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Working towards a framework for modern sports governance

Addendum to the report¹

Committee on Culture, Science, Education and Media

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1. Introduction

1. The lack of universally accepted standards or common criteria on good governance in sport is often referred to as being one of the key obstacles to bringing a modern governance culture of transparency, democracy, accountability and responsibility into the sports world. In addition, this deficiency hinders finding efficient solutions for developing universal professional tools for compliance assessment, monitoring and assistance.

2. The 2016 Budapest Ministerial Conference called “to implement high standards of transparency and good governance in sport that could, inter alia, allow for recognition by governments and the sports movement of common benchmarks on good governance in sport”.² The Council of Europe has underscored that “what governments and sports organisations need to do is to agree to recognise one common benchmark, encompassing shared principles, concrete measures to achieve them, and a set of indicators by which we can measure the implementation”.³

3. Considering the above and the needs for the basis for introducing an ISO certification standard on sports governance and the sports ethics rating system, I commissioned in July 2017 a comparative study of 15 existing codes and principles in order to compare their convergence and to explore the possibility to elaborate a common benchmark on those grounds.

4. The limited format of this addendum allows me only to present the key recommendations of the detailed study, which I recommend to be continued and further developed for the sake of future discussions. However, I wish to make two general observations:

- the different codes, standards and principles elaborated since 2005 are largely complementary, with every new initiative building up on the previous ones;
- there are certainly variations in the criteria and the way to measure them, but overall it is easy to extract a number of core common criteria that could form the agreed benchmark.

5. This paper aspires in no way to present the “finish line” or to make any conclusive recommendations. It simply proposes a common starting point from where to launch a multi-stakeholder dialogue for identifying the core common criteria of good governance in sport and the new challenges, which could then serve as a harmonised basis for updating the IOC Basic Universal Principles, elaborating a Council of Europe convention

1. Approved by the committee on 23 January 2018.

2. Resolution No. 2: Towards better governance in sport through enhanced co-operation between governmental bodies and stakeholders in sport, https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016806d4afb.

3. Presentation by the Deputy Secretary General of the Council of Europe, Ms Gabriella Battaini-Dragoni, at the joint Parliamentary Assembly–Play the Game public hearing on “Hands on, hands off? The role of politicians in reforming sports governance”, 3 April 2017 in Aarhus (Denmark), explaining the official position of the Council of Europe, see AS/Cult/Inf (2017) 11.



on good governance in sport, introducing an ISO certification standard for sports governance, feeding into sports ethics rating algorithms, or for preparing guidelines for sports federations and national governments looking to introduce their own modern governance frameworks as indicated in paragraphs 71-74 of the report.

2. Scope and methodology of the study

6. The comparative study in question is a desk-top analysis that covers a cross section of regulations introduced by the sports movement (IOC,⁴ ASOIF,⁵ FIFA,⁶ UEFA,⁷ IAAF⁸), international organisations (Council of Europe,⁹ European Union (EU principles¹⁰ and the EU Good Governance in Grassroots Sport project” (GGGS),¹¹ UNESCO¹²), national and regional governments (United Kingdom,¹³ Australia,¹⁴ Flanders¹⁵), NGOs (Play the Game/Danish Institute for Sports Studies Action for Good Governance in International Sport – AGGIS – and Sports Governance Observer – SGO,¹⁶ Sport Integrity Global Alliance (SIGA),¹⁷ and academic research institutions (*Institut de hautes études en administration publique* of the University of Lausanne (Basic Indicators for Better Governance in International Sport – BIBGIS¹⁸).

7. The recommendations presented in the next chapter have been derived from the sports governance criteria showing a high and middle degree of convergence in the reviewed 15 sets of regulations and by-laws. They should be able to apply to any sports organisations independently of their size or legal status.

8. The study identifies four thematic clusters or dimensions: 1) transparency; 2) democracy; 3) integrity; and 4) development and responsibility, which contain 20 core criteria and 54 indicators (Appendix 1).

9. There is no value judgment or any kind of ranking attached to the documents compared in the table. The various codes have evolved over time and each has its own merits that serve the purposes of the sports organisation or national or international body that have elaborated them. Likewise, it is important to underscore that a missing cross in a box does not necessarily mean that the organisation is not observing the criteria in practice. The table presented is therefore only indicative, based on the official publicly available regulations and by-laws enlisted in the Glossary of the Appendix. It is for further discussions to establish which other criteria might be included within the core of good governance. Also, it is possible that some inaccuracies are still there, for which I ask indulgence to partners.

