

**SORBONNE-ICSS PROGRAMME
ON ETHICS AND SPORT
INTEGRITY**

REPORT

**FIGHTING AGAINST THE MANIPULATION
OF SPORTS COMPETITIONS**

**NOVEMBER
2014**

**Warning
Authors
Foreword
Introduction**

NOTICE

Published in December 2014

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NOTICE ON METHODOLOGY

Whenever the demonstration demanded it, a methodological box was included before the analysis conducted by the authors of this report.

It is published online on the website of the Sorbonne-ICSS Research Programme on Ethics and Sport Security as well as on the website of the ICSS. It was designed as a document to be updated and fed by comments from readers when deemed pertinent.¹ This interactive dimension obviously includes answers to questions and requests for clarification of readers or communications with them.

Finally, the Paris 1 Panthéon-Sorbonne University being a public body of higher education and research, the Sorbonne-ICSS Programme on Ethics and Sport Integrity, regardless of the nature and quantity of public or private information it collected or that was sent to it within the framework of this project, is in no way intended to replace national and international police or judicial institutions, nor any other institution for that matter. It has a scientific purpose.

¹ Comments and questions should be sent to the following address: [<http://sorbonne-icss.univ-paris1.fr>].

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FOREWORD BY MOHAMMED HANZAB

The beauty of sport relies partly on two values: fairness and equal opportunity. These two values are the reason so many gather to share moments of passion and emotion: whether it be athletes, parents, supporters, support personnel, officials, administrators, all come to unison during events where the sole objective is the triumph of human excellence, as a result of hard work, commitment, courage and dedication. These values transcend sport into life, and help build a fairer society.

All beautiful things require care and protection, because all beautiful things can be the target of criminals and people with very little interest in collective growth. We know that sport is the victim of manipulation that inevitably leads to the destruction of a common good, which in its turn has an impact on society.

For this reason, the International Center for Sport Security (ICSS) and the Université Paris 1 Panthéon-Sorbonne decided to join forces and produced this report, as the result of more than two years of work of specialists in the field of sport integrity from all around the world. The protection of sport is a team sport, and a strong collaboration in between all actors of the world of sport is necessary to win this battle.

This report is the result of the efforts of many persons who believe in the power of sport to make society a better place is absolutely worth protecting. Persons like Jean-Claude Colliard, former President of the University Paris 1 Panthéon-Sorbonne, who believed that one of the most ancient university in the world and a young organisation could have made the difference, together. Continuing on from this is Philippe Boutry, the current President of the University Paris 1 Panthéon-Sorbonne, who believed that this research would make a difference and was always encouraging in seeing it to its completion.

As a contribution to the fight against match-fixing, the ICSS and the Université Paris 1 Panthéon-Sorbonne called for this research to understand exactly the size of the monster we are all facing. We could not have achieved this goal without the outstanding work of the authors of the report and especially the Chairman of the Research Programme, Professor Laurent Vidal.

The fight for sport integrity requires a solid evidence base upon which to build effective prevention policies. The report you are currently holding is intended to be a stone in the wall we will build together.

We hope that the discussions, which will follow the publication of this report, will lead to a systemic and coordinated approach the quest for sport integrity.

We want to invite you to make this report yours and work together to enhance our collective efforts to preserve the integrity of sport.

MOHAMMED HANZAB

PRESIDENT OF THE INTERNATIONAL CENTER FOR SPORT SECURITY

FOREWORD BY LAURENT VIDAL

THE BELATED APPRECIATION OF THE STAKES RELATED TO SPORT INTEGRITY

Sport integrity has lately become a subject of major concern for public authorities, the sporting movement, and economic operators.

However, it remained, for a long time, an essentially symbolic stake, before sports institutions started dealing with this issue in the 1960's and the 1970's, when these institutions started producing expert knowledge in this field in order to respond to the campaigns launched by different critical movements,² and to the attempts to instrumentalise sport, which was seen as a powerful tool for expressing social and political demands (denunciation of class inequalities, social hierarchies, the wealth gap between Northern and Southern States, the dominance of the norms and values of the ruling class and the self-replicating mechanisms of the institutions in place...).

Nevertheless, it was only in the 2000s that private operators and public authorities took stock of the significance of the stakes involved in sport integrity, in accordance with the interests of each stakeholder. Symbolically, protecting integrity has become a national and international public order issue, as well as an issue in the quest for power, and above all, an economic issue. This is why research on the question of sport integrity increased as the dangers threatening it became clearer.

THE PRODUCTION OF "KNOWLEDGE" ON SPORT INTEGRITY AND THE CIRCUMSTANCES OF THEIR DEVELOPMENT

Today, regardless of their category,³ each stakeholder, whether directly or indirectly concerned, tries or has tried to produce his own opinion on sport and integrity through reports, studies, monographs, essays, compilations, magazines, articles, bulletins as well as weekly, monthly, seasonal or biannual analyses, *etc.*⁴

² For examples, for over a decade, the forms taken by this critique do not spare the vague desires of the "sports world" for integrity, see Jean-Marie BROHM, *La machinerie sportive. Essais d'analyse institutionnelle*, coll. "Anthropologie," Éditions Anthropos, distribution Éditions Economica, 2002 and *sport?, L'idéologie sportive. Chiens de garde, courtisans et idiots utiles du sport*, coll. "Pour en finir avec", Éditions L'Échappée, 2014. Regardless of the opinion that is based on these analyses, they should be read and considered.

