

MATCH-FIXING IN LONDON OLYMPIC YEAR SCANDALS, LESSONS & POLICY DEVELOPMENTS

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2012 was predicted to be the year when match-fixing, particularly that related to sports betting, became the principal issue of sporting integrity worldwide with London hosting the Olympic Games. As it transpired there was only one such scandal at the 2012 Games and it was not related to betting. Yet the Olympics did provide the actors in the fight against match-fixing with many invaluable lessons. Developments in the field of match-fixing during 2012 came instead from outside of the Olympics with the progression and revelation of numerous instances of match-fixing and the advancement of new public and private policies to detect, deter and educate. This paper will examine issues ranging from the increasing use of polygraph (lie-detector) tests and the role of national and international bodies, to the sports that have been knee-deep in the match-fixing mire during 2012 and whether the current approach to sanctioning is proportionate.

Sports affected during 2012

Football

As ever, being the most popular sport worldwide, football accounted for a large proportion of match-fixing activity in 2012.

Changes at the top of football's world governing body FIFA, with Ralph Mutschke taking over from Chris Eaton as Director of Security, allowed Eaton to reveal some uncomfortable allegations upon taking over as Director of Sport Integrity at the newly formed International Centre for Sport Security ('ICSS') based in Doha (to which I will return later). The principal of which was a claim that the 2010 World Cup match between Nigeria v Greece was under investigation for match-fixing.¹ Nigeria having previous being part of an alleged fixed friendly match with Argentina back in June 2011. FIFA went on the defensive, as is all too often the case with sports governing bodies (SGBs), saying no World Cup matches have ever been tainted. One may question why Eaton would conjure up such an allegation?

The 'Asiagate' scandal rumbled on with the Zimbabwe national team being disbanded as the match-fixing scandal stemming from an Asian tour the team took back in 2009 undermined the entire sport in the country. This culminated in Zimbabwe Football Association President Cuthbert Dube questioning the integrity of the team in its most recent match, having let a 3-1 lead slip to miss out on qualification for the Africa Cup of Nations, and disbanding the team soon after. This suspicion may have stemmed from the players having told an ethics committee investigation that during the infamous 2009 tour representatives from betting syndicates were present in the changing room at half time dictating to them how the game should unfold!²

Again in Africa, match-fixing allegations have arisen in relation to the South African national team regarding friendlies played in the lead up to the 2010 World Cup held in the country. It is not the team that is under suspicion but the high ranking members of the South African Football Association ('SAFA'), who appear to have been duped by the prolific match-fixer Wilson Raj Perumal.³ He is infamous for manipulating referees through friendlies his companies organised and profiting from the vast sums made by Far East gambling syndicates as a result. He was caught in

¹ 'Fixing allegations raised over 2010 World Cup match', Gordon Tynan, independent.co.uk, 7 August 2012

² 'Zimbabwe chief disbands team', Associated Press, ESPN Soccernet, 2 November 2012

³ 'Match-fixing scandal in South Africa overshadows Africa Cup of Nations', Jonathan Wilson, guardian.co.uk, 3 January 2013

the act back in 2011, imprisoned in Finland for a year, and is currently in protective custody in Hungary.

This spate of developments in Africa no doubt led FIFA, in co-operation with INTERPOL (the international police organisation), to hold an 'Integrity in Sport' workshop in Johannesburg in August which was attended by eight African associations, including Zimbabwe.⁴ This quote from the President of the Football Association of Swaziland perhaps sums up perfectly the lack of knowledge and naivety of SGBs and the challenge facing them, "We certainly had no idea of the depth of the potential dangers and how vigilant we must be."

In Malta, a small EU territory that has adopted an extremely friendly regime to online betting companies, both their domestic league and national team have been subject to the ills of match-fixing. The main protagonist, and some say scapegoat, has been player Kevin Sammut. Mr Sammut was initially banned from football for a 10 year period for breaching UEFA's principles of integrity and sportsmanship following the conclusion of investigations by a UEFA Control and Disciplinary body into match-fixing allegations in the Euro 2008 qualifier between Norway and Malta, where Norway scored 3 goals in the last 18 minutes for a 4-0 victory. The case came to light during the infamous Bochum trial in May 2011, the most wide ranging and notable match-fixing case ever to come before a court, after Croatian fraudster Mario Cvrtak, a close ally of Ante Sapina who headed a notorious betting syndicate, testified during the trial that he had met with at least three Maltese national players to rig the aforementioned match.⁵ Both the player and the UEFA Disciplinary Inspector appealed the decade ban. The UEFA Appeals Body then extended the ban to life. I will discuss the appropriateness of such a sanction in greater depth later.

Italy, a nation somewhat notorious in this area, was the subject of yet another tranche of allegations and prosecutions in 2012. The highest profile actor caught in the crossfire on this occasion was current Italian league champions Juventus, who have a chequered history as regards match-fixing, with their manager Antonio Conte being served a four month ban (reduced from 10 months upon appeal) for failing to report allegations of match-fixing during his tenure at Siena.⁶ There was also the extreme actions of Verona striker Emanuele Pesoli who held a four day hunger strike whilst chaining himself to the Italian football headquarters following a three year match-fixing ban being imposed upon him.⁷ Perhaps of greatest concern was player Simone Bentivoglio describing an "atmosphere of complete terror" in Italian football having accepted a plea bargain for charges brought against him.⁸

