

Supporting the Integrity of Sport and Combating Corruption

David Howman

Follow this and additional works at: <http://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment and Sports Law Commons](#)

Repository Citation

David Howman, *Supporting the Integrity of Sport and Combating Corruption*, 23 Marq. Sports L. Rev. 245 (2013)
Available at: <http://scholarship.law.marquette.edu/sportslaw/vol23/iss2/11>

This Speech is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

SPEECH

SUPPORTING THE INTEGRITY OF SPORT AND COMBATING CORRUPTION*

DAVID HOWMAN**

Thank you for the opportunity to provide some comments on this topic. I am privileged to do so.

As you know, the World Anti-Doping Agency (WADA) was formed in 1999 following a conference convened by the International Olympic Committee (IOC), to which it invited both the Sports Movement and many Governments of the world. The independent international agency for anti-doping, WADA, has been a successful organization and an example of how sport and governments can work together and fight one of the scourges and one of the challenges to the integrity of sport, namely doping. WADA is a model that might appropriately be used in establishing other mechanisms of co-ordination. Uniquely comprised of 50% public authorities (governments) and 50% private enterprise (sport), the Agency has operated significantly to date.

The attack against the integrity of sport has advanced in the areas of illegal betting, bribery, and corruption. We have seen each of those areas linked or directly associated with doping.

In particular, over recent years WADA has worked very closely with national law enforcement agencies, Interpol, and other investigators responsible for maintaining integrity in individual sports or sporting leagues. It is the unanimous view of all those experienced individuals that the criminal

* This speech was originally given as part of the *Corruption Issues in Sports* panel, during the National Sports Law Institute of Marquette University Law School's fall 2012 conference on *Current Legal and Business Issues in International and Professional Sports*, held in Eckstein Hall, on October 19, 2012. Mr. Howman was also honored as the recipient of the 2012 Master of the Game Award. The Master of the Game Award honors an individual who has made significant contributions to the sports industry and who exemplifies the highest level of professionalism in his or her field.

** David Howman is the Director General of the World Anti-Doping Agency, which is located in Montreal, Quebec, Canada. He commenced work for WADA as Chief Operating Officer/Special Counsel in March 2003 and took over the position of Director General in August 2003. His involvement with WADA was as an original Foundation Board member representing Oceania and as the Chair of the WADA Legal Committee. In addition, he served as the Chair of the Independent Observer Team at the Winter Olympic Games in Salt Lake City 2002 and the Deputy Chair of the Independent Observer Team at the Sydney Olympic Games in 2000.

underworld responsible for trafficking steroids and other prohibited substances is also engaged in illegal betting, bribery, and corruption. Let's not be naive either; it is also legal betting that attracts bribery and corruption even if the risks here might be easier to deal with, relatively speaking. And, remember, betting is not always the result of a match or an event. It includes now "spot betting" where it can appear as harmless to an athlete as to those observing. There are not two, three, or four separate groups, but they are all part and parcel of the same problem. From a common sense perspective, therefore, it is efficient and effective to consider a united world body formed between sport and government to tackle these intertwined issues, with the engagement and involvement of others where appropriate. This could include betting agencies, World Lotteries Commission, and so on.

Let's look at our society now in terms of doping. Doping is no longer confined within elite sport boundaries. It permeates most parts of the community. WADA provides the pointy end of the issue, but when the curtain is drawn, what is revealed is a problem of steroids in high schools, among our security forces, and in gymnasia; the presence of the criminal underworld in trafficking prohibited substances; an unregulated supply of non-sanitised drugs through the internet and from profit-making opportunists; amateur athletes doping in recreational events; young people taking steroids in an effort to look good; and an overall challenge to the values of sport and its integrity through allied activities such as match or sport fixing, bribery, and corruption.

Then look at cheating and lying. Cheating seems to be on the increase as temptation to take shortcuts pervades all strata of our society. There certainly are more tools available to help a person cheat nowadays than there were thirty years ago and more temptation to do so. Politicians are taking back-handers, or as in the UK recently fiddling their expense accounts; tax evasion is popular; and dozens of students in a Harvard class admitted to plagiarism in an open book exam. Cheating has occurred in a scrabble tournament and in police forces—a recent Canadian case had a police officer dying from substances he took to improve his results in a work-related athletic test. Then came the major league baseballer whose entourage developed a website after his positive test for synthetic testosterone, attempting to provide him with an excuse by suggesting he had bought substances innocently on the web. And what of the Republican Vice Presidential candidate falsely claiming to have run a sub three-hour marathon? Is cheating and/or lying becoming acceptable?

