

Using the law to combat sport corruption

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Road Map

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What is corruption?

Corruption- the misuse of entrusted power for private gain
(Transparency International)

Bribery- the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantage (taxes, services, donations, etc.)

Active Bribery - the act of making a bribe to another person

Passive Bribery - the act of requesting a bribe from another person

Public Sector- involves the government or foreign official

Private Sector - does not involve the government or foreign official



What is sport corruption?

- ▶ Competition corruption (athletes, sporting organizations, etc.) that impacts the final outcome of the match
 - ▶ Match-fixing
 - ▶ Spot-fixing
- ▶ Management corruption (host venues, allocation of rights, media, intellectual property, nomination for positions and commissioning constructions works or sports arenas) focuses on the administration of sport -
Wolfgang Maennig (2005)



United Nations Point of View

UN Global Compact 10th Principle: “Businesses should work against corruption in all its forms, including extortion and bribery

The United Nations Convention against Corruption (UNCAC) calls on nations to outlaw, at a minimum: bribery of public officials; embezzlement; trading in influence; abuse of function; illicit enrichment by public officials; bribery and embezzlement in the private sector; money laundering; and obstruction of justice



Traditional Bribery Law -2002 Salt Lake City Winter Olympics

Salt Lake Organizing Committee (SLOC) was accused of providing more than \$1.2 million in cash and gifts (Disneyland, free college scholarships, Super Bowl trips, \$ for mayoral campaign, jobs for kids, 2 knee surgeries) to IOC members for their vote

- Six IOC members expelled, 30 were accused of accepting gifts
- Mitt Romney “If it looks like, talks like and quacks like a bribe” then it must be illegal



Or is it?

- ▶ Utah trial court said the case failed to meet the criminal standards for bribery charges
 - ▶ It is absurd to believe the Utah legislature intended to criminalize gifts that would lead to the promotion of Utah on the world stage of hosting the Winter Olympics
 - ▶ IOC members are not agents or fiduciary of a country, which is required by the Utah law
 - ▶ Difficult to get a jury to convict- IOC members created these rules (passive bribery) so why should Utah citizens be punished for playing by the rules?
 - ▶ Bribery is the culture within the IOC- 7% of members solicited bribes from Olympic bid cities including Nagano, Sochi, Beijing, and others



Wire Fraud - 2015 FIFA scandal

- ▶ The Justice Department's announcement primarily cites deals between FIFA, sports marketing groups, and broadcast corporations for the **television rights** to air the World Cup and other international soccer tournaments.
- ▶ The US Department of Justice alleges that sports marketing executives allegedly paid more than **US\$150 million in bribes** to FIFA officials to secure broadcast rights. Nine soccer officials and five sports executives were indicted.
 - ▶ As Attorney General Loretta Lynch stated, "It spans at least two generations of soccer officials who, as alleged, have abused their positions of trust to acquire millions of dollars in bribes and kickbacks."
- ▶ Former FIFA official Chuck Blazer admitted to taking bribes in exchange for awarding the 1998 World Cup to France and the 2010 World Cup to South Africa.
- ▶ The crime of wire fraud occurs when someone voluntarily and intentionally uses an interstate communications device as a part of any scheme to defraud another out of money, or anything else of value 18 U.S.C. § 1343

Results

- ▶ Josa Maria Marin (\$6.6 million), Juan Angel Napout (\$10.5 million) and Manuel Burga (\$4.4 million)
 - ▶ Marin sentenced to four years in jail, fined \$1.2 million and forfeit \$3.34 million. Banned for life from FIFA
 - ▶ Napout sentenced to nine years in jail, fined. Banned for life from FIFA
 - ▶ Burga acquitted. His lawyers had argued that he would not have been able to receive bribes as he was under investigation for money laundering in Peru.

Platini situation



- ▶ June 17, 2019 Michel Platini, former Uefa president and FIFA member, was questioned about possible private corruption, criminal conspiracy and influence peddling and trading in influence over the December 2010 vote for Qatar 2022 World Cup
 - ▶ Considered a “Free Suspect”
- ▶ Platini promised US his vote but changed after a lunch with then French President Nicholas Sarkozy and Tamim al-Thani, current Emir of Qatar
 - ▶ Three other FIFA European members changed vote to Qatar
 - ▶ Platini’s son, Laurent, was hired by Burrda (owned by Qatar Sports Investments) who then purchased Paris Saint-Germain
 - ▶ Qatar Airways bought 50 A320 Airbus planes
 - ▶ Increased natural gas shipments
- ▶ Platini received 8 year FIFA ban (shortened to 4 years) for 2m CHF payment by FIFA in 2011

