

Comment

A roadmap for FIFA under a new leadership



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Comment by Sylvia Schenk

Which direction should FIFA's new leadership take? Sylvia Schenk, German lawyer and anti-corruption activist in sport, lays out a route ahead of the crucial ExCo meeting Monday 20 July.

Play the Game has just published the **first results of its new Sport Governance Observer** that shows FIFA as the leading International Federation in sport with regard to good governance structures.

This may come as a surprise for quite many – but indeed FIFA's performance with regard to financial reporting, an independent audit and ethics committee and other important indicators meets high standards.

Only a few elements are missing, for example – as already discussed in public for a long time now – term limits for the members of the Executive Committee and independent directors as an instrument to increase transparency.

So why is it that FIFA is under ongoing severe criticism and still seen as being “corrupt” by so many? The reason is obvious:

In the public, FIFA's credibility and that of its Executive Committee is at its low due to a long history of alleged and proven corruption, lack of zero-tolerance, impunity, communication deficiencies and, resulting from all this, the gap between vision and reality. In such an environment it is easy to scandalise even small incidents; any suspicion will make it to the headlines.

FIFA needs to restore credibility and to establish an atmosphere that allows working on reforms. This starts with trust in the leading persons – it will not be sufficient to just replace the President. And it needs clear and consequent steps on the most urgent problems:

1. Restore credibility

- The candidate(s) for the presidency as well as all members of the Executive Committee, the members of the Ethics Committee and the leading management agree to undergo an independent due diligence (done by a renowned company)

in this area) before the extra-ordinary congress, that will elect the new president.

- Additionally, those members of the Executive Committee only being elected by their continental federation (i.e. every member except for the president and the female member) will voluntarily ask for a secret ballot by the extraordinary congress to give them legitimacy for their difficult task to lead FIFA into a new era.

- The Executive Committee and all other officials (members of commissions etc. including the Ethics Committee and the Audit Committee) will voluntarily

- disclose the remuneration paid;
- publish the guidelines on travel expenses for all officials and leading management, as well the benefits resulting from FIFA sponsors (e.g. free or discounted access to equipment etc.).

- Together with the new president, more members of the Executive Committee have to take over responsibility – a team is needed to work on the roadmap, not another “lonely leader”.

2. Review FIFA’s statutes and ethics system

Today’s FIFA does not only miss term limits, obligation of independent due diligence for leading management including the Executive Committee, and independent directors.

The whole compliance system of FIFA lacks above all functioning procedures (just see for example the quarrel between the investigative and the juridical part of the Ethics Committee on the publication of the Garcia report) and has not been thoroughly implemented.

Even parts of the competences seem to be unclear. What is for instance the role of Domenico Scala, the chairman of the Audit and Compliance Committee who is elected by congress?

Besides, deficiencies in the structure of FIFA, especially with regard to the election of the Executive Committee, have been registered. These should be analysed in detail under the leadership of the new president with at least the following steps to be prepared for the annual FIFA congress in May 2016:

- Change of the statutes to ensure that in the future (from 2019 onwards) all members of the Executive Committee are elected by – and are thus accountable to – the FIFA congress (with a quota system to guarantee minimum representation of all continental federations) and to make independent due diligence (see proposal Nr. 1) obligatory for all candidates, including commissions and leading management.
- Development of procedures and a policy (including especially regulation on disclosure of decisions and the reasoning like the Court of Arbitration for Sport) for the Ethics Committee.
- Introduction of a compliance management system – for example with the support of the compliance departments of the main sponsors and with the help of independent experts – including a Compliance Officer and a protected whistleblowing system.

3. Stakeholder Summit with regard to the FIFA World Cup 2022 Qatar

The situation of the migrant workers in Qatar has led to continuing criticism of FIFA and the host country. This needs urgent action notwithstanding the current investigation into the awarding by the Swiss authorities. FIFA has to take over responsibility to demonstrate its commitment to human rights.

Within three months after the extraordinary congress, FIFA together with the Supreme Committee of Qatar should organise a Stakeholder Summit under the auspices for example of the International Labour Organisation to develop a binding work plan with shared responsibilities for fundamental improvement of the legal framework and the working conditions for migrant workers in Qatar.

Following the comprehensive report “The dark Side of Migration” published by Amnesty International in autumn 2013 the following institutions and organisations - beside stakeholders from civil society/NGOs - have to be involved:

- Qatari authorities
- Governments of migrant workers’ countries of origin
- Companies employing migrant workers in Qatar
- Large companies commissioning or managing construction projects
- Home governments of companies operating in Qatar

4. Consultation on bidding criteria for the FIFA World Cup 2026

FIFA has prepared - after discussion with the UN High Commissioner for Human Rights and other experts but without public consultation of civil society/NGO – new regulations and criteria for the bidding procedure and the host contract for the FIFA World Cup 2026. These criteria would be the first to include clauses on human rights, working standards and specific anti-corruption measures.