³ International sports institutions (IOC, SportAccord, FIFA, UEFA, other federations or international unions, *etc.*), public authorities (governments, regulatory authorities and their forum [GREF - Gaming Regulators European Forum], *etc.*), international organisations (United Nations – UNICRI, UNODC, UNESCO-, Interpol, Council of Europe, European Union - Europol, Eurojust [a unit created by the Council of the EU] -, intergovernmental organisations (FATF - Financial Action Task Force, *etc.*) and private organisations (ESSA - European Sports Security Association, ABB - Association of British Bookmakers, EGBA - European Gambling and Betting Association, RGA - Remote Gambling Association, *etc.*), non-governmental organisations (Transparency International, *etc.*), entities or study initiatives on sport or which take up sport (Sport & Recreation Alliance, Play the Game, Federbet, Sport & Citizenship, IRIS - Institute of International and Strategic Relations - *etc.*), citizen associations for sport advocacy (True Sport, *etc.*) or athlete associations (FIFPRO - International Federation of Professional Footballers, EU Athletes, *etc.*), academic or para-academic institutions, journalistic investigations, *etc.*

⁴ To cite but a few examples, see below, Part 1, footnote 29.

Nevertheless, it goes without saying that any reflection on the ways and means of prevention and repression of the manipulation of sports competitions must first undergo reflection on the degree of autonomy of the bodies tasked with producing knowledge on the issue.

THE CREATION OF THE SORBONNE-ICSS RESEARCH PROGRAMME ON ETHICS AND SPORTS INTEGRITY

Aware of these stakes and this necessity, the Paris 1 Panthéon-Sorbonne University, under the leadership of Professor Jean-Claude COLLIARD, accepted to found, in 2012, the Sorbonne-ICSS Research Programme on Ethics and Sports Integrity, for a period of three years, renewable by tacit agreement.

An “endowed chair” is a legal instrument that allows national or international, profit or non-profit private entities to fund research. The creation of these bodies is subject to the approval of the central departments of the University, and in particular that of the Scientific Council.

The Sorbonne-ICSS Research Programme on Ethics and Sports Integrity was one of the first endowed chairs at the Paris 1 Panthéon-Sorbonne University.

THE FINANCING OF THE PROGRAMME

Funded by the International Centre for Sport Security (ICSS), a non-profit organisation headquartered in Doha, Qatar, the functioning of the Programme is governed by the framework agreement concluded with the ICSS and by its internal regulations, both of which are available online.

The management of the finances was entrusted to Mr André HERVIER, former vice-President of the University, and is monitored by Mr Bernard TALLET, current vice-President of the University in charge of finance.

ADMINISTRATIVE ORGANISATION OF THE PROGRAMME

A general secretariat of the Programme has been established, in addition to an administrative function entrusted to a PhD student who also took care of drafting “The Letter of the Chair,” which was widely distributed.

MONITORING OF THE PROGRAMME BY UNIVERSITY BODIES AND THE PREVENTION OF CONFLICTS OF INTEREST

Furthermore, the Chair is required to report to the Scientific Council of the University. It had already done so once and is now preparing to draft a report on the works it has undertaken since its establishment.

In addition, it created its own scientific council which, in order to prevent conflicts of interest, only includes persons who are not involved in any of its works.⁵ None of the ICSS members is involved in this council. This council has so far held two meetings, in 2012 and 2014, and will soon convene to make a global assessment.

INDEPENDENCE OF THE CHAIR

The monitoring activities conducted by the University bodies on the activities of the Programme, as well as the rules of ethics imposed on its members enabled the establishment of a relationship with the ICSS, which is compatible with the independence requirements of academic works. The Director of the Programme has been, on several occasions, in direct contact with the President of the ICSS, Mr Mohammed HANZAB, as well as with other ICSS directors, for the purpose of updating them on the Programme's progress and to discuss the actions undertaken by the ICSS and its position in the international arena. It was mostly with the ICSS Executive Director of Integrity, Mr Chris EATON, an internationally renowned expert, that the Director of the Programme was often in contact. Tasked with coordinating the work between the two entities, Mr Chris EATON participated in several working meetings along with other ICSS members, including Mr Stuart PAGE. It is with Mr EATON and Mr PAGE that the Programme's agenda was adapted to the rhythm of the international agenda in the fight against the manipulation of sports competitions, without having to sacrifice the requirements of scientific work.

It is worth noting that all guarantees of independence have been provided by the ICSS and that the latter has perfectly honoured its commitments, whether in terms of financial, logistic, human, or even intellectual support devoted to the Programme.