10. The advantage of establishing harmonised core criteria or a common benchmark is that it does not necessitate legislative changes or require any organisation to abandon their existing regulative frameworks. Governance criteria are not set in stone; they are in constant evolution and need to preserve this flexibility to

4. IOC, Basic Universal Principles of Good Governance of the Olympic and Sports Movement (BPU), Seminar on Autonomy of Olympic and Sport Movement, 11-12 February 2008.

5. ASOIF Governance Task Force, 1st Report to ASOIF Council, February 2016.

6. Statutes of FIFA (2016), FIFA Governance Regulations (2016).

7. UEFA Statutes (2017), UEFA Organisational Regulations (2017) (UOR), UEFA Disciplinary Regulations (2017).

8. IAAF Constitution (2017), Final Proposal for Governance Structure Reform of the IAAF “Time for change” (2017), IAAF Integrity Code of Conduct (2015).

9. CM Rec(2005)8, 20 April 2005, on “the principles of good governance in sport”; Assembly [Resolution 1875 \(2012\)](#) on good governance and ethics in sport; Assembly [Resolution 2053 \(2015\)](#) on the reform of football governance.

10. “Principles of Good Governance of Sport in the UE”, adopted in 2013 by the Expert Group “Good Governance” (EU Work Plan for Sport, 2011-2014).

11. The Good Governance in Grassroots Sport project is a transnational project, supported by the European Commission DG for Education and Culture under the 2011 Preparatory Action in the Field of Sport. It has elaborated the “Guidelines for Good Governance in Grassroots Sport”.

12. UNESCO adopted the “Kazakh Action Plan” on 15 July 2017 at the Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, MINEPS VI.

13. This code was drawn up by UK Sport and Sport England in 2016. UK Sport is the nation’s high performance sports agency investing in Olympic and Paralympic sport. Sport England is a non-departmental public body under the Department for Culture, Media and Sport.

14. This code was adopted by the Australian Sports Commission. ASC is the Australian Government’s statutory authority responsible for developing and funding Australian sport.

15. This code, known as “Code Muyters”, is based on indicators of good governance in Flemish sport federations. It entered into force on January 2017.

16. Jens Alm, Action for Good Governance in International Sport, Play the Game/Danish Institute for Sports Studies, 2013; Arnout Geeraert, Sports governance observer 2015. The legitimacy crisis in international sports governance, Copenhagen, October 2015.

17. SIGA Good governance universal standards implementation guidelines, October 2016.

18. Jean-Loup Chappelet, Michaël Mrkonjic, Basic Indicators for Better Governance in International Sport: An assessment tool for international sport governing bodies, IDHEAP Working Paper 1/2013.

keep pace with modern evolutions. It would therefore also be necessary to reflect on a multi-stakeholder setting for observing the evolutions and updating the core criteria and on possible creation of an international clearinghouse for sports information and knowledge sharing.

3. Proposed recommendations

11. Sports organisations at local, national and international level are called upon to:

Concerning transparency

- make public their vision/mission/values and a strategy plan that specifies how to achieve them;
- make public their statute, rules and regulations on their website;
- make public the list of members and the basic information of their officials;
- make public the agenda and minutes of the their General Assembly meetings;
- make public reports/decisions taken by executive bodies and commissions;
- make public an annual general activity report on their websites;
- make public an annual financial report, externally audited according to recognised international standards, including compensation, benefits and/or salary of its president, board members, executive staff and senior officials (where applicable).

Concerning democracy

- hold regular, transparent, free and fair elections of the governing bodies. These have to be based on a detailed electoral regulation, including secret ballots, term limits, eligibility check carried out by a specific independent committee, opportunities for the candidates to present their programme/manifesto, guarantees for gender equality on the board and with regard to the leading officials;
- ensure that the distribution of representative positions in governing bodies reflects gender balance and encourages, to the extent possible, diversity and fair geographical representation;
- put in place a clear governance structure, taking into account the principle of separation of powers;
- establish procedural guarantees for a democratic decision-making process: meeting of their General Assembly at least once a year; meeting of the governing bodies on a regular basis; written reports on the basis of the bodies' decisions, with sound regulations for open or secret ballots be used depending on the need either to ensure higher transparency or to safeguards anonymity of choices;
- set up guarantees for an efficient decision-making process: clear and auditable separation of functions between executive, administrative and commercial activities; appointment of the management (for example directors and top officials) on the basis of objective criteria (integrity, relevant knowledge, skills and experience) and an impeccable professional history; internal management communication and co-ordination;
- develop external co-operation with governments, the Olympic movement, international and non-governmental agencies on integrity issues.