False Claims Act - Floyd Landis and the US Postal Service v. Lance Armstrong



The Fourteen Year Lie

- ▶ 1999 there was no test for erythropoietin (EPO)
 - ▶ Increases red blood cells to deliver oxygen to muscles
- ▶ Armstrong pressured other riders to take EPO
 - ▶ EPO half life is 4 hours
 - ▶ In France it is illegal to use performance enhancing drugs to cheat in sports
 - ▶ Once on the tour bus ten feet away from press and tour officials
- ▶ Tyler Hamilton alleges Armstrong paid a bribe to quash a positive test during the 2001 Tour de Suisse
 - ▶ Numerous allegations that cycling governing body (UCI) covered up doping problems for years because sponsorship revenue soared
 - ▶ Riders accepted bribes during races to allow star riders win



The lawsuit

- ▶ The suit alleges that Armstrong's cycling team violated its sponsorship contract by using performance-enhancing drugs and blood transfusions
- ▶ Armstrong submitted False Claims to government to defraud its sponsor, the US Postal Service
 - ▶ Ronald Machen Jr. U.S. attorney: "Lance Armstrong and his cycling team took more than \$30 million (\$32.3 million) from the U.S. Postal Service based on their contractual promise to play fair and abide by the rules - including the rules against doping."
- ▶ Through the FCA citizens can act as whistleblowers and sue to recover money they believe was obtained through fraud against the federal government.
 - ▶ USPS suing for almost \$100 million
 - ▶ Landis can receive up to 25% of this award



The False Claims Act

- ▶ Passed in 1863 to prevent suppliers from defrauding the Union army
- ▶ FCA creates liability for any person who knowingly submits a false claim to the government or causes another to submit a false claim or statement to get a false statement claim paid by the government
- ▶ The FCA allows private persons to file suit for violations of the FCA on behalf of the government



The False Claims Act

- ▶ If the government intervenes in the *qui tam* action, the relator is entitled to receive between 15-25 percent of the amount recovered by the government through the *qui tam* action
 - ▶ If the government chooses to obtain recovery in certain types of proceedings other than the relator's FCA suit, then the relator is entitled to the same share of the recovery as if the recovery was obtained through the relator's FCA suit
- ▶ **Damage awards may be trebled**



Government argument

- ▶ There were nearly 1.6 billion media impressions of Armstrong's doping and another 154 billion negative online media coverage. These negative impressions reduce the value of the USPS sponsorship (Larry Gerbrandt)
- ▶ The sponsorship should be worth zero because no company would sponsor Armstrong if they knew he was doping (Jonathan Walker)
- ▶ It is not just the doping but the cover up because the USPS renewed the sponsorship
- ▶ The contract required the team to enter cycling races, wear the USPS logo and follow rules banning performance enhancing substances



Settlement and Impact

- ▶ Armstrong paid \$5 million including \$1.65 million to Landis
 - ▶ About 7 cents on the dollar
- ▶ Tour de France lost Deutsche Telekom, Audi, Adidas, Nissan, Enovos, Liberty Seguros, Phonak and Rabobank as sponsors since 2006 with many citing doping scandals as the primary reason for their withdrawal



Foreign Corrupt Practices Act - Weatherford International, BHP Billiton, and Bilfinger Engineering



Weatherford International

- ▶ Weatherford was charged with authorizing bribes with improper travel and entertainment, including Match tickets, travel, and entertainment for the 2006 FIFA World Cup to officials of a state-owned company in Algeria to ensure the renewal of oil contracts (SEC.gov, 2013).
- ▶ In late 2013, Weatherford International, a Swiss oil services corporation with substantial operations in Houston agreed to pay penalties in excess of \$120 million for violating anti-bribery and other export control business laws (Securities, 2013).
- ▶ In addition to the penalties, Weatherford International paid almost \$115 million on the investigation (FCPAblog.com, 2013). Weatherford was also fined \$1.875 million for lack of cooperation with the investigation (SEC.gov, 2013).