MEMBERS OF THE CHAIR

The activities of the Programme have mobilised, for the past three years, in various capacities, more than 80 individuals, the nationality, education and functions of whom enabled the present report to be an international and interdisciplinary work. Among these 80 individuals are academics, high-ranking members of international or similar organisations, of regulatory authorities or persons employed at ministries dealing with issues of sport integrity, police officials, judges, representatives of public and private operators, lawyers, consulting experts, athletes, members of national and international sports organisations, non-governmental organisations, *etc.*

⁵ Mr Philippe BOUTRY, President of the Paris 1 Panthéon-Sorbonne University, Mr Yves CHAPUT, Emeritus Professor of Private Business Law at the Paris 1 Panthéon-Sorbonne University, Mr Jean-Jacques DAIGRE, Emeritus Professor of Private Law at the Paris 1 Panthéon-Sorbonne University, Mr Claude MÉNARD, Professor of Economics at the Paris 1 Panthéon-Sorbonne University and Ms Hélène RUIZ-FABRI, Professor of International Public Law at the Paris 1 Panthéon-Sorbonne University and head of the Luxembourg Max Planck Institute.

ACADEMIC AND INSTITUTIONAL COOPERATION

Academic Cooperation

Within the University, the Programme benefited from the support of certain members of the IRJS (Sorbonne Institute for Legal Research), the IREDIES (Sorbonne Institute for Research in International and European Law), the NoSoPhi team (a component of the Sorbonne Centre for Contemporary Philosophy and affiliated to the Doctoral School of Philosophy), the Ethics and Finance Chair, the Sorbonne Centre for Economics, *etc.*, and, from outside the University, from the support of members of the universities of Paris Descartes, Paris Ouest Nanterre La Défense, Paris-Sud, LIMOGES, REIMS, ROUEN, the Catholic University of LILLE, the Centre for History at Science Po, the École Normale Supérieure (ENS Ulm), the School for Advanced Studies in Social Sciences (EHESS), *etc.* Members of the following universities have also participated in the works of the Chair: NEW YORK University, SALFORD University, University of MELBOURNE, MOSCOW Higher School of Economics and CIES (the International Centre for Sport Studies) of NEUCHÂTEL.

It is also important to highlight the relationships established with the International Institute for Human Rights, whose president hosted four members of the Programme, one of whom participated in the 45th Annual Study Session held in STRASBOURG from 7 to 25 July 2014, on “Sport and international human rights law.”

Institutional Cooperation

Several institutional cooperation initiatives were officially engaged in, in particular with the European Lotteries and *La Française des Jeux*. Other, non-official initiatives, resulted from the presence of professionals within the Chair, such as representatives of ARJEL, the French professional football league, as well as the President of the Belgian Gambling Commission.

INVOLVEMENT AND COMMITMENT OF THE RESEARCHERS

It should be stressed that instructors-researchers who have been at the core of the Programme were continuously mobilised, above and beyond the time dedicated to research which their status imposes. Thus, they have shown that the University, with the talents it harbours, and with the abnegation it often practices, is always capable of assuming its role of *Alma Mater*. May they find here the signs of deep gratitude.

PARTICIPATION OF THE PROGRAMME IN THE DEVELOPMENT OF RESEARCH AND TEACHING ACTIVITIES AT THE UNIVERSITY

Research Activities

Beyond these various scientific cooperation initiatives, the Programme's integration into the life of the Pantheon-Sorbonne University took many forms: its activities allowed hiring students, whether for administrative assistance, research or translation tasks, implicating many colleagues from French or foreign establishments and ensuring that its members, in turn, be associated with other research projects or networks. These activities also gave rise to a project of publishing articles and books, and helped giving more legitimacy to research in the field of sport.

Teaching Activities: the Creation of a University Degree in Ethics and Sport Governance and the Involvement of the Students of the “sports law” Masters Programme to some of the Programme's activities

This participation in the life of the University also took the shape of creating a degree in ethics and sport governance, which will welcome its first class in 2015, as well as the participation of the students on the “sports law” Master's Programme in the activities of the Chair. They have, in particular, accompanied some of the Programme's members to the European Parliament for a conference held on 5 December 2013 by the Council of Europe on the subject of Europe's role in preserving sport integrity, which is a global issue. They drafted the official report on the conference.

OBJECTIVES OF THE PROGRAMME

Originally destined to prepare an international draft convention on the manipulation of sports competitions, the Programme's works rapidly evolved to cover larger objectives, and in particular the production of a report, which would serve as a comprehensive assessment of the subject-matter, within the context of a theoretical and practical interdisciplinary approach, covering all the continents.

THE PROGRAMME'S ACCOMPLISHMENTS

The Report and the Guiding Principles

These ambitions were materialised in the present report. A 130-page executive summary of the report was also drafted, both in French and in English, which is available online on the websites of the ICSS and the French Sports Ministry. Unveiled on 15 May, during the International Forum on Sport Integrity, organised by the Paris 1 Panthéon-Sorbonne University and the ICSS in the Sorbonne's Grand Amphitheatre, this event brought together the main stakeholders in the field.