The last, but by no means least, major match-fixing issue to affect the football world in 2012 was the conclusion of the travails in Turkey. At the beginning of the year a previous chairman of the Turkish Football Federation ('TFF') and two deputies resigned over the TFF's failure to agree on the sporting sanctions to apply to the reported 15 top flight clubs implicated along with various individuals. By the end of April the TFF finally came to a decision, softening its original stance, declaring that those clubs found guilty would get a minimum 12 point deduction rather than automatic relegation. Life bans would only apply to those individuals who influenced the result on the pitch while those who made off-the-field attempts to fix would face a maximum ban of three years.⁹ This announcement was made while a trial was pending for 93 officials, players and coaches.¹⁰ The ruling from the Turkish court finally came on 3 July which found many of the main actors guilty, including Fenerbache Chairman Aziz Yildirim and other high profile figures in Turkish club football. However as the convictions handed down had already been served, having

⁴ 'Integrity workshop well received in Africa', FIFA.com, 26 August 2012

⁵ 'Banned player insists he is innocent', timesofmalta.com, 19 August 2012

⁶ 'National Court for Sports Arbitration issued its final ruling on Antonio Conte's position', Italian Sports Law Research Center, LawInSport, 1 November 2012

⁷ 'Emanuele Pesoli ends his hunger strike over match-fixing ban', BBC Sport, 15 August 2012

⁸ 'Midfielder tells of 'terror' in Italian game', Adam Digby, ESPN Soccernet, 24 August 2012

⁹ 'Turkish federation eases penalty for match-fixing', Ece Toksabay, Reuters, 30 April 2012

¹⁰ 'Turkish Federation face scrutiny after pardoning teams involved in match fixing debacle', Andrew Warshaw, insideworldfootball.biz, 8 May 2012

been remanded in custody prior to the trial, the individuals walked free. This provoked much anger from the majority of football fans in the country, which still persists on social media with the hash tag #FightMatchFixing.

Tennis

The tennis authorities continue to keenly monitor and investigate alleged instances of match-fixing activity. Having had an appeal by Daniel Kollerer for a life ban for match-fixing successfully rejected by CAS in 2011¹¹, CAS once again sided with the tennis authorities in the face of an appeal against a life ban for match-fixing, this time by Serbian player David Savic, "The CAS Panel rejected the Player's arguments and concluded that the disputed facts had been proven not only by a preponderance of the evidence, but indeed to the Panel's comfortable satisfaction."¹²

Cricket

Due to the major opportunities to spot-fix, as well as match-fix, cricket finds itself under constant scrutiny, regardless of the fact that much of the best preventative work in the field is done in the sport.

Having served the minimum terms of their respective prison sentences in the UK for spot-fixing Pakistan cricketers Mohammed Asif and Salman Butt will be having their sporting ban appeals heard at the Court of Arbitration for Sport ('CAS') in early February.¹³ They were initially banned by the International Cricket Council for seven and 10 years respectively.

The most powerful national SGB in cricket, the Board Of Control For Cricket In India, handed five domestic bans out of varying lengths for varying offences after an Indian TV sting alluded to the five players being involved in match-fixing.¹⁴

Another sting came soon after, this time involving umpires who had been approached to fix matches on the sub-continent. All of the six accused have been stood down from umpiring duties by their respective national SGB pending the outcome of further investigations. What was particularly significant about this case is that some of the accused umpires had been involved with unofficial Twenty20 World Cup warm-up matches.¹⁵

Finally, Pakistan international leg spin bowler Danish Kaneira has appealed a life ban handed to him by the England and Wales Cricket Board for having "knowingly induced or encouraged" teammate Mervyn Westfield to spot-fix a county cricket game.¹⁶ He had previously been investigated on similar charges back in 2009. The Pakistan Cricket Board also then banned him from playing cricket in his home country.¹⁷

Rugby

Rugby is a sport that is rarely ever mentioned where match-fixing is concerned.¹⁸ However unsubstantiated allegations made by Graham Henry, the former New Zealand head coach, in his autobiography published in 2012 made people think a little more closely about what exposure the

¹¹ CAS 2011/A/2490 Daniel Kollerer v Association of Tennis Professionals, Women's Tennis Association, International Tennis Federation & Grand Slam Committee

¹² 'Media Release: The Court of Arbitration for Sport confirms the life ban imposed on David Savic but lifts the fine', tas-cas.org, 6 September 2012

¹³ 'CAS to hear Asif and Butt appeal next February', ESPN cricinfo, 5 November 2012

¹⁴ 'BCCI bans five players after corruption', ESPN cricinfo, 30 June 2012

¹⁵ 'TV sting alleges corruption among umpires', Mohammed Isam, ESPN cricinfo, 8 October 2012

¹⁶ 'Danish Kaneiria and Mervyn Westfield corruption case: ECB findings in full', telegraph.co.uk, 22 June 2012

¹⁷ 'Dansih Kaneria is suspended from playing cricket in Pakistan', guardian.co.uk, 9 July 2012

¹⁸ 'Study - Sports betting and corruption: How to preserve the integrity of sport', page 18, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS, 13 February 2012

game is subject to. He alleged that in the World Cup semi-final from 2007 between New Zealand and France English referee Wayne Barnes may have match-fixed causing New Zealand to lose. With referees being so revered in the game this did not go down well with fans and commentators worldwide who saw it simply as bad sportsmanship.¹⁹

If there was any good to come out of this it shone a light on the inadequate regulations in place at all levels of the sport, journalist Gregor Paul saying, "Rugby, sanctimonious and forever convinced by its own purity, can't be above suspicion and yet it protects itself from corruption with flimsy and outdated regulations...The fact that there is no recognised system in place to accept and then process serious allegations is perhaps typical of rugby's misplaced arrogance that it is immune to scandal."²⁰ Consequently changes are being made by the International Rugby Board, and national rugby bodies, to keep the game safe.