In sport we have high school rugby players taking steroids in a bid to get a professional contract; we have veteran or masters athletes taking EPO to cheat their way to podium finishes; we even had a board member of Danish Cycling doing it in an effort to succeed in an amateur cycling event.

How can these issues be addressed by the anti-doping community, and

indeed by society in general, when corruption in sport begins to occupy the “scourge of sport” ground and takes both money and attention away from anti-doping?

The success of the World Anti-Doping Code (a set of rules which have meant that, internationally, athletes are subject to the same processes, the same rules, and the same sanctions no matter their country or their sporting code); the international treaty, written and ratified by governments, to give effect to WADA and the Code; the commitment shown by governments throughout the world to make regular payments to WADA (the only international body of its sort to have such a response from the governments of the world; no United Nations body has had the same success); but also the successful linking with Interpol, and a similar relationship with the international pharmaceutical industry along with the fact that sport and governments have worked alongside each other successfully for ten years now all indicate that it is a model that ought to be considered when determining how to combat those challenges.

Perhaps a world sports integrity agency could be established with the same governance as WADA. In other words, an equal sharing of governance between sport and governments. Why not have an overarching board that can have different arms in terms of the aspects it deals with, namely doping, betting, bribery, and corruption? Scrutiny of this concept has commenced in Europe and by the International Olympic Committee. There are also several “interest groups” investigating how sport might address it.

It is important to be direct and open in relation to the issue of corruption. Some have estimated that the criminal underworld now “controls” at least 25% of world sport in one way or another. As far as trafficking or distribution of prohibited substances (chiefly steroids, human growth hormone, and EPO), the markup available for a simple investment can be anything from ten times to one hundred times, and in many countries of the world, it is legal business. One might be a little surprised that there is even not more dealing in these substances. However, it is considerably controlled and managed by the criminal underworld, and it is important to realize that trafficking in performance enhancing drugs is a growth industry. Those who are supplied are not just elite sports people; in fact, they encompass the breadth of our society from high school children to members of the armed forces.

Individual law enforcement agencies have informed WADA that the same individuals responsible for such trafficking and distribution are responsible for much of the illegal betting, and much of the bribery and corruption. As we have been told on several occasions “bad people do bad things,” and there are not separate parts of the criminal underworld dealing with trafficking and distribution, betting, and so on. It is one and the same. Sporting bodies are not equipped to deal with these issues.

There are frequently stories alleging corruption or fraudulent activity at sport level, but are they ever really dealt with? What will it take for the issue to be firmly and directly confronted? Is this latest USADA decision a catalyst?

Can we learn from the successful WADA sport/government model? Sport cannot undertake inquiries or investigations in order to gather evidence to be used in tribunals. Sport has no real power or jurisdiction; governments do. There are already several international treaties in being for corruption. Is there a willingness for sport to get involved?

Funding of any new arm of this agency can be considered separately. For example, the illegal betting arm might benefit from appropriate contributions from the legal and regulated betting bodies of the world, who need to protect their business, and/or from the collection of amounts received by law enforcement in dealing with illegal betting (at the 2010 FIFA World Cup, in a period of only a few weeks, Interpol discovered \$155 million in illegal betting and seized \$9.9 million). The arm relating to bribery and corruption could again quite properly be funded by the money that might be collected as a result of investigations, prosecutions, and seizures. The agencies concerned might be usefully modeled on WADA with a small management team operating internationally but engaging those who are in the field.

A word of warning. WADA is not equipped to deal with the criminal underworld. Any agency or attempt to attack corruption and bribery in sport will need to have statutory teeth and a willingness on the part of police and prosecutors to act. Recent experiences on the fringe with the Armstrong conspiracy indicate that we are not there at present, and I suggest before we are, there is need for public support, governmental commitments, and sport's acceptance. It took a major doping scandal in the 1998 Tour de France to force sport and governments to address doping. What will it take to create something similar for corruption and illegal betting?

Thank you.