However, since such a report, exhaustive as it may be, would not suffice, the Programme also drafted the Sorbonne-ICSS Guiding Principles for Protecting the Integrity of Sports Competitions, which is targets public authorities, the sporting movement and betting operators. The Guiding Principles received, this summer, their first governmental endorsement from the sports ministers of the community of Portuguese-speaking nations and of the Commonwealth countries.⁶

Association with the Works of International and French Government Institutions

This participation of the Chair in the works undertaken by the international community has also taken many forms. It was narrowly associated with the negotiations broached within the framework of the Draft Convention on the Manipulation of Sports Competitions of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe. Many notes were prepared for the Executive Secretariat of the EPAS, one of which is available online.⁷

Two members of the Programme, its Director, and Professor Évelyne LAGRANGE, were invited to present their observations on the Draft Convention during a meeting of the EPAS Steering Committee (joint meeting with the Advisory Committee) in STRASBOURG on 26 June 2013. Moreover, they took part in the negotiations conducted by the French Government (represented by the Sports Ministry's Advisor on integrity issues, the General Secretariat for European Affairs - SGAE - and the permanent Representation of France at the European Union) in the process of drafting the Convention on the Manipulation of Sports Competitions, adopted on 9 July 2014. Furthermore, as already mentioned, one of the members of the Programme was invited to participate to the 45th annual course organised by the International Institute of Human Rights held in STRASBOURG from 7 to 25 July 2014 on the topic of "Sports and Human Rights".

The Programme has also established close relationships with the United Nations Educational, Scientific and Cultural Organization, UNESCO, and its Sport and Anti-doping team. The Programme's Director took part in two expert meetings for the elaboration of the Declaration of Berlin, adopted by the 5th International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS V), held in Berlin from 28 to 30 May 2013, at which he was also present. The Programme and UNESCO are currently developing an institutional partnership with a view to co-operating for a university degree in sport ethics and governance, for the Programme's publications, as well as for academic networking in the framework of UNESCO's University Twinning and Networking Programme (UNITWIN).

⁶ [<http://www.dohastadiumplusqatar.com/guiding-principles-indeed/>].

⁷ See [https://www.coe.int/t/dg4/epas/restricted/source/2012/Docs_Integrity_Match_fixing/INF28F_Notes-Sorbonne-ICSS-sur-dispositions-penales-du-Projet-de-Convention.pdf].

In addition, a partnership was concluded with SportAccord for the needs of the report on the developments concerning the governance of sports institutions. The questionnaire prepared by the Programme's speakers at SportAccord and jointly finalised, was sent to member federations of SportAccord and used by the Programme.

Moreover, diverse communications took place with the International Olympic Committee (IOC), either directly, or in meetings in which the representatives of the IOC and the Programme were present.

Finally, to give one example, the Programme, through its Director, took part in the works conducted by the ICSS and the World Bank, as well as the University and the Chamber of Commerce and Industry of Aix-Marseille for the establishment of various indicators.

The Organisation of Meetings and Seminars and the Participation of Members of the Programme to Various Events

The Programme organised several workshops and seminars which enabled the auditioning of many experts, consultants and academics.

The members of the Programme were called upon, on different occasions, (participation in seminars organised by European Lotteries, by INTERPOL – seminars organised in SINGAPORE in November 2012 and ROME in January 2013 and dedicated to combating the manipulation of sports competitions - by the ICSS at the Palais des Nations in GENEVA in November 2013 on Sport Integrity, a right for youth, by BOND University in Australia, CERGY-PONTOISE University, by the Paris Institute of Political Studies, the French embassy in HUNGARY, *etc.*) and had the opportunity, several times, to express their opinion on various media platforms.

INTERNATIONAL INFLUENCE

Thanks to its network, the ICSS helped the Programme become an important player on the international scene, as well as disseminate its research. In addition, by organising two large-scale events, the first held in September 2012, the second in May 2014 at the Sorbonne, the ICSS contributed to establishing the Paris 1 Panthéon-Sorbonne University as a renowned centre of expertise in sport integrity. Mr Mohammed HANZAB and his teams, and in particular Mr Chris EATON and Mr Stuart PAGE, are thanked for this.

This influence can be observed in the wide media coverage of the International Forum on Sport Integrity, held on 15 May 2014 at Sorbonne's grand amphitheatre.

PERSPECTIVES

Well established today on the national and international scene, the Programme is working on different projects: drafting two practical guides for the Council of Europe, elaborating a matrix of risks with *La Française des Jeux*, disseminating the Guiding Principles for Protecting Sports Competitions, elaborating an institutional outline allowing the creation of a platform for information exchange, establishing an international academic network for research and teaching, which would bring together, around the Paris 1 Panthéon-Sorbonne University, many universities specialising in sport, institutional expertise before public authorities and international organisations, notably the Council of Europe, for the implementation of the Convention on the Manipulation of Sports Competitions, before the UNESCO, for the evaluating the implementation of the measures adopted by MINEPS V, the publication of books and the organisation of seminars, etc.

***NOTE ON THE LANGUAGE AND THE TRANSLATION OF THE REPORT**

Given that the report was, for the most part, drafted in French, the French version shall prevail.

Finally, given the time needed to complete the report and its length, some information gathered during its drafting, after several hours of investigation and research, could not be systematically updated.