BHP Billiton

- ▶ BHP Billiton Ltd. is an Australian mining company. As part of their local sponsorship of the 2008 Summer Olympic Games in Beijing, China, BHP Billiton supplied the materials for the gold, silver, and bronze medals (Paul & Hornby, 2013).
- ▶ BHP Billiton provided corporate hospitality to government officials at the Beijing Games and focused on event hospitality for guests of China state-owned steel-making firms (Globalpost.com, 2013) that included event tickets, luxury hotel accommodations, and sightseeing worth up to \$16,000 per trip (SEC.gov, 2015).
- ▶ The SEC found that BHP Billiton did have procedures in place to help prevent bribery violations; however, these controls did not go far enough. BHP Billiton's compliance applications were never reviewed by anyone outside the business unit and the company failed to train their employees on bribery risks and prevention (SEC.gov, 2015). BHP Billiton self-reported these violations to the SEC leading to the 2009 investigation (Cassin, 2014), which was settled by paying a \$25 million fine.

Bilfinger Engineering

- ▶ Bilfinger is a leading international engineering and services group that was a local sponsor of the 2014 FIFA World Cup
- ▶ Bilfinger is accused of paying bribes to Brazilian officials for contracts to equip twelve security command centers
- ▶ Bilfinger is working on a settlement with Brazil under its corruption law. No word on U.S. discussions

Foreign Corrupt Practices Act of 1977 (15 U.S.C. § 78dd)

- ▶ Criminalizes bribery and corruption by U.S. persons and business to foreign officials for business purposes.
 - ▶ This piece of legislation **criminalizes** bribery of foreign public officials in order to obtain a business advantage, required publicly traded companies to keep accurate records and then adopt internal compliance controls to prevent such action.
 - ▶ Although most countries had anti-bribery laws of their own officials on their books, this was the first law to extend into a foreign country's borders.
- ▶ Cash, travel, and entertainment (corporate hospitality) may be considered payments under the Act
- ▶ FCPA has jurisdiction over all U.S. persons and businesses, U.S. and foreign public companies listed on the U.S. stock exchanges, and foreign persons and business acting within U.S. territories
- ▶ Corporations are subject to \$2 million criminal fine and a civil penalty of up to \$10,000 for each violation. Individuals may be subject to \$100,000 criminal fine and five-year imprisonment



Outcomes

- ▶ The Weatherford and BHP Billiton cases illustrate the outcomes from FCPA investigations. Both of these companies' investigations involved mega-sporting events: Weatherford - 2006 FIFA World Cup; and BHP Billiton - 2008 Summer Olympic Games. Both claims involved tickets, travel, and entertainment used in corporate hospitality to support the company's sponsorship.
- ▶ Although neither is a U.S. company, both companies found themselves under the jurisdiction of the FCPA. The SEC had jurisdiction over Weatherford International, a Swiss company, for actions in China, Algeria, and more because it has substantial operations in Houston, Texas (SEC.gov, 2013) and BHP Billiton is an Australian company that trades on the New York Stock Exchange.
- ▶ Although the legal claims may be similar, Weatherford and BHP Billiton received very different penalties. **Weatherford was fined over \$120 million and spent another \$115 million on its investigation, while BHP Billiton settled its claims for \$25 million.** The diverse punishments can be attributed to how Weatherford and BHP Billiton approached the investigations. During the investigation, Weatherford provided very little cooperation. In comparison, BHP Billiton retained outside counsel to conduct an intensive internal investigation and then created a compliance group within the legal department that is separate from its business units (In re BHP Billiton, 2015).

Honest Services Fraud - Adidas NCAA scandal



Scandal 1 aka Coaches Bribery scheme

- ▶ Michel introduced business and financial advisors to college basketball coaches and AAU basketball directors
- ▶ College coaches accepted case bribes from financial advisors to influence current players to be clients
- ▶ The coaches are charged with bribery, solicitation of bribes (passive bribery), honest services fraud, conspiracy to commit wire fraud and Travel Act conspiracy
- ▶ Chuck Person - Auburn, Lamont Evans - Oklahoma State, Emanuel Richardson - Arizona, Tony Bland - University of Southern California face maximum of 80 years in prison if convicted
 - ▶ Person accused of taking \$91,500 to steer players to financial advisors connected to Michel
 - ▶ Richardson sentenced to three months in prison and two years of supervised release
 - ▶ Bland sentenced to two years probation and 100 hours of community service