Handball

Being a sport with little profile in the UK prior to the Olympics handball was a sport which was not often associated with being attractive to match-fixers. This was prior to reading a comprehensive report into betting-related match-fixing which said, "Disciplines with fewer players, such as basketball and handball, are also potential targets for match-rigging attempts."²¹ These turned out to be prescient words as shortly after the Games seven players in the professional French handball league were placed under formal arrest for match-fixing and illegal betting offences.²² This became worldwide news because one of those detained was double Olympic gold medallist Nikola Karabatic. In a match between Montpellier, for whom all the players arrested played for, and Cesson-Sevigne in May abnormal betting patterns were reported by an operator and bets were suspended during the match.

Badminton

We will see below how badminton, another sport not often thought of as a potential match-fixing target, found centre stage at the Olympic Games for the wrong reasons.

Chess

A niche 'sport' that has been touched by match-fixing this past year has been chess. Anwar Qureshi, the National Chess Master of Pakistan, was convicted by the vigilance committee of the National Chess Championship's on various match-fixing charges including corruption, breach of discipline and violation of the code of conduct. The penalty handed down was a 10 year ban and Rs100,000 (£635) fine.²³

Match-fixing and London 2012

London 2012 marked a watershed for the Olympic Games as it was the first time the Host City Contract contained a sports betting monitoring and co-operation clause to combat the threat of match-fixing. This was particularly appropriate for London as Great Britain is considered one of the most liberal jurisdictions for sports betting but also one of the best regulated. In the lead up to the games the International Olympic Committee ('IOC'), especially its president Jacques Rogge,

¹⁹ 'Henry's book lights a fire', Vaimoana Tapaleao, nzherald.co.nz, 30 July 2012

²⁰ 'Rugby: More robust safeguards needed', Gregor Paul, nzherald.co.nz, 5 August 2012

²¹ 'Study - Sports betting and corruption: How to preserve the integrity of sport' at page 18, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS, 13 February 2012

²² 'Police detain French Olympic champ in handball betting probe', Jacques Klopp, Associated French Press, 30 September 2012

²³ 'Match-fixing: National chess master banned for 10 years', tribune.com.pk, 16 August 2012

promoted the message that match-fixing was the most significant threat to the Games. Accordingly a lot of work was undertaken by many stakeholders to ensure the Olympic Games was not subject to its first ever betting-related match-fixing scandal.

At the Sport & Gambling 2012 conference, held in London on 9 October 2012, the IOC's Paquerette Zappelli and the Gambling Commission's (Great Britain gambling regulator) Nick Tofliuk gave a joint presentation entitled 'Lessons from London 2012'. This was a fascinating insight into what perhaps was the most successful match-fixing operation to date.

At the outset the view was taken that the best way to co-ordinate all the different actors would be to establish a Joint Assessment Unit ('JAU'). The JAU would be a mechanism for the collection, collation and assessment of information, both before and during the London Olympics, by the following stakeholders:

- London Organising Committee of the Olympic Games ('LOCOG');
- IOC;
- UK police force;
- Non-Olympic sports;
- SGBs;
- Betting operators and associations;
- INTERPOL; and
- Media.

The challenge for the JAU would be two-fold: to protect stakeholder interests and putting theory into practice. A central tenet to the JAU's approach would be to ensure that if any threat were to arise that the response would be proportional, which would primarily be a media management issue. One view is that proportionality should underpin the shaping of match-fixing, regrettably however it is seemingly all too often overlooked.

Clear and robust relationships between the above stakeholders were paramount, as was timing. The delivery model designed to evaluate the JAU was tested thoroughly through scenario based testing sessions. This raised awkward questions of capabilities and competencies, both for the JAU and its various stakeholders, highlighting the importance of depth of understanding of all the organisations involved.

Perhaps the most valuable thing to take from the JAU's approach was that they profiled each of the Olympic sports in detail to find their respective inherent risks and vulnerabilities. To do this they looked to find where the culture was already compromised by corruption (i.e. through weak or compromised governance, doping or match-fixing). Having completed the profiling they were then able to allocate resources appropriately to the sports they had identified as being of greater risk.

Given the overall sports betting turnover at London 2012 was about 10 times higher than for Beijing 2008, the fact that there were no betting-related scandals uncovered during London 2012 indicates that the model may be able to be used internationally, perhaps as a basis for a WADA-type body in the future. What the JAU did not cover, and was never intended to do so, was what unfolded during the badminton women's doubles tournament.

On Tuesday 31 July four pairs took to the court for two of the final matches of the group stages. They had already qualified for the next stage of the tournament. Farcical scenes then ensued whereby the players served woefully into the net and missed easy shots in an attempt to deliberately lose their matches and gain favourable draws in the knockout stages.²⁴ During both matches the crowd audibly voiced their disapproval of the debacle. This made headline news around the world drawing heavy criticism from all quarters.²⁵ This included Lord Coe, Chairman of LOCOG, who described it as, "depressing, who wants to sit through something like that? I know

²⁴ 'Disgraced South Koreans have bans reduced', Reuters, 22 August 2012

²⁵ 'An athlete's perspective on match-fixing: what sports' governing bodies should learn from Shuttlegate', Emma Mason, LawInSport, 9 November 2012

the badminton federation [the 'BWF']...will take that really seriously...it is unacceptable."²⁶ Thankfully the BWF did as Lord Coe hoped and, having called a disciplinary meeting the following day, disqualified all eight players from the tournament.