LAURENT VIDAL

**DIRECTOR OF THE SORBONNE-ICSS RESEARCH PROGRAMME ON ETHICS AND
SPORT INTEGRITY**

INTRODUCTION

Although it seems that historians were not able to clearly establish where and when the first bet was placed, sports bets are without a doubt a very old phenomenon. In fact, in the eighth century BC, the first ancient Olympic Games were probably the first major "sporting" event around which bets were organised,⁸ even if it has become customary to distinguish between traditional games and modern sports.⁹

Similarly, concerning bets, it is only possible to make assumptions with regard to the first instances of manipulation of sporting competitions. Every new historical discovery seems to indicate that this phenomenon appeared earlier than was previously believed. However, since recently, there is more information about what is now considered to be the first fixed match. The analysis of an ancient papyrus recently revealed the oldest written record referring to a fixed match, which was held in 267 AD, on the banks of the Nile, in the city of Antioch, and featured two wrestlers.¹⁰

Although it is not possible to establish this with certainty, it is difficult not to presume that the manipulation of sports competitions is an older phenomenon that accompanied the first forms of competitions. In this regard, although bets do not constitute a necessary factor for the manipulation of competitions, when bets are involved, they create a potential additional incentive for manipulating sports events.

Accordingly, it is possible to consider that the three elements of "athletic" confrontation (more or less regulated and controlled); sports competitions, their manipulation, and the bets organised around these competitions, although difficult to date, logically form a sort of continuum. There are four possible combinations of these three elements.¹¹ The conditions of occurrence of these combinations, their repercussions, both on the mind, the economy, and society as a whole, as well as what they reveal beyond the sporting sphere, are defined by the socio-political, economic, and even psychological configurations in which these events take place.

The taking into account of this strong contextualisation of the environment of the manipulation of sports competitions should nevertheless not obscure the fact that the study of this form of abuse, and especially its consequences, depend in part on the upstream analysis of the sporting phenomenon and of its multiple dimensions, its nature, its role, and the numerous discourses related to it.

⁸ [<http://www.kelbet.com/histoire-du-pari-sportif/>].

⁹ Historians and sociologists of sport usually distinguish between ancient, medieval and classical times on the one hand, and modern times, on the other hand. The so-called "modern" forms of sports and physical education are those established in societies that develop a Nation-State political system and develop a capitalist economy.

¹⁰ See *Courrier International*, "Le premier match truqué de l'histoire", 30 June 2014.

¹¹ (1) Sports competition, no manipulations and no sports bets. (2) Sports competitions, no manipulation but presence of bets. (3) Manipulated sports competitions, no bets. (4) Manipulated sports competitions on which bets are offered.

It is important to do away with commonplaces and certain placatory declarations or studies on sport and its values whose vacuity is highlighted through, in particular, the denouncement of the "sport ideology", in the words of a certain radical critique of sport¹² whose analysis and caveats should be reminded, whether or not the authors agree with them, as should be the views of their opponents.¹³ Therefore, the sporting phenomenon can be considered, essentially through two approaches: the first can be qualified as sociological, in the broad sense, and the second, again in a broad sense, as political, with the overlap or exchanges between these approaches defining the contours of the multiple schools of thought constituting its ramifications.¹⁴

The *sociological approach*, whose most famous representatives are Norbert Elias and Eric Dunning,¹⁵ highlighted what these two authors call "process of civilisation" through which sport became universal. This process assumes that certain conditions are met, among which, as pointed out by Roger Chartier,¹⁶ the generalisation, at the same time, of a certain governance method, "of a confrontation model and of a balance of tensions which leads individuals to incorporate, by controlling their emotions – which is the very condition allowing for a safe and pleasant emotional arousal caused by the practice and spectacle of sports."¹⁷ In addition, although the forms that the abuses of sport, including the manipulation of sports competitions, are widely contextualised, these abuses threaten the confrontational model and the balance described above.

This also necessarily leads to highlighting the upheaval introduced into this process of civilization by the conditions currently surrounding the continuum described above between sports competitions, manipulations, and sports bets, and which calls for an essential in-depth analysis of the phenomenon of manipulations of sports competitions. In fact, this phenomenon threatens certain components of the balance allowed by the rules of the game, between the regulation of confrontations and the maximisation of emotions, or between disorder and boredom, as well as all the virtues attached to sport:

- (1) the cleansing role of sport in societies governed by self-control and in which social constraints are internalised, without necessarily leading to a conscious adherence to values;

¹² See recently, *Quel Sport ? , L'idéologie sportive. Chiens de garde, courtisans et idiots utiles du sport, L'Échappée*, coll. "Pour en finir avec ", 2014.

¹³ The authors of these critiques insist on the distinction between sport itself and its usages (conception, practices and institutionalisation). For a summary of what some consider as the limits of the radical critique of sport, see B. ANDRIEU, "Quelle "agentivité" corporelle pour l'éthique du sport ?", *Éthique et sport en Europe*, in: D. BODIN and G. SEMPÉ (dir.), Council of Europe Editions, coll. "Politiques et pratiques sportives", 2011, pp. 69-86 and more specifically., pp. 73-76.

¹⁴ For the production of knowledge on the subject of sport integrity and the conditions of its elaboration, see *supra*, foreword.