Concerning integrity

- set up independent audit and compliance committees responsible for: ensuring the adequacy of the organisation's financial reporting and the integrity of the organisation's financial statement; assisting the board for the compensation of company executives in the absence of a remuneration committee; checking the organisation's nominations and appointments and carrying out the eligibility check for the elective offices in the absence of a nomination committee; elaborating risk management strategy and processes;
- conduct an ethical and disciplinary control based on: ethics/integrity code, inspired by the IOC Code of Ethics; clear rules on conflicts of interests; disciplinary rules to combat match-fixing and doping; independent bodies (Ethics and Disciplinary Committees) and a mechanism to manage comments and allegations by whistle-blowers;

- ensure internal appeal mechanisms and external channel of complaint and dispute resolutions.

Concerning development and responsibility

- adopt a financial redistribution policy and programmes for their main stakeholders;
- allocate resources in declared non-profit objectives, in particular in grassroots activities;
- set up an environmental and social responsibility strategy or programme(s), including social and sporting legacy requirements for those (countries, cities, communities) hosting all their events and a close co-operation with governmental and non-governmental agencies on social responsibility issues;
- elaborate an athletes' policy comprising: a clear anti-discrimination policy; education programmes and assistance during and after career; specific actions to promote health and safety, in accordance with the relevant regulations on the protection of the athletes, spectators, workers, children, youth and other vulnerable groups.

12. Sport has other specific sides that need to be taken into consideration when developing proactive policies and regulatory frameworks. These concern ensuring:

- a level playing field and protection of athletes, including against doping, match-fixing, illegal betting, abuse or trafficking; minimum requirements for athletes' contracts; youth development in sport;
- the integrity of sports events, including bidding processes and selection of event hosts, ticket pricing and distribution, selection of sponsors, granting media broadcasting rights, building event infrastructure for major events, respect of the bidder and its commercial partners to human rights and labour standards.

13. Following in the steps of the new 2016 IOC Code of Ethics, the core criteria of good governance in sport should explicitly refer to the respect for international conventions on protecting human rights, notably but not exclusively as regards the respect of human dignity, rejection of discrimination of any kind on whatever grounds and rejection of all forms of harassment, be it physical, professional or sexual, and any physical or mental injuries.

14. When elaborating the core criteria of good governance in sport, convergence should also be sought with the United Nations Convention against Corruption, the Council of Europe conventions on corruption [the Criminal Law Convention on Corruption (ETS No. 173), the Civil Law Convention on Corruption (ETS No. 174), the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191)] as well as with the G20/OECD Principles of Corporate Governance.

Appendix – The core common criteria of good governance in sport

Summary

1. Transparency

- 1.1. Make public vision, mission, values and strategic objectives
- 1.2. Make public Statutes, Rules and Regulations
- 1.3. Make public the list of the members and officials of the Organisation
- 1.4. Open the activity of legislative bodies to the public
- 1.5. Make public the reports/decisions taken by executive bodies and commissions
- 1.6. Make public annual activity reports
- 1.7. Make public annual financial reports following external audit

2. Democracy

- 2.1. Regular elections of the governing bodies
- 2.2. Representation of members and stakeholders
- 2.3. Separation of powers
- 2.4. Democratic decision-making
- 2.5. Efficient decision-making
- 2.6. External co-operation

3. Integrity

- 3.1. Internal audit & Compliance Committees
- 3.2. Ethical & disciplinary control
- 3.3. Procedural guarantees

4. Development and responsibility

- 4.1. Distribution of resources
- 4.2. Allocation of resources in declared non-profit objectives
- 4.3. Environmental and social responsibility
- 4.4. Athletes' involvement, participation and care

* Not explicitly encoded in the regulations of the organisation enlisted in the Glossary but included in other internal documents and/or implemented in practice

