

MATCH FIXING THE BIGGEST THREAT TO SPORT IN THE 21ST CENTURY?

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The issue at the heart of this article makes me sit up and take notice as a lawyer, a qualified football referee and a passionate follower of sport across the board. It has been described by many, including high profile sporting figures, sport administrators and governing bodies, as a greater threat to the integrity of sport than doping. This threat is match fixing. Some of you may balk at my previous statement but one of the most powerful guardians of sport, the president of the International Olympic Committee ('IOC') Jacques Rogge, explains why, "Doping affects one individual athlete, but the impact of match fixing effects the whole competition. It is much bigger." Illegal gambling is the principal driver of what Rogge has also called a "cancer".

Mr Oleg Oriekhov v/ UEFA (CAS 2010/A/2172)

Match fixing really first came to my attention earlier this year when I read a news story regarding Ukrainian football referee Oleg Oriekhov who had a UEFA (the governing body of football in Europe) imposed life ban upheld by an arbitral panel ('the Panel') of the Court of Arbitration for Sport ('CAS'). At the beginning of its judgment the Panel stressed the importance of what was being brought before them, "It is the first case of its kind in European football involving a match official as distinct from a player or coach. It therefore has an importance beyond that to the disputant parties." The allegations against Mr Oriekhov came to light as part of widespread criminal investigations into possible fraud related to match fixing and illegal gambling in Germany by the Public Prosecutor of Bochum that was started in 2005. The major outcome of these investigations rocked the German second division and national cup competition to its foundations by, amongst others, the imprisonment and banning of referee Robert Hoyzer who admitted to fixing and betting on games on which he had officiated.

Mr Oriekhov had taken charge of the UEFA Europa League group match between FC Basel and CSKA Sofia on 5 November 2009 which ended 3-1. Following the aforementioned investigations it appeared Mr Oriekhov was in contact with a criminal group involved in betting fraud and that he was offered approximately €50,000 to manipulate the match. At the end of an internal procedure at UEFA, its Appeals Body considered that Mr Oriekhov had violated the principles of conduct and his duty to disclose illicit approaches, set out in the UEFA Disciplinary Regulations, in failing to immediately report to UEFA that he had received offers from certain individuals to take an active part in their match fixing scheme. A life ban on exercising any football-related activity was considered the appropriate sanction given the seriousness of the findings.

Upon appeal to CAS the Panel confirmed the UEFA decision concluding that it had been proved beyond reasonable doubt that there were repeated contacts between Mr Oriekhov and the members of a criminal group involved in match fixing and betting fraud. The Panel went on to say that in their opinion Mr Oriekhov had deliberately violated the principles of conduct provided in the Disciplinary Regulations, as he did not inform UEFA immediately of the existence of such contacts. The Panel rejected the dubious reasons of Mr Oriekhov that he had an inadequate command of English and that he was unaware who to make such a report to. His evidence at the hearing was described as "utterly lacking in credibility". Finally they considered that given the circumstances the severe punishment was proportionate, this being despite the fact that it was not established that Mr Oriekhov had actually influenced the result of the game as a result of the contact. This case is a stark warning to anybody in sport who becomes a target, and particularly to other match officials such as myself.

Just how widespread is match fixing?

As you may have already surmised from the opening remarks of this article football is far from alone in being a target for match fixers. Some of the most recent incidences of suspected or actual match fixing around the world may be well known to you, through the media for example, with others being less so and yet more surprising.

Basketball

April 2011 – Ten people, including two former players and a former assistant coach at the University of San Diego, were indicted in connection with a scheme to fix college basketball games since 2008. The defendants were charged in the federal grand jury indictment with scheming to fix University of San Diego Toreros games by bribing players and then betting on the games in Las Vegas.¹

Cricket

August 2010 – Three Pakistan international cricketers; Salmon Butt, Mohammed Asif, and Mohammed Amir, were accused of spot fixing (a specific sub-set of match fixing) during the Fourth Test against England at Lord's after the News of the World reported no balls were bowled at specific points during England's innings after a payment was made to a businessman. Information on when the no balls would be bowled can be exploited by betting on specialist markets offered by some bookmakers. All three players have been found guilty by the International Cricket Council tribunal and banned for a minimum of 5 years. They have since filed appeals at CAS. In addition to this action they were committed for trial at Southwark Crown Court in the UK on conspiracy charges. The offences they have been charged with are first accepting corrupt payments in contravention of the Prevention of Corruption Act 1906, carrying a maximum sentence of 7 years imprisonment and an unlimited fine, and secondly cheating under the Gambling Act 2005, which carries a maximum sentence of 2 years imprisonment and an unlimited fine.²