¹⁵ For other schools of thought in the field of sport sociology, and in particular the Marxist, Freudo-Marxist or Weberian schools, see among others J. DEFRANCE, *Sociologie du sport*, first edition, La Découverte & Syros Paris, 1995 and sixth edition, La Découverte, Paris, 2011.

¹⁶ In essence, that which underlies the liberal political model with more or less universal suffrage based on an organization and supervision of the expression of tensions.

¹⁷ R. CHARTIER, foreword in: N. ELIAS and E. DUNNING, *Sport et civilisation. La violence maîtrisée*, Fayard, 1994, Paris, p. 22.

(2) the ability to confine, within strict limits – although in this respect, certain phenomena involving violence lead to relativizing the scope of this analysis – the state of tension and excitement generated by sport through its mimetic properties ("mimetic excitement"), the clash between players by staging the regulated physical confrontation replacing the clash of spectators;

(3) a reflection and vector of the establishment of certain values – and in particular sports ethics and fairness, whose evolution can be observed through the transition from ancient games to modern sports – or their disintegration;

(4) a representation of the socio-political changes and a major part of the dialectic between, on the one hand, the process of acceptance / incorporation by society of the attribution of the monopoly for violence to the State allowed particularly by the practice and the spectacle of sports and, on the other hand, the evolution of sports, towards a higher degree of control, contributing in turn to strengthening the process of pacification and internalisation of the need to reject violence outside the scope of the societal body ("sporting *habitus*");

(5) the strengthening of the collective identities thanks to the symbolic functions of sport,¹⁸ etc.

These multiple dimensions are summarised as follows by Elias and Dunning:

"A sport is, among other activities, an organised group activity based on a competition between at least two parties. It requires physical effort and obeys certain rules, some of which limit, when the need arises, the use of physical strength. The grouping of adversaries is arranged so that specific group dynamics are reproduced at each event – more or less flexible dynamics, which can thus be variable and whose course and outcome are preferably not entirely predictable. In this competition, the human configuration is ordered in such a way that it creates tensions while also containing them. When this activity achieves a mature form, it combines a set of interrelated polarities and unstable balance of tensions, and allows – in the best case scenario – moderate fluctuations that give all the participants an opportunity to dominate until one of them breaks the tension by winning the game".¹⁹

¹⁸ See for example, J. DEFRANCE, *Sociologie du sport, op. cit.*

¹⁹ *Sport et civilisation. La violence maîtrisée, op. cit.*

Elias and Dunning point out that a sports competition, regardless of the sport being practiced, the level of the players, and the audience, requires both a confrontation between two opponents of roughly equal strength who are able to compete,²⁰ and the preservation of a certain degree of uncertainty: competitive indecision. In this regard, sport competitions are indeed linked to the general category of games, whose result should remain uncertain in order to maintain the actors, on the field and outside the field, in a situation of uncertainty until the end of the event. When this confrontation takes on a spectacular dimension, in the original sense, when the competition becomes a show, the identification mechanism is an addition to the elements of rivalry between the "best equals"²¹ and sporting indecision. Paul Yonnet summarises this view as follows:

"This first system [competing with others and not with oneself], which is an *organisation of uncertainty*, becomes a *mass spectacle*, capable of attracting millions of viewers when the *elite of the best equals* are competing. From their excellence, they draw an ability to *represent*, in a rewarding manner, communities of all sizes (local, regional, national, continental). And because they are "equal", and since there is a shared-odds confrontation that will produce a winner, the *identification* of spectators with the group or with the athlete who represents them can reach paroxysms mirroring the competitive tension on the field."²²

If one is to use this approach to the phenomenon of sport, and to stick to the sporting sphere, the manipulation of competitions, achieved through introducing a false rivalry which leads to an absence of a real uncertainty, causes the disappearance of the uncertainty of the result of the event and of the phenomenon of identification. Trust is lost and credibility is ruined. Beyond the sporting sphere, by undermining the foundations of sport, the manipulation phenomenon threatens the balance which is the basis of the process of civilisation described above.

Therefore, the manipulation of sports competitions is limited neither to the threats it poses to the sporting institution and its practices nor, more broadly, to a threat affecting the values linked to sport. More fundamentally, by refusing to fight against the manipulation of sports competitions or by underestimating this phenomenon, public authorities, the sports movement, private or public betting operators, and the international community, take the heavy risk of jeopardising the long process that led to the development, in parallel, of the process of building so-called 'liberal' societies and the universalization of the sport.

²⁰ As pointed out by J.-J. GOUGUET: "All this means that the more balanced a competition is, the higher the interest of spectators and the higher the championship's revenues. The competitive balance can be considered a public good that benefits all stakeholders when its level is high", "Le principe d'intégrité au défi de la finance mondiale", in: *Intégrité des compétitions sportives*, Dalloz-Juris, coll. "Juris Corpus", Paris, 2014, pp. 1-7 and, more specifically, p. 2.

²¹ Using Paul YONNET's expression, in: *Huit leçons sur le sport*, NRE, Gallimard Editions, Bibliothèque des Sciences Humaines, Paris, 2004, p. 64.