Scandal 2 aka Adidas

- ▶ Adidas funnels bribe payments to high school players to steer the players to Adidas sponsored programs then to Adidas sponsorship when the player turns professional
 - ▶ Merl Code (Adidas) and Munish Sood (financial advisor) and undercover agent discussed how to mask a \$25,000 from Adidas to the father of a high school player who recently committed to Louisville, an Adidas sponsored program
 - ▶ Jim Gatto (Adidas head of global sports marketing) and Christian Dawkins (agent for ASM Sports), Code and Sood agreed to pay \$100,000 to a recruit's father
- ▶ Coach 2 in the complaint is rumored to be Rick Pitino
- ▶ Even though Adidas agreed to pay a recruit \$100,000, a “rival company came in with a higher number”
- ▶ This is a “gold mine” for Adidas, you can “make millions off one kid” (Dawkins)

The criminal charges

- ▶ The **wire fraud** statute simply requires a scheme to defraud which uses wire communication (18 USCS §1343).
 - ▶ Any person who attempts or conspires to commit any wire fraud offense is subject to the same penalties as those prescribed for the offense (19 USCS §1349).
- ▶ A scheme or artifice to defraud includes a scheme to deprive another of the intangible right of **honest services** (18 USCS §1346).
- ▶ Violating the **Travel Act** involves traveling or using the mail in interstate commerce with intent to distribute the proceeds of any unlawful activity (18 USCS §1952).
- ▶ **Conspiracy** requires two or more persons to agree to commit an offense and at least one of the persons to act in furtherance of the offense (18 USCS §371).
- ▶ **Money laundering** (18 USCS §1956) involves knowing that a financial transaction involves unlawful activity and using the transaction to conceal or disguise the nature and/or source of the unlawful activity.
- ▶ **Bribery** concerning programs receiving federal funds may involve corrupt solicitation of anything of value intending to influence a transaction with the organization or corruptly offering or giving anything of value to an agent of the organization (18 USCS §666).

Honest Services Fraud

18 U.S.C. §1346 (1988) expressly provides that the mail and wire fraud statutes include a "scheme to deprive another of the intangible right of honest services"

Federal prosecutors have wide discretion to **criminalize conduct in private industry that may not otherwise be illegal.**

- ▶ Honest services fraud makes it illegal for executives (private) and government officials (public) to deny the people they serve the "intangible right to honest services"
 - ▶ Punishable by five years in prison and / or \$250,000 fine
- ▶ The defendants deprived the universities of their economic rights, and tarnished an ideal which makes college sports a beloved tradition by so many fans all over the world - U.S. Attorney Robert S. Khuzami

Interesting Facts and Arguments



- ▶ James Gatto and Merl Code both convicted in the pay-for-play scandal have asked for lenient sentences
 - ▶ Gatto actually made some of the schools that he defrauded a lot of money
 - ▶ Everybody does it
 - ▶ Code “Nike schools pay too...whether I give you a dollar, a hundred thousand, or I get your mom and dad jobs, it’s cheating....so in some form or fashion, Duke, North Carolina, Syracuse, Kentucky and all of the schools are doing something to help get kids.”
 - ▶ The widespread NCAA violations are an “open secret” thus he could not have been “brazenly” violating the law
 - ▶ “What help do you think a coach thought Jim Gatto was going to provide in persuading a kid to go to their college? Jim works for a shoe company. He is not a guidance counselor. Kids don’t turn to him for assistance in where they should go to college.”
 - ▶ NCAA seemingly allowed the conduct with minimal punishment
 - ▶ Cam Newton
 - ▶ None of the universities reported a crime in these incidents and none of them have dropped Adidas as a sponsor (in fact, Louisville extended sponsorship agreement during this scandal)

U.S. v. Gatto trial

- ▶ Trial began October 2, 2018
- ▶ Defendants: James Gatto, Merl Code, Christian Dawkins
- ▶ Charges: wire fraud, conspiracy to commit wire fraud, honest services fraud
- ▶ Evidence included telephone recordings, voice mail recordings, video recordings, and testimony by cooperating co-conspirators (Sood, Gassnola, Bowen, Sr.)
- ▶ October 24, 2018 - federal jury convicted Gatto, Code, and Dawkins
- ▶ Gatto got 9 months in prison; Code and Dawkins received 6 months



Judge Admonishment (remind anyone of Salt Lake City?)

- ▶ January 18, 2019 Judge Kaplan ruled testimony questioning the NCAA's amateurism and recruiting rules was not relevant and would have diverted the jury's attention from the criminal charges.
 - ▶ “There would have been a substantial risk that the jury would have concluded that the NCAA rules were unreasonable and that it, therefore, should overlook the payments that defendants facilitated to the families of the student-athletes.”



