcement, sports organisations, CAS (or any other appropriate body) for response.

**How essential do you consider the following capabilities/responsibilities of WACA?**

	Very important	Important	Less important	Don't know
Ongoing monitoring of compliance with a WACA code-to-develop	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Operating or administering a whistle-blower platform, encompassing all sports integrity issues, including a source protection framework	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Investigative powers (also by engaging external investigators, specialised companies), including Subpoena powers over sports governing bodies and other stakeholders; collecting, assessing and disseminating relevant intelligence, if appropriate to law-enforcement agencies	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Enforcement powers, such as referring integrity breaches to disciplinary bodies of sports organisations and/or to national and international law enforcement agencies; issuing disciplinary sanctions against individuals and/or non-compliant code signatories	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>

Provide pathways for effective remedy for victims of corruption (and abuse)/integrity breaches	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Education, outreach and training within the sports community	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Assessment in relation to risks and threats in individual sports and of their capacity to manage those	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Support the establishment of national sports integrity agencies and act as an umbrella organisation	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>

**Other important capabilities/responsibilities**

Prävention: Standardsetzung (Risiko/Schutzprozesse, Qualifikation), Zertifizierung (Schutzkonzepte, Personen), Evaluierung/Audit (Umsetzung) sowie Monitoring!  
 Gleiche Aufgaben auch bei Intervention (wenn verbandsintern!) sowie Aufarbeitung  
 Aufarbeitung nicht vergessen!  
 Remedy! \_\_\_\_\_

Fallmonitoring, Fallzuständigkeitssystem, allgemeine Verfahrensweise, gerade mit lick auf Schnittstellen zu Verbänden und verbandsinternen Prozessen; Betroffene dürfen Geschichte nicht zweimal erzählen und sportintern in Sackgassen laufen!  
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**Comments to mandate/powers**

Bindende Wirkung key; sonst zahnloser Tiger. Auch im Bereich Standardsetzung etc.  
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## Structure/foundation

It is suggested that WACA (like WADA) should be set up as an autonomous and self-governing foundation.

Do you see another option and why?

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## Structure/board

WACA is envisioned as an agency with an administration carrying out the executive functions, overseen by a board of non-executive members. Sports organisations should not delegate more than a third of the members, and preferably delegate independent representatives (as could governments). We would like to discuss ideas for the board composition.

How important are the following representatives in your view?

	Very important	Important	Less important	Don't know
Representatives of governments (possibly independents, delegated by the governments)	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Representatives of transnational organizations, such as UN, OECD, EU, Council of Europe	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Representatives of international sports organisations (possibly independents, delegated by the organisations)	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Representatives of independent athletes organisations and unions	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Representatives of existing international sports integrity organisations such as IBIA, WADA	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>

Representatives of law enforcement agencies such as Interpol/Europol	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Representatives of civil society such as Transparency International, HRW, AI	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Representatives of sponsors and media (rights holders)	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>

**Other important representatives:**

**WADA-Schwächen vermeiden, starke Betroffenenvertretung/Athletenvertretung, keine operativer Einfluss, und Einfluss Sport begrenzen**

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**Comments to structure/board:**

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**Structure/operational**

With respect to the broad range of sports integrity issues, the WACA would need a number of special units.

How important do you consider the following units?

	Very important	Important	Less important	Don't know
Whistle-blower- and Source Hotline Unit (perhaps a liaison to an independently administered hotline / helpline), to undertake an initial risk assessment	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Intelligence and Investigations Unit (liaison working closely	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>

with international and national law enforcement agencies, with the mandate as a receiver and provider of personal information, to law enforcement in criminal matters, and to sports organisations for code of conduct issues)

Special Unit Member Protection (including and prioritising Safe Sport) / Athletes Rights, including guiding for/access to legal aid and remedy	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
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Special Unit Matchfixing/Sports Betting	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
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Special Unit Code Monitoring and Compliance	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
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**Other important units:**

Frage: Schiedsgerichtsbarkeit intern oder extern (s. Integrity Units mit internem Sprchkörper, Revision (?)) dann extern möglich

Frage nach Rollenverständnis und möglichen Interessenkonflikten: Anlaufstelle ja, Betroffenenberatung schwierig, wenn gleichzeitig Investigative Power und ggf. Sanktionen. Fragen nach chinese Walls, inter-unit-Erfahrungsaustausch wichtig

Unit für Standards und Prävention, Unit für Aufarbeitung ? (oder member protection?)

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**Comments to structure/operational:**

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## Funding

We are eager to hear ideas that go beyond the obvious split between sports and (possibly) governments, possibly in the comment section. But for now, we would like to get an idea of who should bear the greater share.

How important are the following payers with regard to WACA?

	Very important	Important	Less important	Don't know
Sports organisations	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Governments	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Betting companies	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Sponsors and media rights holders	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>

### Other important payers:

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### Comments to funding:

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### Benefits for sports organisations

We would be interested in your assessment of the benefits for sports organisations that might lead them to consider an agency that holds the mandate, resources and skills, as well as international connections, to effectively address the threat of corruption, abuse and other integrity issues as beneficial (apart from the external pressures that governments, for example, can exert).

How important are the following benefits for sports organisations?

	Very important	Important	Less important	Don't know
Restoring confidence in sports that has been eroded by corruption, abuse, matchfixing and other integrity issues, which can ultimately affect participation rates and have serious reputational, business and other implications.	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Improving decision-making. Corruption is not rational and cost-effective. It takes away money from the development of sport, and it leads to irrational decision-making.	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Corruption in sport and match-fixing are often multi-jurisdictional and /or transnational criminal activity. An agency and a code could help mitigate the effects of jurisdictional inconsistency and the lack of national criminal laws, and assist law enforcement agencies and sports governing bodies in investigating and prosecuting offences.	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Combating match-fixing. Escalating integrity risks associated with the growth of the regulated and unregulated global sports betting market, including the growing opportunities for match-fixing – with single sports governing bodies (and their various integrity units) not being able to combat modern match-fixing.	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>
Direct assistance for smaller sports governing bodies with	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>	(4) <input type="checkbox"/>



limited budgets and staff to deal with integrity issues.

Having a single point of contact, only one body to deal with, for all stakeholders (sports governing bodies, athletes, sports betting operators and others) for matters relating to sports integrity.

(1)

(2)

(3)

(4)

Cost efficiency. Partnership between sports organisations and WACA may contribute to greater cost efficiency through a pooling of resources and expertise.

(1)

(2)

(3)

(4)

**Other benefits/comments:**

\_\_ Synergieeffekte und Effizienzgründe ja; obacht, dass Sportverbände weiterhin in Verantwortung stehen, v.a. Prävention. Zusammenarbeit mit internen Anlaufstellen (s. Standardsetzung, einheitliche Verfahrensweise) wichtig!

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Play the Game