The fallout from this scandal brought a great deal of soul searching for the sport, not just for the BWF but also for the national badminton governing bodies. All four of the pairs received short bans from their national SGB, the prevailing view seeming to be that the offending players had been punished severely enough by being excluded from the opportunity to win an Olympic medal. Given the part of the world where the pairs came from (South Korea, China and Indonesia), the Far East being a hotbed for match-fixing activity and illegal gambling syndicates, there were some suspicions (often voiced through social media) as to whether there was a betting corruption element in addition to the sporting motivations to fix the matches? I put this question to Ms Zapelli and Mr Tofliuk at the Sport & Gambling conference. They said that although it had been prudent for the JAU to investigate the matter there was no evidence found of the misdemeanours being related to betting.

Often the opportunity for sporting-related match-fixing stems from a structural flaw in the tournament.²⁷ The BWF, having been caught out on the grandest of stages, has already changed the rules for Olympic doubles at Rio 2016. Following the group stage, all pairs finishing second in their groups will be placed into a second draw to determine who they face in the knockout phase. For pairs that top their group, they would have fixed positions equivalent to seeded placings in the knockout stage. The BWF hope this will prevent such a "regrettable spectacle" ever happening again.²⁸

Even with the unforeseen badminton scandal, publicly London 2012 was viewed as a success in the fight against match-fixing, particularly as regards the most insidious betting-related form. Many national and international institutions can take the baton from the JAU and forge ahead with effective policies that make an efficient use of resources, but how are policies shaping now both regionally and globally?

Europe looking to lead the way

European political institutions have taken it upon themselves to lead a co-ordinated and (hopefully) coherent fight against match-fixing because, as European Commissioner for Internal Market and Services Michael Barnier recently said, "There is no other type of fraud where it is so evidently difficult for Member States to tackle it alone."²⁹ Emine Bozkurt, a member of the European Parliament, had this to say in support, "Match-fixing might seem like a minor issue, but it is a serious problem in Europe. It is a form of crime with high revenues and excessively low sentences and detection rates."³⁰ David Folker, of Football Data Co, summarised the challenge facing Europe in a very matter-of-fact way at the Sport&EU Conference 2012 this past summer in Lausanne, Switzerland describing it as 'Le Mess!':

- You have well organised, smart, litigious betting companies;
- Disorganised European Union ('EU') Member States;
- Powerless federal government;
- European courts trying to use the law to write policy;
- Legislators can't keep pace with technology;
- Citizens want to bet on sports; and

²⁶ 'China 'to probe badminton loss' as players charged', BBC News China, 1 August 2012

²⁷ 'An athlete's perspective on match-fixing: what sports' governing bodies should learn from Shuttlegate', Emma Mason, LawInSport, 9 November 2012

²⁸ 'Olympics doubles rules changed for Rio 2016 after match-fixing scandal', Duncan Mackay, insidethegames.biz, 30 November 2012

²⁹ 'Fifa discuss gambling fraud at European Parliament', Ryan Benson, goal.com, 3 July 2012

³⁰ 'Parliament mulls EU laws to fight organised crime in sport', euractiv.com, 20 September 2012

- Sports intellectual property ('IP') is being used for betting purposes without permission.³¹

The Council of Europe ('COE') got the ball rolling back in March 2012 when it invited the Enlarged Partial Agreement on Sport ('EPAS') to launch negotiations, in co-ordination with the EU, on a possible international legal instrument against the manipulation of sports results, notably match-fixing ('the Convention').³² Functions of the Convention are intended to include (amongst others):

- Betting monitoring systems;
- Judicial co-operation; and
- Uniform sanctions.

It is worth stressing at this point that the COE is an entirely separate and distinct body from the EU. It covers almost the entirety of Europe with its 47 member countries while the EU only has 27 Member States. The COE seeks to develop common and democratic principles based on the European Convention on Human Rights. Two of the COE's objectives can be seen to fit with match-fixing: to protect human rights and to find common solutions to the challenges facing European society.

The EU formally accepted the COE's invitation to participate on 13 November 2012 through the executive arm of the EU, the European Commission. The Commission stated that it wanted to represent the EU in the negotiations in order ensure the proposed Convention sat comfortably with the EU *acquis*, in particular the areas of Internal Market freedoms and judicial co-operation in criminal matters, and the evolving body of EU policies in relation to sport, online gambling and the fight against corruption more broadly.³³ It has been said that the EU has to tread carefully in these areas despite the Treaty on the Functioning of the European Union³⁴ (otherwise known as the Lisbon Treaty) giving specific powers and competencies to the EU as regards sport (articles 6 and 165³⁵). This area received the largest amount of funds from the EU Commission's sports unit in its latest grants to European projects³⁶, with more than €1 million having been given to projects to fight match-fixing.

The EU is also looking to tackle the thorny issue of match-fixing through the auspices of its review of online gambling within the Union. 'Safeguarding the integrity of sports and preventing match-fixing' is one of five priority areas in the "Towards a comprehensive European framework for online gambling" Communication published by the Commission in October 2012 (the 'Action Plan').³⁷ Following on from the Action Plan the Commission proposes to adopt a Recommendation on best practices in the prevention and combating of betting-related match-fixing in 2014.³⁸ Furthermore, Member States themselves are urged to take the following steps:

1. Set up national contact points which bring together all relevant actors within each Member State that are involved in preventing match-fixing;
2. Equip national legal and administrative systems with the tools, expertise and resources to combat match-fixing; and
3. Consider sustainable ways to finance measures taken to safeguard sports integrity.