Bowen v. Adidas, Gatto, Code, Dawkins, Sood, Gassnola, Rivers

- ▶ Complaint filed November 19, 2018
- ▶ Claims Adidas, its employees, and consultants preyed upon the families of top-ranked high school athletes in order to get their children to play basketball at Adidas-sponsored universities
- ▶ Adidas was motivated by profit: desire to increase their share of the \$25 billion athletic shoe market
- ▶ Bowen was a victim of the criminal scheme directed by Adidas
 - ▶ Lost his college eligibility
 - ▶ Lost opportunity to develop into an NBA draft pick and professional career
- ▶ Wants declaratory judgment of various RICO violations for defendants; enjoin Adidas from sponsoring NCAA D1 men's basketball programs; actual damages, treble damages, fees, etc.

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the slide, with some extending towards the center. The overall aesthetic is clean and modern.

Can we do more?

An organization that allows corruption
is a corrupt organization

IOC, IF, NOG Options: Code of Ethics

- ▶ IOC Code of Ethics
 - ▶ Rules Governing the Candidature - Article 11
 - ▶ No gifts, of whatever value, may be given to or accepted/received by IOC Members or any other person or organisation mentioned in article 2.
 - ▶ Rules of Conduct - Article 5 (IF)
 - ▶ No gifts, of whatever value, may be given to or accepted/received by IOC Members or any other person or organisation mentioned in article 2.
- ▶ BUT WHERE IS PASSIVE BRIBERY??

IOC, IF, NOG Options: Jurisdiction

- ▶ Salt Lake City issue:
 - ▶ IOC members are not agents or fiduciary of a country, which is required by the Utah law
 - ▶ IOC needs to release a statement that all international sport organizations should be considered within national corruption laws

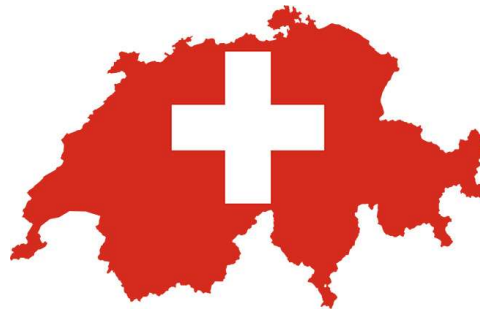


United States v. Esquenazi (2014)

- ▶ Extend the FCPA “foreign official” requirement to include the FIFA officials.
- ▶ This court considers an organization to be an ‘instrument of the government’ when a government subsidizes the entity’s costs, if the entity’s officers are appointed or associated with the government, or if the government has appointed the entity for a particular purpose, such as health or sport (*Esquenazi*, 2014)
- ▶ Many national athletic associations which comprise FIFA or IOC may now be considered ‘instrumentalities’ of their governments and often perform governmental tasks, *such as hosting international sporting events* (Murphy & McGonigle, 2014).
 - ▶ Ministry level positions for regulation of sport
- ▶ Might need stronger connection to role with IOC or FIFA
- ▶ FCPA only prohibits active bribery. Passive bribery, or the act of asking for a bribe, is not covered under FCPA.

LEX FIFA - Swiss Law

- ▶ Approximately 65 international sport organizations, including the IOC and FIFA, are headquartered in Switzerland. Traditionally, Swiss laws have been very friendly to these groups. Previously no law against private corruption
 - ▶ In the summer of 2016, the Swiss Parliament revised the Swiss Criminal Code to make sport organizations and senior officials criminally liable for corruption to private actors (Swiss Code, Art. 322, 2016)
 - ▶ “Lex FIFA” makes it an automatic criminal offense for anyone to give or accept bribes directly to/from sport clubs and officials
 - ▶ Creates a joint and severability standard that could add the sport organization to the illegal behavior of its actors
 - ▶ Requires sport organizations to take reasonable measures to prevent criminal actions
- ▶ IT HAS NOT BEEN USED YET



Court of Arbitration for Sport

- ▶ The **Court for Arbitration of Sport (CAS)** is gradually becoming more prominent in resolving international sport disputes. International sport organizations may prefer this arbitration system as opposed to facing criminal courts. Currently, the FIFA and the sport federations have not granted CAS the authority to judge the actions of the officials.
 - ▶ Blatter v. FIFA (CAS 2016/A/4501) and Valacke v. FIFA (CAS 2017/A/5003) upheld six and ten year bans respectively.
 - ▶ Platini v. FIFA (CAS 2016/A/4474) six year ban was reduced to four
 - ▶ Platini appealing CAS decision to European Court of Human Rights
- ▶ CAS appears to be more lenient and forgiving towards athletes than administrators
- ▶ CAS is not an investigative organization so it would rely on either the FIFA to investigate itself or have another method to gather information.