Football

2009 – A German police operation unearthed a Europe-wide ring with more than 200 suspected members who fixed, or attempted to fix, around 200 matches across the continent, including three matches in the Champions League. Three of the men implicated, described by the prosecutor as “enemies of sport”, were sentenced in April 2011 by a German court to up to 3 years and 11 months in prison for trying to fix matches and bribe players. More verdicts are expected in May 2011 against the other defendants, including the alleged ringleaders. Initial estimates of the rings illegal gains had put them at about €10 million but court officials have said the figure is just the “tip of the iceberg”. UEFA has called this “the biggest betting scandal in Europe”.³

February 2011 – FIFA (the world governing body of football) has begun disciplinary proceedings against six match officials in relation to possible match fixing of the Bolivia v Latvia and Estonia v Bulgaria friendlies played in Antalya on the southwest coast of Turkey. All seven goals in the two games were penalties, with one of them taken twice after the first one was missed. €5 million was bet on the latter of the two matches, an astonishing figure for such a low-profile match, although one leading British bookmaker pulled its market on the game before kick-off after becoming aware of significant moves in the Asian market. The games were organised by a Thai-based company called Footy Sports International via a FIFA-recognised agent based in Russia. However, a concern was raised at the Estonian football federation when it became aware of one of the key figures involved in setting up the games, a Singaporean national associated with a convicted match fixer.⁴

March 2011 – Allegations have been made by a prominent Athens lawyer who claims that rampant corruption has affected all levels of the Greek professional game. The lawyer has handed judicial authorities taped conversations which he claims provides evidence of attempts to bribe a Greek referee and others.⁵

May 2011 - The start of the Finnish football season has been delayed by a week due to an off-season dominated by the impact of suspected match fixing in the top division. The game in Finland has been reeling since the arrest of Wilson Raj Perumal, a convicted match-fixer who is at the heart of a global investigation into corruption in club and international football. One club have been thrown out of the league for their

¹ 'Ex-US college basketball players charged in game-fixing', Reuters, Marty Graham, 12 April 2011

² BBC Sport website, 17 February 2011 to 17 March 2011

³ 'German court hands down stiff sentences in betting trial', Reuters, Karolos Grohmann, 14 April 2011

⁴ 'Fifa aware of match-fixing fears', Independent.co.uk, Robin Scott-Elliott, 11 March 2011

⁵ 'Greece faces match-fixing claim', Associated Press, 9 March 2011

contact with Perumal, two more were devastated by the arrest of 11 senior players, and the integrity of the entire Finnish game has been called into question. Confirmation of the shadow cast over the sport came hours before kick-off as a Helsinki court handed down seven-month suspended sentences to brothers Dominic and Donewell Yobe of FC Oulu. They had pleaded guilty to charges of bribery and admitted accepting 50,000 euros (£44,000) to fix a game last season. The chain of events began in February when police in the Lapland town of Rovaniemi received a tip-off that Perumal was travelling in the country illegally on a false passport.⁶ Finnish Football Association managing director Kimmo J. Lipponen believes that the tentacles of the betting scandal that have shaken the foundations of Finnish football reach far beyond the country's borders. "The teams have not made any agreements between themselves. Instead, there are large-scale global criminal operators lurking in the wings. We are talking about a very big and serious matter here."⁷

Horse Racing

May 2011 – Following a major investigation, as a result of suspicious betting activity on more than one betting exchange and with traditional bookmakers, the British Horse Racing Authority has charged five jockeys and two owners with "serious breaches" of the rules of racing in relation to ten races between January and August 2009. The principal of which is of "deliberately not riding a horse to obtain the best possible placing for personal reward or knowing it has been laid to lose" . It has been mooted that the charges are as part of a multi-million pound betting scandal which saw each of the jockeys pocket £5000 each race from criminal gangs who bet on them not to win. The five are said to be linked to criminal gangs based outside of London and are poised to receive bans of up to 25 years if found guilty.⁸