The final step is one which is often not given great enough importance in the debate about match-fixing. It is laudable having grand plans for trans-national policies and co-operation but who is going to pay for it? In the age of austerity, especially in the EU, a major obstacle to progress in

³¹ 'Cheating to win / Cheating to loose: sport and gambling' Panel at Sport&EU Conference 2012, Lausanne, 20 June 2012

³² 'Match-fixing: European Commission to participate in negotiations for Council of Europe Convention to combat manipulation of sports results', Practical Law Company, 22 November 2012

³³ 'Match-fixing: European Commission to participate in negotiations for Council of Europe Convention to combat manipulation of sports results', Practical Law Company, 22 November 2012

³⁴ OJEU 2007/C306/01

³⁵ 'Match-fixing in sport: A mapping of criminal provision in EU 27', KEA, March 2012

³⁶ 'EU Commission bets on match-fixing', playthegame.org, 22 November 2012

³⁷ SWD(2012) 345 final

³⁸ 'European Commission adopts Action Plan on online gambling', Practical Law Company, 1 November 2012

this area will be governments setting aside the necessary funds. Governments have to lead as sports themselves are often reticent to do so. One set of stakeholders who have shown the means and will to spend on this issue are the betting operators themselves, with policy makers needing to have a more cordial attitude towards them to continue, and even enhance, this investment. I will return to this often overlooked problem later when considering the appetite for a world match-fixing body.

Concerted efforts by trans-national bodies on a global scale

INTERPOL

INTERPOL is perhaps the most important international organisation in combating match-fixing and have had considerable success with their operations.³⁹ They are the world's largest international police organisation with 190 member countries. INTERPOL's stated role is to, "enable police around the world to work together to make the world a safer place." They say that their high-tech infrastructure of technical and operational support helps meet the growing challenges of fighting crime in the 21st century.⁴⁰

Under INTERPOL's 'Corruption' crime area sits 'Integrity in Sport'. This stemmed from the 10-year relationship it entered into with FIFA back in May 2011 to develop and implement a global training, education and prevention programme with a focus on regular and irregular betting as well as match-fixing.⁴¹ An Integrity in Sport unit was then established to implement these objectives based within the INTERPOL Global Complex for Innovation in Singapore. This has led INTERPOL to be engaged by other global sports to provide assistance on match-fixing prevention at the criminal level, for instance the London 2012 JAU (as described above). As Secretary General Ronald K. Noble said in 2012, "As corruption in sports has become a global concern, our response must be global and holistic."⁴²

One of the major criminal match-fixing successes in recent times has been the four Soccer Gambling ('SOGA') operations. SOGA operations are coordinated by INTERPOL and have in total led to more than 7000 arrests, the closure of illegal gambling dens which handled more than US\$2 billion worth of illegal bets and the seizure of nearly US\$27 million in cash.⁴³ The latest of these operations, SOGA IV, was this past summer and timed to coincide with the end of major national football leagues across Europe, UEFA European club competitions and the UEFA European Championships (EURO 2012) held in Poland and the Ukraine. It focussed on illegal football gambling networks across Asia. SOGA IV took two months in total and successful raids were carried out by law enforcement officers across China, Macau, Hong Kong, Malaysia, Singapore, Vietnam and Indonesia.⁴⁴

As well as its hands-on crime fighting activities in the field INTERPOL has also been extremely active on the international conference circuit imparting pearls of match-fixing wisdom. One such conference was in Brazil in November where John Abbott, Chair of the INTERPOL's Integrity in Sport Steering Group said that the five key elements for a successful strategy are: partnerships, information exchange, co-ordination, prevention strategies and pro-activity.⁴⁵

³⁹ 'Arrests across Asia in INTERPOL-led operation targeting illegal soccer gambling networks', Interpol.net, 18 July 2012

⁴⁰ 'Overview', Interpol.net

⁴¹ 'Integrity in Sport', Interpol.int

⁴² 'Keeping sport clean needs enhanced policing and prevention, INTERPOL Chief tells summit', Interpol.int, 25 April 2012

⁴³ 'Arrests across Asia in INTERPOL-led targeting illegal soccer gambling networks', Interpol.int, 18 July 2012

⁴⁴ 'Arrests across Asia in INTERPOL-led targeting illegal soccer gambling networks', Interpol.int, 18 July 2012

⁴⁵ 'Protecting sport from organized crime the focus of INTERPOL panel at International Anti-Corruption Conference', Interpol.int, 12 November 2012

ICSS

Another non-governmental body seeking to shape policy and operate on a global scale is the ICSS based in Doha, Qatar in the United Arab Emirates. The ICSS President, Mohammed Hanzab, states the ICSS' goal to be, "a global hub of security, safety and integrity expertise, with the sole purpose of ensuring sport is equipped to overcome these challenges".⁴⁶ They claim that they are a, "not-for-profit organisation...[with] no private or governmental interests and all profit gets re-invested into the core activities".

One of the ICSS' four specific areas of work is 'Sport Integrity'. Within this area they seek to focus on three core pillars:

1. Protection of Sport through Training and Education;
2. Protection of Sport through Investigation and Intelligence; and
3. Protection of Sport through Enforcing Consequences in Sport.

It is evident that there seems to be a considerable amount of overlap with the work INTERPOL is already doing.