²² *Op. cit.*

The political approach, which will be discussed more briefly, perceives sport, or at least the sporting system, its practices and ideologies, as an extension of a capitalist system whose fast pace is not affected by obstacles capable of slowing it down significantly. The sporting system constitutes one of the most advanced focal points of a process of ideological production, which, by feeding collective representations largely subservient to the capitalist order, produces devastating effects: inversion of values, dissimulation or concealment of reality, supremacy of profit, legitimisation of the established socio-political order, exploitation of the bodies of athletes as winning machines, corruption, mafia racketeering, doping, trafficking of players, addiction to games,²³ cheap dreams, fake solidarity, a mindlessness of supporters, and a powerful opium that diverts the attention of the masses from the much more serious problems affecting modern societies, etc.

Whatever the nuances brought to this frame of reference and its variations, the manipulation of sports competitions is not an abuse of the sporting system, but rather another avatar of the logic of perpetuation of a system whose goal is the preservation of a certain order.

This report does not intend to propose an *a priori* frame of reference for the sporting phenomenon and its institutions. Its purpose is to describe, as precisely as possible, the elements that contribute, at best, to undermining and destabilising what constitutes the essence of athletic competition, and at worst, and if sport is indeed an orthogenesis,²⁴ to aggravating the excesses of the sports world and to strengthening the vices it potentially carries.

²³ For a description under the old regime, in France, of the “bad circumstances” created by gambling, see J. PONTAS, *Dictionnaire des cas de conscience, ou Décisions des plus considérables difficultés touchant la morale et la discipline ecclésiastique tirées de l'Écriture, des conciles, des décrétales des Papes, des Pères et des plus célèbres théologiens et canonistes*, 2nd edition, J.-B. Coignard, 1741, Paris, 3 vol. in-fol., fig. and J. DUSAULX, *De la passion du jeu, depuis les temps anciens jusqu'à nos jours*, Paris, 1779, printed by the author, 2 parts in 1 volume. These risks, highlighted by numerous studies, are used by the Court of Justice of the European Union (see CJEC, 3 June 2010, *Ladbroke's Betting & Gaming*, C-258/08, paragraph 26). In this area, it is important to avoid systematisations. See, in this regard, among numerous studies, M. ESCANDE, *Droit des jeux d'argent et de hasard. Les mutations de l'ordre public*, L'Harmattan, coll. “Logiques juridiques”, 2013; J.-P. MARTIGNONI-HUTIN, “Une sociologie du gambling contemporain”, *Les jeux d'argent*, Pouvoirs, n° 139, 2011, Seuil, pp. 51-63 and one of the cited references, C. DUNAND, M. RIHS-MIDDEL, O. SIMON, Actes du colloque, *Prévenir le risque excessif dans une société addictive. D'une approche bio-psycho-sociale à la définition d'une politique de santé publique*, Éditions Médecine & Hygiène, Geneva, 2010; D. BRIAN and P. WIEMER-HASTINGS, “Addiction to the Internet and Online Gaming”, *Psychology & Behaviour*, Volume 8, Number 2, 2005. For more global studies on the social cost of gambling, see R. J. WILLIAMS, J. REHM and R. M. STEVENS, *The Social and Economic Impacts of Gambling. Final Report for the Canadian Consortium for Gambling Research*, 2011 and *Productivity Commission, Australia's Gambling Industries - Inquiry Report*, Volume 1 (No. 10), 1999 [<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.201.8007&rep=rep1&type=pdf>]. See also concerning France, J.-M. COSTES, S. MASSIN and J. ÉTIEMBLE, “Première évaluation de l'impact socio-économique des jeux d'argent et de hasard en France”, *Les notes de l'observatoire des jeux*, n° 5, June 2014, Observatory of gambling.

²⁴ An orthogenesis means “an evolution where the variations taking place go follow the same path and whose evolution is predictable. Sport is an orthogenesis because it contains its internal principles of perfectionism, and because its evolutionary tendencies are predetermined by its internal organisation – we are not talking about its institutional organisation, but rather fundamentally of the behaviours that structure it and their linkage”, Paul YONNET, *op. cit.*, p. 61.

To this end, even if we will discuss this in detail, the manipulation of sports competitions can be understood, upon initial examination, in the sense provided under Article 3.4 of the Convention of the Council of Europe on the Manipulation of Sports Competitions adopted on 9 July 2014:

““Manipulation of sports competitions” means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.”

Sports competitions are defined as follows under Article 3.1:

““Sports competition” means any sport event organised in accordance with the rules set by a sports organisation listed by the Convention Follow-up Committee in accordance with Article 31.2, and recognised by an international sports organisation, or, where appropriate, another competent sports organisation.”

These manipulations may or may not be linked to sports bets, which are defined at Article 3.5 of the Council of Europe’s Convention as follows:

““Sports betting” means any wagering of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition. In particular:

- a “illegal sports betting” means any sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located;
- b “irregular sports betting” shall mean any sports betting activity inconsistent with usual or anticipated patterns of the market in question or related to betting on a sports competition whose course has unusual characteristics;
- c “suspicious sports betting” shall mean any sports betting activity which, according to reliable and consistent evidence, appears to be linked to a manipulation of the sports competition on which it is offered.”