Glossary			
Inter-governmental, international and non-governmental organisations	Council of Europe Committee of Minister's recommendation CM Rec (2005) 8 on "The principles of good governance in sport"	2005	CoE
	CM Rec. (92)14 Rev on the Code of Sport Ethics	2010	
	PACE Res. 1875 (2012) on "Good governance and Ethics in sport"	2012	
	PACE Res. 2053 (2015) on "The reform of football governance"	2015	
	IOC Basic Universal Principles of Good Governance of the Olympic and Sports Movement	2008	IOC
	IOC Code of Ethics	2016	
	Statutes of the IOC Ethics Commission	2017	
	EU Guidelines for Good Governance in Grassroots Sport	2011	GGGS
	EU 2013 Principles of Good Governance of Sport	2013	EU
	ASOIF Key Governance Principles and Basic Indicators	2016	ASOIF
	SIGA Good governance universal standards	2016	SIGA
	UNESCO International Charter of Physical Education, Physical activity and Sport	2015	UNESCO
	MINEPS VI, Kazan Action Plan	2017	
Academic research and NGOs	Basic Indicators for Better Governance in International Sport (BIBGIS)	2013	BIBGIS
	Play the Game	2013	PTG
	Action for Good Governance in International Sport (AGGIS)		
	Sports Governance Observer 2015 (SGO 2015)	2015	
National codes	Sports Governance Principles (Australia)	2012	AUS
	Code for Sports Governance (United Kingdom)	2016	UK
	Code of Good Governance in Flemish sports federations	2017	FLANDERS
International Federations	FIFA Code of ethics	2012	FIFA
	Statutes of FIFA	2016	
	FIFA Governance Regulations	2016	
	UEFA Statutes	2017	UEFA
	UEFA Organisational Regulations	2017	
	UEFA Disciplinary Regulations	2017	
	IAAF Code of ethics	2015	IAAF
	IAAF Constitution (2019)	2017	
	IAAF Integrity Code of Conduct	2017	
	Final Proposal for Governance Structure Reform of the IAAF "Time for change"	2017	

Theme	Criterion	Elements to be considered	COE	IOC	GGGS	EU	ASOIF	SIGA	UNES- CO	BIBGIS	PTG	AUS	UK	FLAN- DERS	FIFA	UEF A	IAAF
1. Transparency	1.1. Make public vision, mission, values and strategic objectives	The Organisation publishes its vision/mission/values and strategic objectives	X	X	X	X	X	X		X	X	X	X	X	X	X	X
	1.2. Make public Statutes, Rules and Regulations	The Organisation publishes its statutes, by-laws, sports rules and organisation chart	X	X	X	X	X	X		X	X	X	X	X	X	X	X
	1.3. Make public the list of the members and officials of the Organisation	The Organisation publishes list, basic and biographical information about its board members and senior officials					X	X		X	X			X	X		X
	1.4. Open the activity of legislative body to the public	The Organisation publishes the agenda and minutes of its general assembly			X	X	X	X		X	X			X	X	X	X
	1.5. Make public reports/decisions taken by executive bodies and commissions	The Organisation publishes reports of its standing committees, decisions taken at its executive body meetings					X		X	X	X			X	X	X	X
	1.6. Make public an annual activity report	The Organisation publishes its annual general activity report and main event reports with detailed and relevant information on its website				X	X			X	X	X		X	X	X	X
	1.7. Make public an annual financial report following external audit	The Organisation publishes its annual financial report following external audit	X	X	X	X	X	X		X	X	X	X	X	X	X	X
		The Organisation annually publishes compensation benefits and/or salary of its president, board members, executive staff and senior officials	X	X			X	X		X	X	X	X	X	X	X	X

Theme	Criterion	Elements to be considered	COE	IOC	GGGS	EU	ASOIF	SIGA	UNES-CO	BIBGIS	PTG	AUS	UK	FLAN-DERS	FIFA	UEF A	IAAF
2. Democracy	2.1. Regular elections of the governing bodies	Election of the President and the majority of members of all executive bodies	X	X	X	X	X	X		X	X	X	X	X	X	X	X
		Term limits for elected officials	X	X		X	X	X		X	X	X	X	X	X	X	X
		The Organisation has detailed regulation for all open positions for elections and appointments including the process for candidates	X	X			X	X		X	X	X	X	X	X	X	X
		The Organisation offers to the candidates standing for election opportunities to present their programme/manifesto					X	X			X				X		X
		Elections are held on the basis of secret ballots					X	X		X		X			X		X
	2.2. Representation of members and stakeholders	The Organisation encourages gender equity with regard to its leading functions	X		X	X	X	X		X	X		X		X		X
		Eligibility checks						X							X		X
		Members of the Organisation and key stakeholders, e.g. active athletes, are represented in governing bodies	X	X			X	X		X	X			X	X	X	
	2.3. Separation of powers	Obligation to involve the stakeholders in the Organisation's operations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		Protection and representation of minority groups		X				X					X	X			
		A clear separation of power between organisational bodies with regulatory/supervisory, executive, and disciplinary responsibilities	X	X		X		X						X	X	X	X