The ICSS have invested heavily in hand picking the best personnel in each of the four areas they look to work in, for instance for Sport Integrity they poached Chris Eaton from FIFA. As touched upon earlier, since taking the role of Director of Sport Integrity in May 2012 Eaton has been vocal on a number of aspects of match-fixing and the regulation of it making his views very clear. He describes criminal infiltration into football in particular as "endemic on a global level"⁴⁷ and therefore calls on governments to take collective responsibility to ensure football bodies at all levels comply with minimum business standards, such as due diligence in financial procedures, and that they maintain and practice corruption protection policies and procedures.⁴⁸ Being a former police officer himself he also has strong views on how police forces should tackle the issue, "It is the responsibility of police to routinely and actively investigate and internationally cooperate, with a primary focus on criminal disruption and crime prevention, not on prosecution and asset seizure."⁴⁹

Although the above action by the ICSS is all very laudable there have been a number of critics of their involvement. Declan Hill, considered the leading investigative journalist in the field, has praised Eaton for his recent statements, "He usually says interesting and truthful things. He should be listened to."⁵⁰ Yet Hill goes on to say, "The problem is that he is working for what many people perceive as a walking oxymoron – a Qatari anti-corruption agency. Few sports commentators, after the problems in awarding the 2022 World Cup, believe that the Qataris are disinterested in their pursuit of sports corruption."⁵¹ There is also considerable scepticism about the motives of the ICSS given that Doha has mounted failed bids for the 2016 and 2020 Olympic Games and intends to bid again for 2024. There is a view that they are using the ICSS as a vehicle to politically lobby major SGBs and therefore garner support for future Olympic Games bids.

There will always be people more than willing to criticise any actions being taken in the Middle East in relation to sporting governance and integrity. Yet given the paucity of research in

⁴⁶ Profile, theicss.org

⁴⁷ 'The increasing prevalence of criminal manipulation of football results', leadersinfootball.com, 26 October 2012

⁴⁸ 'The insidious spread of gambling fraud', Chris Eaton, ICSS Journal, December 2012

⁴⁹ 'The increasing prevalence of criminal manipulation of football results', leadersinfootball.com, 26 October 2012

⁵⁰ 'The Sports Corruption Industry and the Great Cover-Up II', Declan Hill, howtofixasoccergame.com, 4 December 2012

⁵¹ 'The Sports Corruption Industry and the Great Cover-Up II', Declan Hill, howtofixasoccergame.com, 4 December 2012

the field of match-fixing any body willing to contribute is deserving of applause. It is early days and it will be interesting to track how this unique body develops.

Is lie-detector testing a potent and legitimate weapon or a worrying infringement on the presumption of innocence?

Lie-detector (polygraph) testing is being seen as an increasingly attractive tool to use in combating match-fixing despite concerns about the validity of the methods employed. The Korean K-League introduced this back in 2011 after a major scandal in the summer of the same year⁵², but it has been its Asian counterparts in Singapore that have been extolling the virtues of the lie-detector on the global stage in 2012.

Winston Lee, general secretary of the Singapore Football Association, says that since compulsory lie-detector testing was introduced into the players' code of conduct back in 2001 there has not been a repeat of the revelations prior to 2001 that several matches had been fixed.⁵³ Players have to sign a form agreeing to random lie-detector testing. Singapore is considered a high risk country for match-fixing due to the prevalence of illegal gambling rings using the country as a hub to attempt to influence not just Singaporean games but also others around the world.

Lie-detector testing is also being seen in Europe as actors in the fight are becoming increasingly non-plussed as to how to stop the scourge taking a grip of their national game. For instance in Bulgaria, the owner of leading club Lokomotiv Plovdiv told his players to take lie-detector tests after a surprise 1-0 defeat to bottom club Botev Vratsa raised concerns about match-fixing.⁵⁴

Lie-detector testing will always be controversial as it can never be 100% accurate, although in recent times the opportunity to 'cheat' the test has become less of a risk.⁵⁵ Regardless, very tight safeguards need to be in place to ensure such evidence is safe. So long as the way in which the lie-detector testing is carried out does not infringe the accused's human rights then it can be an important additional evidential tool. However it should not be relied upon in isolation to secure a successful sporting conviction.

Has proportionality been jettisoned for match-fixing sanctions?

In the past couple of years, and certainly in 2012, the consensus of SGBs and CAS to the sanctions meted out for match-fixing, especially for first time offenders, has been to issue life bans. This is far more severe than sanctions for doping, the 'standard sanction' for a first offence being two years⁵⁶, which begs the question: is this approach fair? Does it strike an appropriate balance between punishing offenders and the belief that they can redeem themselves through rehabilitation and return to their sport with their integrity restored?

⁵² 'K-League to introduce lie-detector tests as part of match-fixing restructure measures', Ben Somerford, goal.com, 12 July 2011

⁵³ 'Soccer Cheating Reduced by Polygraph Testing, Official Says', Tariq Panja, Bloomberg, 10 October 2012

⁵⁴ 'Bulgarian team ordered to take lie detector tests by own bosses amid match-fixing claims', Daily Mail Online, 25 September 2012

⁵⁵ 'Reading between the lines', Michael Watts, The Sunday Times Magazine, 25 November 2012

⁵⁶ Article 10.2, WADA Code

To illustrate the assertion that first time match-fixers are treated more harshly than their doping counterparts here are some recent sanctions that have been handed down:

Name	Sport	Role	Offence	Ban	Appeal
Kevin Sammut	Football	Player	Fixing an international match	10 years	Extended to life by UEFA Appeals Body
Salman Butt	Cricket	Player	Orchestrating spot-fixing by two team-mates	10 years (5 suspended)	Pending to CAS
Daniel Kollerer	Tennis	Player	Contriving or attempting to contrive the outcome of an event	Life	Ban confirmed by CAS
Oleg Oriekhov	Football	Referee	Failure to report approach	Life	Ban confirmed by CAS
David Savic	Tennis	Player	Contriving or attempting to contrive the outcome of an event	Life	Ban confirmed by CAS