It goes without saying that the landscape drawn by the manipulation of sports competitions bearing no relation to sports bets is not the same, despite a certain degree of overlap, as the manipulation linked to sporting bets. This second case is much more complex and as demonstrated by certain data. In fact, and as this report shows, it is now proven:

- that the majority of manipulated competitions constituted the basis of betting activities;
- that sporting bets witnessed an exponential growth, especially in Asia, with the development of communication technologies, including the internet,²⁵ and the advent of online bets since the 1990s;

²⁵ See, among others, Ch. BLANCHARD-DIGNAC, “La révolution numérique des jeux d’argent”, *Les jeux d’argent*, Pouvoirs, n° 139, 2011, Seuil, pp. 25-38.

- that the rates of return for bettors²⁶ offered by certain betting operators provide opportunities for money laundering;
- that the diversification of the betting types and formulas increase the likelihood of manipulations;
- that the diversification of the betting types and formulas increase the risks of gambling addiction;
- that the manipulation of sports competitions, whether or not linked to sports bets, places strain on national public policies and requires reconsidering sports bets in the context of free trade and the abolition of borders by the new information technologies;²⁷
- that in contrast to a complete liberalisation of the sports betting market, many States chose to keep a monopoly on gaming, including online gambling, or even to maintain their prohibition system; and when the chosen model is the opening of the market on the basis of a granting of licences, the regulation and controls were reinforced²⁸ (prohibition to advertise sporting bets, prohibition of certain betting types and formulas, blocking of illegal sites, blocking of payment methods, closing of illegal websites, limiting the rate of return for bettors, criminalising the manipulation of sports competitions and creating a specific offence, *etc.*), as was done recently in the United Kingdom, Singapore, New Zealand, Australia, Cyprus, Italy, San Salvador, India, *etc.*; when this is not the case, under-regulation predominates and creates numerous difficulties;
- that organised crime entered the world of sports competitions and sporting bets and that the neutralisation of the financial circuits through which dirty money transits to be laundered is a priority.

It is understood that a multitude of actors, institutions, data, habits, cultures, models, conceptions, priorities given... and finally interests, meet and sometimes clash. In addition, the belated awareness of the various stakeholders of the dangers brought about by the manipulation of sports competitions on sport integrity, and more generally, on sport and its representations, only made the situation worse.²⁹

²⁶ The expected gains paid by the betting operator to the bettor. For example, if a betting operator offers bettors a 95% rate of return, this means that on average, when a client invests 100 Euros on the aggregate of the bets offered by this operator, he will potentially win 95 Euros.

²⁷ See for example, M. ESCANDE, *Droit des jeux d'argent et de hasard. Les mutations de l'ordre public, op. cit.*; *Sports, risques et menaces*, Les Cahiers de la Sécurité, Institut national des hautes études de la sécurité et de la justice, n° 11, January-March 2010.

²⁸ See for example, *Les jeux en ligne en France et en Europe: quelles réformes trois ans après l'ouverture du marché ?*, Report directed by M. BEHAR-TOUCHAIS, J. ROCHFELD and A. DE GUILLENCHMIDT-GUIGNOT, with the collaboration of A. FOURNIER, *Société de législation comparée*, coll. "Trans Europe Experts", vol. 7, Paris, 2013.

²⁹ See *supra*, foreword.

This is why method was essential in the production of this report:

- it is based on an analysis that was carried out, to the extent possible, in three steps: after understanding the facts and providing a critical approach, it became possible to make propositions and recommendations;
- it is also based on a combination of theory and practice, which constitutes today an essential dialectic; in this respect, beyond the knowledge provided by practitioners, the authors of the report, when needed, familiarised themselves with the complex mechanisms governing the multiple factors involved in the manipulation of sports competitions;
- in addition, it is based on the necessary choice of an interdisciplinary approach, involving lawyers, economists, ethicists, sociologists, historians, semiologists, etc.
- it is also based on giving priority to field data: the information provided in this report comes from multiple sources, whether open or the fruit of investigations undertaken within the framework of the Research Programme's works;
- communication with the various stakeholders was also given high priority: either some of these stakeholders were represented within the Research Programme, the members of the Programme were in direct contact with these stakeholders, or, finally, stakeholders were asked to share their analyses with the members of the Programme during interviews or working sessions;
- lastly, it was agreed that the conclusions, recommendations and propositions would be oriented towards practice, i.e. directly usable by all stakeholders; further, these recommendations were used as a basis for the Guiding Principles established by the Programme.

These choices led to opting for a tripartite organisation of the report: after describing the context within which the phenomenon of manipulation of sports competitions appeared and the forms it takes, it was essential to understand the logic of the stakeholders. Having discussed these two elements, it became possible to propose instruments for a coordinated fight against the manipulation of sports competitions.

The report is divided into three parts:

Part 1: Context and Forms of the Manipulation of Sports Competitions.

Part 2: Stakeholder Logic and the Manipulation of Sports Competitions.

Part 3: Instruments for Fighting against the Manipulation of Sports Competitions.