Theme	Criterion	Elements to be considered	COE	IOC	GGGS	EU	ASOIF	SIGA	UNES -CO	BIBGIS	PTG	AUS	UK	FLAN- DERS	FIFA	UEF A	IAAF
2.4. Democratic decision-making	The Organisation's general assembly meets at least once a year	Governing bodies meet regularly		X	X	X	X	X		X	X	X			X	X	X
		Main decisions are taken on basis of written reports supported by criteria		X	X	X	X			X	X	X	X	X	X	X	X
		Competence of the members of the executive body	X	X		X		X				X	X	X	X	X	X
	2.5. Efficient decision- making	An elected independent member sits on the Organisation's Executive body				X		X		X			X		X		X
		Appointment of senior officials via open procedures and on the basis of objective criteria	X	X		X		X				X	X	X	X	X	X
		Separation of functions	X					X		X		X	X	X	X	X	X
		Internal management, communication and co-ordination		X		X						X	X		X*	X	X*
	2.6. External co- operation	Cooperation with governments and intergovernmental organisations	X	X				X							X*	X*	X*
		Cooperation with the Olympic Movement and other sports organisations		X				X							X*	X*	X*
		Cooperation with relevant national and international authorities on integrity (doping, match-fixing) issues	X	X*			X	X		X					X*	X*	X*

Theme	Criterion	Elements to be considered	COE	IOC	GGGS	EU	ASOIF	SIGA	UNES -CO	BIBGIS	PTG	AUS	UK	FLAN- DERS	FIFA	UEF A	IAAF
3. Integrity	3.1. Audit & Compliance committees	Audit & compliance committee	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		Control of the financial processes	X	X		X	X	X		X	X	X	X	X	X	X	X
		External and independent control	X	X			X				X	X	X	X	X	X	X
		Remuneration committee								X		X	X	X	X	X	X
		Nomination committee						X				X	X	X	X		X
		Risk management system		X	X	X	X	X		X	X	X	X	X	X	X	X
	3.2. Ethical & disciplinary control	Independence of the audit and compliance committee		X			X	X				X	X	X	X	X	X
		Ethics/Integrity Code for all members and officials	X	X	X	X	X	X		X	X	X	X	X	X	X	X
		Rules on conflicts of interest	X	X	X	X	X	X		X	X	X	X	X	X	X	X
		Fight against doping and adoption of World Anti-doping Code	X	X		X	X		X		X		X	X	X		X
		Fight against match-fixing	X	X		X	X		X		X			X	X	X	X
		Ethics and Disciplinary Committees					X	X		X	X				X	X	X
		Make public all decisions of disciplinary bodies and related sanctions	X				X	X							X		X
	3.3. Procedural guarantees	Mechanisms for whistle-blower protection	X				X	X		X	X		X		X	X	
		Internal appeal mechanisms	X	X		X	X	X		X	X	X	X	X	X	X	X
		The Court of Arbitration for sport (or similar) as an external channel of complaint and dispute resolutions					X			X	X				X	X	X

Theme	Criterion	Elements to be considered	COE	IOC	GGGS	EU	ASOIF	SIGA	UNES -CO	BIBGIS	PTG	AUS	UK	FLAN- DERS	FIFA	UEFA	IAAF
4. Development & responsibility	4.1. Distribution of resources	Financial redistribution policy and programmes	X	X		X	X	X	X	X	X				X	X	X
	4.2. Allocation of resources in declared non -profit objectives	Allocation of resources in grassroots activities			X	X	X		X	X	X				X	X	X
	4.3. Environmental and social responsibility	The Organisation has an environmental and social responsibility policy and programmes in place			X		X	X	X	X	X			X	X		
		The Organisation has legacy requirements for communities in which its events are hosted	X				X	X	X	X	X				X		
		Cooperation with relevant public authorities on social responsibility issues					X	X		X					X		
4.4. Athletes' involvement, participation and care		The Organisation has clear anti-discrimination regulation and policy	X	X	X	X	X	X	X		X		X	X	X		X
		Education programmes and assistance to athletes during and after career	X	X	X		X	X	X	X						X	
		Regulation on the protection of the athletes	X	X				X	X				X	X	X		X