If you look at CAS decisions on match-fixing prior to 2010⁵⁷ the court gave proper consideration to the need for proportionality of the sanction. For instance, in the final paragraph of the judgment of *M. v ATP Tour Inc.* the court says, "General prevention...is best achieved by imposing a just (individual) sanction. If the term of ineligibility and the amount of the fine are not reduced, the punishment imposed upon the Appellant places the proportionality of the sanction in question and vitiates the preventive purposes which it intends to achieve. For this reason, the Panel deems that a reduction of the term from nine (9) months to seven (7) months is fair and appropriate."⁵⁸

Yet by 2012 CAS seems to have been convinced by SGBs that the only proportionate sanction is a life ban from all activities within the sport in question, focusing its attention on the deterrent effect such a ban has⁵⁹, "After careful deliberation, the Panel sees no option other than to confirm the lifetime ban imposed...the sport of tennis is extremely vulnerable to corruption as a match-fixer only needs to corrupt one player. It is therefore imperative that, once a Player gets caught, the Governing Bodies send out a clear signal to the entire tennis community that such actions are not tolerated. This Panel agrees that any sanction shorter

⁵⁷ CAS 2007/A/1427 *M. V ATP Tour Inc.*, 11 June 2008 & CAS 2008/A/1630 *Mathieu Montcourt v/ ATP*, 13 May 2009

⁵⁸ CAS 2007/A/1427 *M. V ATP Tour Inc.*, 11 June 2008 at para 31

⁵⁹ CAS 2011/A/2490 *Daniel Kollerer v Association of Tennis Professionals, Women's Tennis Association, International Tennis Federation & Grand Slam Committee*, 23 March 2012 & 'Media Release: The Court of Arbitration for Sport confirms the life ban imposed on David Savic but lifts the fine', tas-cas.org, 6 September 2012

than a lifetime ban would not have the deterrent effect that is required to make players aware that it is simply not worth the risk.”⁶⁰

Although proportionality of the sanction is almost always raised in match-fixing appeals it is often rejected out of hand by SGB appellate bodies and CAS. Why can't it be the case that a convicted match-fixer is punished, learns the error of his/her ways and can return to a sport to earn a living? One possible explanation why proportionality of the sanction is often given short shrift by tribunals is the way in which the arguments are pleaded and/or argued in the lead up to and at the hearing.

My suggested solution to bring the authorities approach to match-fixing sanctioning within the realms of proportionality is two-fold:

1. The criminal standard of proof of 'beyond reasonable doubt' should be applied rather than that of 'comfortable satisfaction'; and
2. Upon a successful conviction using that heightened standard of proof the SGB should use new international sanctioning guidelines which grade each offence into categories A, B, C etc with each category carrying a wide discretion in terms of a ban and/or a fine. Looking at the above table, should a failure to report carry the same ban as actually fixing matches?

Finally on sanctioning, as part of the fallout from the 2006 Claciopoli scandal in Italy, which was a non-betting related case, a court has ordered the referees involved to pay in total US\$5.25 million in damages to the Italian Football Federation.⁶¹

Is there a significant appetite for a worldwide match-fixing agency?

A further aspect of match-fixing that the aforementioned Chris Eaton has shown himself to have strong views on is the much discussed possibility of a an independent organisation along the lines of the World Anti-Doping Agency ('WADA') to be the central body to fight match-fixing. Eaton would not go as far as to model such a body on WADA, rather he favours, "an independent organisation with some sort of global funding apparatus, a bit like WADA except that it needs to be an intelligence organisation.”⁶² He describes it more fully as, "an intelligence-collecting, analysing and information sharing multi-agency global body – more similar to a Financial Action Task Force ('FATF') type of structure – that would be tasked to provide timely advice to governments, police and sport bodies and to provide direct support to any ad-hoc international investigative task forces.”⁶³

I strongly believe that funding is the critical hurdle to the establishment of a worldwide match-fixing body in any form. With the continuing grim economic climate globally how will governments, who ultimately need to show willingness to contribute to the pot, economically and politically justify spending money on such a body? Furthermore SGBs themselves cannot agree on who should be responsible for driving out the scourge with Eaton having this to say, "It's about avoiding paying for it, because there's a significant cost to doing these things and ultimately they will have to do it anyway [eventually], so my suggestion is that the earlier they invest in this, the less it will cost them.”⁶⁴ Even if a worldwide body were to be set-up I suspect it would be lacking in teeth anyway until countries like the United States of America, India and China, that currently encourage illegal sports gambling through an absence of regulation and are considered the big closed danger markets⁶⁵, are convinced politically to take a stand.

⁶⁰ CAS 2011/A/2490 Daniel Kollerer v Association of Tennis Professionals, Women's Tennis Association, International Tennis Federation & Grand Slam Committee at para 123, 23 March 2012

⁶¹ 'Soccer referees in 2006 scandal forced to pay \$5 million', cbc.ca, 17 October 2012

⁶² 'Independent agency needed to fight match-fixing', Brian Homewood, ChicagoTribune.com, 30 November 2012

⁶³ 'The insidious spread of gambling fraud', Chris Eaton, ICSS Journal, December 2012

⁶⁴ 'Independent agency needed to fight match-fixing', Brian Homewood, ChicagoTribune.com, 30 November 2012

⁶⁵ 'Match-fixing: a winnable war?' Panel at Sport & iGaming conference 2012, London, 29 November 2012