Snooker

April 2010 - World number one and three time world champion (at the time) John Higgins MBE and his manager (a board member of the world governing body of the sport the WPBSA) were accused of talking bribes to throw snooker frames. The allegations came to light after a controversial newspaper sting operation by a News of the World team posing as promoters, who met with Higgins and his manager in a hotel room in Kiev, Ukraine, under the pretence of organising a series of events linked to the World Series of Snooker. The newspaper alleged that Higgins and Mooney had agreed to lose four frames in four separate tournaments in exchange for a €300,000 total payment, and further discussed the mechanics of how to fix a frame, which tournaments and opponents to choose, and how to transfer the money to Higgins. Higgins was immediately suspended from the game and Mooney resigned from his position on the WPBSA board. Higgins issued a statement on the same day as the allegations were published denying he had ever been involved in match fixing, and explained that he decided to "play along" out of fear for his safety, suspecting the involvement of the Russian Mafia. The independent tribunal that followed concluded that Higgins had truthfully accounted for his words and actions and withdrew the more serious charges of match-fixing, but found him guilty of 'giving the impression' he would breach betting rules, and of failing to report the approach.⁹ Higgins received a six-month ban and was fined £75,000.¹⁰

Sumo Wrestling

2010 – A scandal over illegal gambling that saw live television coverage of the sport dropped by the national broadcaster.

February 2011 – The Japan Sumo Association cancelled the grand tournament over allegations of match fixing which implicates 13 senior wrestlers. This came to light when text messages were found on mobile phones that had been confiscated the previous year by the police during an investigation into illegal

⁶ 'Match-Fixing: Finland kicks off as players are sentenced', Telegraph.co.uk, Paul Kelso, 7 May 2011

⁷ 'Football betting scandal may escalate', Helsingin Sanomat

⁸ 'Five jockeys and two owners face serious BHA charges', BBC Sport, 20 May 2011

⁹ 'Corruption: Agreeing to match fixing under duress: analysis', World Sports Law Report, Volume 8 (6), Kelly Hudson & Rod Findley, June 2010

¹⁰ 'World Snooker launches anti-corruption unit', BBC Sport, 20 September 2010

gambling on baseball games by wrestlers using gangster middlemen. The sport has its origins in religious rites, and as a result there is a strict code of conduct for the wrestlers to observe, leading the Japanese Prime Minister to call the scandal a “betrayal of the people.”¹¹

Tennis

August 2007 – The most high profile case of match fixing in tennis was when Nikolay Davydenko, ranked number four in the world at the time, was involved in a match in which betting exchange Betfair said bore all the hallmarks of having been fixed, with £7 million having been placed on the game, the majority of which being placed on his lower ranked opponent. Despite being cleared of all the charges, and therefore innocent in the eyes of the law, Mr Davydenko has been associated with Alimzhar Tokhtakhounov, who in 2002 was accused by the FBI of fixing figure skating events at that year's Winter Olympics in Salt Lake City.¹²

2009 – A dossier was released identifying over 140 games since 2002 that had been potentially pre-determined as a result of match fixing.

May 2011 – The governing body of tennis (the ATP) handed down a life ban and \$100,000 fine to Austrian Daniel Koellerer, who had been as high as number 55 in the world. He was found guilty of three offences in relation to match fixing, both of his own matches and trying to coerce other players to participate in match fixing between October 2009 and July 2010.¹³

From that list it is evident that match fixing is a worldwide, large scale, multi-discipline problem which, as I will go on to discuss, creates significant difficulties in terms of detection and prevention. Moreover the above is just a small flavour of the breadth and depth of match fixing. Indeed it is surprising that more isn't made of the problem and its threats to the integrity of sport in the media. You would think it would be back page, and possible front-page, news on a far more regular basis. Indeed Chris Eaton, FIFA's security chief and former head of operations at Interpol for a decade (the largest worldwide international police organization with 188 member countries whose mission is to prevent or combat international crime), believes that match fixing in football alone yields over £55 billion annually, which is the equivalent to the money made through legal betting channels.¹⁴

Why do people involved in sport agree to match fix?

Now this may sound like a rhetorical question, and yes of course money is the main motivation, but in a true psychologists style there has to be reasons why some people and sports are more susceptible than others¹⁵, particularly given the professional and legal ramifications of getting caught. Further it is rarely money alone that is the sole reason for agreeing to participate in match fixing.