Due to the recent developments, FIFA has now postponed the bidding process for the World Cup 2026 until a new FIFA president is elected.

FIFA should use the time until the election of the new president for a public consultation with NGO/civil society (for example Amnesty International, Greenpeace, Human Rights Watch, the International Trade Union Corporation, Terre des Hommes, Transparency International) on the new bidding criteria. This should include

- the establishment of a code of conduct for bidders and members of the Executive Committee as well as for the member federations/delegates of the FIFA congress; requiring transparency with regard to governmental support/development aid etc. from bidding countries;
- a concept for monitoring/evaluation of the bidding process and the organisation of the World Cup, especially with regard to human rights, children’s rights, labour standards, environment and anti-corruption.

5. Fight against match-fixing

FIFA has made considerable efforts against match-fixing but has no systematic approach to the different levels of responsibility, e.g. clubs, leagues, national and continental federations. Interpol recently suspended the cooperation due to the latest corruption investigations by Swiss and U.S. police.

By the end of 2015 FIFA should publish a report on all its activities and the overall achievement of its efforts in the fight against match-fixing including the cooperation with Interpol and the budget spent on these activities over the last five years.

Based on this report, a group of experts together with the respective department of FIFA, football stakeholders of all continental federations and – if possible – of Interpol shall evaluate the report and develop a concept for systematic prevention and prosecution of match-fixing.

6. Support good governance in continental and national federations

The latest allegations of corruption (the FBI investigation) are focusing on bribes having been paid by TV-rights/marketing companies and sponsors to football officials in continental and national federations. This means that they are not – as far as can be seen up to now – related to contracts involving FIFA as a party.

This demonstrates that part of the problem is lying with the member federations of FIFA, independent legal entities that cannot be directly governed or controlled by FIFA. On the contrary: These member federations constitute the congress, which is the highest decision-making body of FIFA that should hold the Executive Committee accountable.

There is a huge lack of (good) governance and quite often even of fundamental administrative skills within many national federations. This means that any improvement of governance in international football needs to start with bringing football administration to a minimum standard globally.

Until the end of 2016 FIFA should develop a basic model for good governance/compliance in national federations and – with the help of the continental federations – in national professional leagues.

By linking the adherence to minimum standards on transparency, accountability and integrity to the licensing system for professional clubs, the participation in continental and world cups, the champions/continental leagues and above all the financial support by FIFA (yearly payments to member federations as well as Goal projects etc.), FIFA can, step by step, develop governance standards in its member federations.

This might be backed by additional governmental requests and specific support, as it has already been expressed in resolutions by the Council of Europe, the Berlin Declaration of MINEPS V etc..

7. Change the culture

FIFA's 209 member organisations combine the whole world, representing different cultures, traditions, legal systems, understanding of the rule of law, habits of hospitality and gifts and nepotism. Over decades – like in other sports, too – this has been widely accepted in FIFA resulting in severe cases of bribery and criminal acts.

The approval of the new Code of Ethics in 2013 and additional provisions/changes to the statutes did not suffice to change the behaviour after such a long period. FIFA, the continental and national federations need a thorough implementation program with regard to transparency, accountability and integrity. The attempt to clean FIFA just by new regulations obviously failed.

The undisputable lack of integrity in the leadership of football all over the world is not only a problem in itself. It prevents a successful fight against match-fixing as there is no "leading by example" to show players, coaches and other officials that in the world of football, compliance with the rules is synonymous with zero-tolerance for any wrongdoing.

Thus the organised crime creeping into football via match-fixing undermines the governance additionally establishing a specific vicious circle.

FIFA alone cannot change long-lasting patterns of behaviour all over the world and/or the endemic corruption in quite many countries lapping into sport organisations. But – together with its partners, e.g. sponsors, TV companies and all those politicians heavily criticising FIFA for its failure on good governance so far – FIFA can take fundamental steps to develop a basic understanding of integrity and fair play in international football.

To achieve this FIFA should develop until the end of 2016 a concept explaining what good governance means, why it is important and how basic knowledge can be spread in football globally.

If all football stakeholders, all those supporting football in one way or the other, and those using it for supporting social change (for example the development aid agencies, the UN Office for Sport, Development and Peace) would deliver basic skills on the rule of law in management and leadership as part of their work, this could spread the message and know-how in an effective way.

http://www.playthegame.org/news/comments/2015/011_a-roadmap-for-fifa-under-a-new-leadership/

About the author



Sylvia Schenk is a German lawyer and a long-time activist in the fight against corruption in sport. Among other things she was co-authoring one of the first reform proposals for FIFA in 2011, the

[Safe Hands: Building Integrity and Transparency at FIFA](#)