Sponsors needed to add the impetus for long lasting change

Having worked in the field and communicated with those on the front line it has become apparent that the seemingly established triumvirate of clear guidelines, compliance and surveillance and education to combat match-fixing is not working as well as it should in practice. Having thought more studiously about it my view is that commercial rights holders, be they sponsors or broadcasters, as stakeholders in sport with ever increasing influence, should be shaping policy to a greater degree. Especially with SGBs who are still viewed as the, "first line of defence in preventing corruptors from destroying their sports."⁶⁶

Regrettably, as with the entirety of match-fixing, there is a lack of published research on the impact that scandals have on sponsorship and broadcasting revenues.⁶⁷ This is also a consequence of the difficulty of measuring the return on investment from obtaining the commercial rights in a sport. Yet there is visible evidence in some competitions that, "Stadiums previously full of supporters are now empty and falling into disrepair because sponsors are no longer dare to invest in an area so blighted by crime."⁶⁸

There have been recent examples of where sports have had to be mindful of the impact match-fixing may have on commercial rights holders and their reaction:

- Sponsors of football clubs implicated in the recent Turkish football shenanigans, including famous brands such as Toyota, were said to be monitoring the scandal closely as it unfolded.⁶⁹
- The recent developments in the 'Asiagate' scandal led the SAFA to meet with its sponsors (including Absa, SAB, Tsogo Sun and Tiger Brands) to assure them that they are treating the matter with the upmost seriousness and that it "will not be swept under the carpet".⁷⁰ Indeed it has been rumoured (although subsequently denied) that perhaps the biggest sponsor of South African football, Puma, had dropped the association as a result.⁷¹

Commercial rights holders should take a hard stance and say that they will not renew their agreements, or more drastically withdraw, whilst there is a significant perception that the sport is beset by match-fixing. Perhaps a good example to follow is that of Emirates, a major official sponsor of FIFA, who, following the numerous corruption scandals (including bribery and vote rigging) to have faced the organisation in the past 12 or so months, have said that it wants evidence FIFA is eradicating corruption and its public image is improving before renewing its current \$195 million, eight-year sponsorship.⁷² Its senior vice president Boutros Boutros had this to say, "Our research is to see how people perceive our brand - how they perceive our relationship with FIFA, how they look at it...I am yet to see the outcome of these measures and we are waiting and watching."⁷³

Where does this leave sport moving into 2013?

⁶⁶ 'Study - Sports betting and corruption: How to preserve the integrity of sport' at page 55, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS, 13 February 2012

⁶⁷ 'Conceptualising corruption in sport: Implications for sponsorship programmes', Samantha Gorse & Simon Chadwick, The European Business Review at p40-45, July/August 2010

⁶⁸ 'Study - Sports betting and corruption: How to preserve the integrity of sport' at page 45, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS, 13 February 2012

⁶⁹ 'Burden of match-fixing scandal weighs on sponsors' shoulders', Erisa Dautaj Senerdem, hurriyetdailynews.com, 7 May 2011

⁷⁰ 'SAFA briefs sponsors on match-fixing', kickoff.com, 12 January 2013

⁷¹ 'Puma sponsorship deal still alive, says Safa boss', Kgomoetso Setushia & Ramatsiyi Moholola, bdlive.co.za, 10 January 2013

⁷² 'Emirates airlines demands FIFA reforms', msn.foxsports.com, 23 November 2012

⁷³ 'Emirates airlines demands FIFA reforms', msn.foxsports.com, 23 November 2012

Some will say that great strides have been made in 2012 to lessen the impact of match-fixing on sport worldwide, and they would be right. This is a result of a variety of stakeholders taking new and innovative ways to tackle what is still an issue really in its infancy in terms of research and understanding.

The threats that remain moving into 2013 are many and wide ranging however. This is despite the fact that the global sports communities' view of match-fixing appears to have become nuanced over the past 12 months. The principal example of this is a greater awareness of the difference between betting and non-betting (sporting) related match-fixing. Undoubtedly there has been far greater focus on the former, which is understandable given the overarching and menacing presence of 'organised crime', a term which has a greater impact on key stakeholders (particularly politicians) than 'match-fixing', and that it is suggested by INTERPOL that sports betting has become a \$1 trillion industry.⁷⁴ This will still be the focus of all those interested and affected by match-fixing because transnational criminal organisations continue to take advantage of changes in regulations, flaws in legal and judicial systems, the opening-up of borders and the growth of free trade, all of which are direct consequences of globalisation.⁷⁵ Not to mention that the world of sport, as we have seen by the number of scandals detailed at the beginning of this article, is still not as familiar as it should be with the risks to which it is exposed because it does not always fully understand the world of betting and gambling.⁷⁶

With the grim economic climate showing no signs of abating, not just for 2013 but for some years to come, people will look to make a quick buck from sports betting (particularly illegal sports betting) which will fuel its growth. More significantly the economy will provide the biggest challenge in finding the necessary resources that all actors need to effectively tackle match-fixing. This is undoubtedly the largest issue yet to be resolved or even properly addressed.

For all the good work being done by INTERPOL, the COE and others, the key broker in the continuing progress against this crucial threat to the integrity of sport is the IOC because it is seemingly the only body with the necessary political, social and sporting clout. All other stakeholders should heed the experience the IOC gained during the London Olympics, particularly with the JAU, to provide a coherent, powerful and above all effective strategy for 2013 and beyond.

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⁷⁴ 'Fifa determined to tackle international match-fixing', Bill Wilson, BBC News Business, 10 October 2012

⁷⁵ 'Study - Sports betting and corruption: How to preserve the integrity of sport' at page 5, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS, 13 February 2012

⁷⁶ 'Study - Sports betting and corruption: How to preserve the integrity of sport' at page 55, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS, 13 February 2012