A first possible explanation is that individuals involved in sport are easier to manipulate than those involved in a team environment, where the risk is much higher due to complex interactive outcomes. This is often a reason put forward in tennis and snooker for instance. Furthermore this explains why referees are a prime target, particularly in football as evidenced in the case involving Mr Oriekhov amongst others mentioned in previously, as they have a high degree of influence over the outcome of a contest.

Any sport, or level within a sport, which is scrutinised less rigorously will be more susceptible to match fixing. This is often the case with lower league football, which is less strictly scrutinised due to its importance in the overall football pyramid in a particular country, for instance in Italy, or can arise due to a neglect on the part of the governing body in giving the seriousness of the threat of match fixing the true weight and resources it deserves. One such example of this is the ICC which, despite numerous high profile match and spot fixing

¹¹ 'Sumo tournament cancelled amid match-fixing scandal', BBC News Asia-Pacific, 6 February 2011

¹² 'Match Fixing in Tennis', Tennisbet.com, David White, 26 June 2009

¹³ 'Former world No 55 Koellerer banned for life as tennis tackles match-fixing', Daily Mail online, Mike Dickson, 31 May 2011

¹⁴ 'FIFA: Match-fixing now worth £55bn', Reuters, 18 May 2011

¹⁵ 'Examination of Threats to Integrity of Sports', Section 4.4, Oxford Research A/S, April 2010

cases (including former South Africa captain Hansie Cronje who was found guilty in 2000), spends less than 1% of its profit on its Anti-Corruption and Security Unit.¹⁶

Historically Italian football again is the prime example of a third possible reason for the likely targets for match fixing as in end of season games, where neither team needs to win (in essence a 'dead rubber') they agree to play out a draw. So match fixing is more prevalent where the contest does not affect the final outcome of a competition.

On a similar vein, where match fixing does not involve losing but only securing that certain actions take place, more commonly known as 'spot fixing', as in the case of the three Pakistani cricketers, then the feeling of guilt on a player / official and risk involved is far less, and therefore they are more likely to be open to offers made to them. This particular threat has become even more pressing in cricket since the advent of the Twenty20 format for two reasons: the combination of the party atmosphere, the entertainment and the celebrity status of the players which surround the Twenty20 revolution makes them more vulnerable to approaches from unscrupulous characters; and the extremely fast paced nature of the game makes it difficult to detect parts of the match which may have been spot-fixed.¹⁷

The stand out reason in most peoples' minds is, as ever, the allure of money. I have already stated some mind-boggling figures associated with the practice of match fixing and those offered to targets are no less startling given the context and circumstances for each individual. This can manifest itself in the fact that they are paid too little in general, or that their level of remuneration is viewed as unjust. The amount offered to John Higgins was £250,000 to throw just four single frames. Pakistan international cricketers are paid 20 times less per year than their English and Australian counterparts, and four times less than their Indian neighbours.¹⁸ This is partially due to the fact that Pakistan cannot raise revenue by playing in their home country due to security concerns and that the players are banned, for political reasons, from playing in the lucrative Indian Premier League.¹⁹ Mr Oriekhov was offered €50,000 to manipulate a single match, which cannot have been an insubstantial amount given Ukrainian referees are not full time professionals. Indeed football referees are often cited for this perceived injustice I mentioned in pay between the relative pittance they get paid and the extortionate amounts the players are paid that they seek to control.²⁰ This is particularly true in the upper echelons of the game where, for example, English Premier League referees are professional and earn around £100,000 per year whereas some of the players they officiate earn that and more in a week.

Finally, and perhaps of a more troubling nature, is the prospect of agreeing to match fix as a result of duress. This was one of the defences put forward by John Higgins. Duress can take two forms: duress by threats and duress by circumstances.²¹ The legal hurdle to be overcome to be successful with either variants of this defence is high and not often successful in a sporting context. However, given the increasing prevalence and acknowledgement of the involvement of criminals and gangs who orchestrate large scale match fixing this may become an increasingly frequent tale when sports people are caught out. If you were told that if you did not agree to go along with the plan then your family will be in danger then what would you do? Suddenly the money seems quite appealing after all, and upholding your own reputation and that of the sport less so.

Hopefully it is now clear to see that there are a multitude of reasons why illegal bookmakers and criminals try, and indeed succeed, in targeting certain sports, and individuals within those sports, more than others.