Sport Bribery Act 18 U.S.C. § 224

- ▶ (a) Whoever carries into effect, attempts to carry into effect, or conspires with any other person to carry into effect any scheme in commerce to influence, in any way, by bribery any sporting contest, with knowledge that the purpose of such scheme is to influence by bribery that contest, shall be fined under this title, or imprisoned not more than 5 years, or both
- ▶ Has not been used very much
- ▶ Concentrates on competition corruption and not management corruption
- ▶ Could you argue Adidas scandal attempts to “influence by bribery (a) sporting contest?”
 - ▶ What about Armstrong?



Sports Agent Responsibility and Trust Act

- 15 U.S.C. § 7801-7807

- ▶ Regulation of unfair and deceptive acts and practices in connection with the contact between an athlete agent and a student-athlete
 - ▶ Athlete agent The term “athlete agent” means an individual who enters into an agency contract with a student athlete, or directly or indirectly recruits or solicits a student athlete to enter into an agency contract, and does not include a spouse, parent, sibling, grandparent, or guardian of such student athlete, any legal counsel for purposes other than that of representative agency, or an individual acting solely on behalf of a professional sports team or professional sports organization.
- ▶ Extend SPARTA to include all organizations offering compensation to student-athletes
 - ▶ Same recommendation for UAAA and state laws

Other Country Laws and Enforcement - United Kingdom

- ▶ UK Bribery Act of 2010
- ▶ Passed prior to London Summer Games 2012
- ▶ Broader scope than FCPA
 - ▶ Included provisions against passive bribery against private citizens
 - ▶ Not clear if IOC qualified under this law



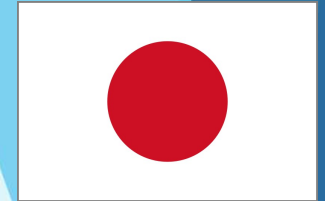
Other Country Laws and Enforcement - Germany

- ▶ 2017 changes to fraud provisions in German Criminal Code to include betting fraud and manipulation of sport events
 - ▶ Includes active and passive bribery
 - ▶ §265C GCC Athlete, coach, referee or judge influencing the process or the result of a sport competition



Other Country Laws and Enforcement - Japan [2020 Summer Olympics]

- ▶ Japan is one of the least corrupt countries in the world
- ▶ Focus on public officials
 - ▶ No Japanese law restricts bribery of private persons



Other Country Laws and Enforcement - China [Beijing 2022]

- ▶ Payments given to state officials: PRC Criminal Law Articles 389-95
 - ▶ Reluctance to bring claims against Communist Party therefore claims will be against foreign corporations only
 - ▶ Very quiet- internal because Party is outside the legal system
- ▶ Commercial bribery between private persons: PRC Criminal Law Article 163 “Anti-Unfair Competition Law”
 - ▶ Public- external legal system to take tough stance against foreign influence
- ▶ Use of FCPA may be heightened due to the state-ownership of most organizations



Other Country Laws and Enforcement - Qatar [FIFA Men's World Cup 2022]

- ▶ Claims that Qatar won hosting rights via \$100 million bribes funneled through its state-owned TV network beIN Sports (formally Al Jazeera Sports)
- ▶ Qatar has strong anti-corruption laws that are generally enforced, however, the ruling family can bypass laws with impunity and high-ranking government officials are rarely prosecuted for corrupt acts
- ▶ In January 2019, Qatar and UN signed a co-operation agreement on fighting sport corruption
 - ▶ Focus on betting and match manipulation
 - ▶ Education, sharing information and training courses



Conclusion

- ▶ Competition corruption - does management corruption count?
- ▶ Passive v. Active bribery
- ▶ Private v. Public officials
- ▶ Creating sport specific law or using existing law
- ▶ Common criticism is using the law to protect the integrity of sport.
 - ▶ Should be the domain of the sport (who hasn't done a good job)
 - ▶ Does this rise to the level of criminal penalization (SLOC issue)
 - ▶ Manipulation of a sport outcome may result in prison time but a severe foul creating harm (also violates fair play and integrity) does not generally lead to criminal liability