¹⁶ 'Integrity: Combating spot-fixing in cricket: the role of the ICC', World Sports Law Report, Volume 9(1), Amrut Joshi, January 2011

¹⁷ 'Integrity: Combating spot-fixing in cricket: the role of the ICC', World Sports Law Report, Volume 9(1), Amrut Joshi, January 2011

¹⁸ 'Pakistan betting scandal: Divide and fall in cricket's great pay gap', Dalymail.co.uk, Lawrence Booth, 31 August 2010

¹⁹ 'Integrity: Combating spot-fixing in cricket: the role of the ICC', World Sports Law Report, Volume 9(1), Amrut Joshi, January 2011

²⁰ 'How worried should we be about match-fixing in football?', BBC Sport, Gordon Farquhar, 9 May 2011

²¹ 'Corruption: Agreeing to match fixing under duress: analysis', World Sports Law Report, Volume 8 (6), Kelly Hudson & Rod Findley, June 2010

Ramifications of match fixing

The ramifications of match fixing seem to take three forms: penalties from governing bodies; criminal sanctions; and reputational damage. I would argue that the final one of those can be equally, if not more so, damaging than the first and second which would usually strike the most fear into the hearts of people involved in sport.

The ultimate responsibility to keep sport clean from match fixing lies with the governing bodies. In a report undertaken for the Government in February 2010²², with the mandate to look at a wide range of issues relating to the integrity of sports betting, the panel formulated a uniform code of conduct on integrity (the 'Code') which it recommended should be implemented across all sports. In doing so the panel examined how twelve of the governing bodies each currently dealt with the following threats: placing a bet; soliciting a bet; offering a bribe; receiving a bribe; misuse of privileged information; failing to perform to one's merits; and reporting obligations. Worryingly in 38% of instances the governing bodies made no provision for the threats, indeed the IAAF (athletics) and Royal & Ancient/PGA (golf) make no provision in their rules for any of the seven. Presumably, and I would argue somewhat misguidedly perhaps, the IAAF puts too much emphasis on doping rather than race fixing. Indeed one of the panel's conclusions was as follows, "It is imperative that sports governing bodies have clear rules in relation to betting and insider information in their sports and for those rules to be communicated in an effective manner which is clearly understood by participants or competitors".

When contravening any rules the punishments have to be extremely severe as a deterrent and to show fans that this threat is being taken seriously. Earlier it was mentioned how UEFA gave a life ban to Mr Oriekhov simply for failing to report that he had been approached to match fix. Similarly Daniel Koellerer was given a life ban by the ATP. As well as bans the other weapon in the armoury of sports governing bodies is fines, as seen in the punishment handed down to John Higgins and again to Daniel Koellerer. Fines have to be at least equal to the amount gained from participating in match fixing and in my opinion should have a penal element to them above and beyond this to give fines their true effectiveness.

Criminal sanctions are, some would argue, the most effective deterrent to match fixing. There is no other word like being called a 'criminal' for a sportsman's personal and professional integrity to be eternally damaged. Once again criminal fines are an option, but more powerful in extreme cases is the possibility of a prison term, such as the threat of a maximum term of 7 years in prison facing the Pakistan cricketers.²³ It is a positive sign that national crime prevention organisations are taking match fixing seriously, both in terms of the sources of the threat (which I talk about in detail below) and those participating. Perhaps the most high profile instance of this is the German authorities who have already handed down prison sentences of nearly up to 4 years to three of the men implicated in a Europe-wide match fixing ring, with several more of the 200 suspected members to be sentenced in due course.²⁴

To allow such punishments to take place legislators in each country have to have well drafted, robust and overall effective laws in place. There was some scrutiny of this in the report into sports betting integrity in relation to the definition of 'cheating' under section 42 Gambling Act 2005. The panel wants to assist governing bodies, regulators and law enforcement bodies by there being a clearer statutory explanation of cheating and a re-assessment of the two-year maximum sanction under the Act. Both of which can only enhance the battle against those who put the integrity of the sports, which have given them so much and provide such joy to spectators in jeopardy. Other jurisdictions too are beginning to realise that their statutory frameworks are insufficient to tackle this growing problem. Most recently the sports minister of Australia Mark Arbib has announced that the Government is considering stiff penalties of up to 10 years in jail for anybody found guilty of being involved in match fixing and corruption in sport.²⁵ In light of this announcement the chairman of the Australian governmental task force set up to look into what could be done to clean up

²² Report of the Sports Betting Integrity Panel, Chapter 2b, February 2010

²³ 'Trial date set for Pakistan trio', BBC Sport, 17 March 2011

²⁴ 'German court hands down stiff sentences in betting trial', Reuters, Karolos Grohmann, 14 April 2011

²⁵ 'Australia considers 10 years jail for match fixing', Reuters, Nick Mulvenney, 3 June 2011

sport in the county said, "Even the perception that something could be wrong is enough to undermine a sport's public credibility".²⁶ This is in my opinion the crux of the reason to fight match fixing and elevate it above doping in terms of importance.

Reputational damage to any professional is a significant intangible consequence of being accused of corruption in any walk of life, and sports people are no exception. Simply being accused of match fixing, even if ultimately found not guilty, can see a sports person viewed suspiciously for the rest of their career by fellow professionals, fans and journalists, and can ultimately ruin a persons career. I believe this is a consequence which is often underestimated and overlooked. That is why it is of utmost importance that the law provides protection and redress for those who are wrongly accused of such behaviour. Defamation laws are where this protection is found. The challenge for legislators is to strike the right balance between investigating people and revealing their identity backed by sufficient evidence, and making unfounded and indeed malicious allegations. This tension is currently best highlighted in privacy cases, such as that involving former head of the FIA Max Mosley who has taken his case against the News of the World on appeal to the Grand Chamber of the European Court of Human Rights²⁷, and there are few high profile instances in sport in recent years where this has been an issue. However, New Zealand international cricketer Chris Cairns has sued Lalit Modi, the head of the powerful Indian Premier League Twenty20 cricket competition, over comments he made alleging Cairns was a match fixer.²⁸

The sources and type of people engaged in arranging sports to be fixed

So who organises for match fixing to take place tempting sports people to put their careers at risk in a disciplinary, reputational and criminal sense? There appear to be various different categories of people who are engaged, ranging from criminals running illegal betting syndicates, to the players themselves.

It is perhaps best to start by addressing the stereotypes that exist, namely that the people/criminals come from Eastern Europe, Russia and the Far East. This is not without substance as can be seen in many of the instances I have mentioned including in football, snooker and tennis. Yet is far too simplistic to say these are the principal problem areas, as we are dealing with a truly worldwide problem, with criminals and their organisations tentacles spreading far and wide across the globe.

This leads on to a discussion on the primary source of concern for governing bodies around the world on this topic, illegal betting and gambling. Many of the problems surrounding sport gambling arise from territories and markets where gambling is banned, such as the Far East, because where there are prohibitions gambling is driven into the black market.²⁹ Indeed Interpol has revealed that through operations in this part of the world it has made nearly 7000 arrests. Further it estimates that the volume of illegal betting and match fixing to be worth \$500bn (£311bn) on the Asian market alone.³⁰ The advent of in play betting, betting exchanges and advances in technology also provide new challenges for authorities in this area. Indeed the head of Interpol, Secretary General Ronald K. Noble, has said recently that with increased internet access, remote betting has revolutionised the gambling market in terms of reach and speed, providing opportunities for cybercrime to overlap illegal betting, creating more potential targets and more challenges for law enforcement.³¹

An interesting interplay is with the legal betting industry and legal bookmakers many of whom are now household names. If there is a match fixing scandal involving betting licensed bookmakers can lose money as people stop betting and the whole industry is tarnished. Additionally Khalid Ali, the secretary general of the European Sports Security Association, which with the help of its bookmaker members monitors irregular betting patterns and insider information, says, "Most of our members are listed on stock markets, so it is also

²⁶ 'Corruption in sport: Send match fixers to the slammer', The Punch, 10 June 2011

²⁷ 'Max Moseley - European Court of Human Rights', Collyer Bristow, 2 June 2011

²⁸ 'Chris Cairns sues Lalit Modi over match fixing allegations', The Sydney Morning Herald, 8 January 2010

²⁹ 'Sports bookmakers seek safety in numbers against cheating', Bill Wilson, BBC Business News, 10 November 2010

³⁰ 'Fifa aware of match-fixing fears', Independent.co.uk, Robin Scott-Elliott, 11 March 2011

³¹ 'Interpol chief urges increased international co-operation against rising threat of illegal sports betting', Interpol News, 1 March 2011

in their interests to stop bribery, corruption and match fixing.³² Taking this a step further, legal bookmakers must make a decision on whether to pay out on suspicious matches. If they don't then honest, valuable customers may stop betting with that firm, whilst if they do pay out then this may encourage future match fixing. So there is a trade off for bookmakers between co-operation and looking after number one.³³ Playing devils advocate, some may even go as far as to say that undermining all forms of gambling is not a bad thing for society viewing it is a moral hazard, but this is very much outside the scope of this paper.

There is also a darker side emerging to the behaviour of people involved in organising match fixing. One of which I addressed earlier is threats through duress. The second has come to light only this month as part of the latest match fixing scandal to surface in Italian football. It has been alleged that in a match in November 2010 Paganese v Cremonese players had their drinks spiked in an attempt to hamper their performance, with several falling ill during the game. Now I hope that many of you reading this are as startled as I was by this revelation, to think that innocent players are being dragged into the murky world of match fixing without any knowledge or consent is in my opinion morally heinous. Furthermore, along with the usual criminal characters implicated, several well known players, including former Italian internationals, are said to have been actively complicit in organising the fixing to take place.³⁴

Current action being taken to prevent match fixing and how to enhance it

An effective strategy to combat the complex global threat of match fixing must be built on a thorough understanding of the nature and scale of the threat by all the stakeholders in sport.³⁵ Having examined the nature and scale of the threat it is possible to analyse what action is being taken to and to evaluate its effectiveness, or otherwise.

An effective way to formulate a strategy is to focus efforts around a number of principles. Having examined what academics, policy makers and sporting bodies consider to be the key principles in combating match fixing they appear to fit into three categories: formulation of clear guidelines; compliance with and surveillance of those guidelines; and education.³⁶

Clear guidelines

The formulation of clear guidelines, as mentioned above in 'Ramifications of match fixing', is crucial so that participants in sport know what is and is not allowed. Like with any type of legislation or rules, those affected by it need to be able to understand them so that their rights are adequately accounted for. To produce the best set of guidelines there needs to be thorough understanding, and if necessary review, of the problem. In the UK the Government have taken the lead with the Report of the Sports Betting Integrity Panel in February 2010. I have already mentioned some of the troubling statistics from that report, in relation to the lack of provisions in sports governing bodies ("SGB's") rules in relation to match fixing activities, and as a result the Sports Betting Integrity Panel included a draft code of conduct (the "Code"), the principles of which can apply to all sports and their stakeholders as a de minimis standard: rules on betting; inside information; commitment to enforce; sanctions; information sharing and co-operation; best practice; and education.³⁷ Around this draft Code SGB's must make such amendments as may be necessary to their rules and regulations to satisfy the minimum standards contained in the Code, as a 'one size fits all' approach is unlikely to be appropriate across the board. Setting standards across all sports is following the approach of World Anti Doping Agency ("WADA") with the World Anti Doping Code.

³² 'Sport bookmakers seek safety in numbers against cheating', BBC Business News, Bill Wilson, 10 November 2010

³³ 'Match Fixing in Tennis', Tennisbet.com, David White, 26 June 2009

³⁴ 'Italian football rocked by fresh match fixing scandal', Guardian.co.uk, James Callow, 2 June 2011

³⁵ 'Examination of Threats to Integrity of Sports', Section 4.5, Oxford Research A/S, April 2010

³⁶ 'Examination of Threats to Integrity of Sports', Section 5, Oxford Research A/S, April 2010

³⁷ Report of the Sports Betting Integrity Panel, Chapter 2a, February 2010

Compliance and surveillance

In terms of compliance and surveillance it is obvious that a code of conduct cannot be effective on its own, and chiefly it lays at the feet of SGB's to have effective mechanisms in place to ensure compliance with their rules. Best practice in ensuring compliance needs to include some form of intelligence gathering, investigating and evidence gathering to satisfy the twin aims of prevention and detection.³⁸ The way in which SGB's and policy makers do this in two ways: through anti-corruption units and early warning systems ("EWS"). The majority of sports now have an anti-corruption unit in place, unfortunately the establishment of many of them has been reactive following the revelation of a match fixing scandal, rather than pro-active, which is a reflection of the fact that many sports have buried their head in the sand for too long being adamant they were clean and "it couldn't happen to us!" The establishment only in September 2010 of a new integrity unit to police snooker following the John Higgins scandal being evidence of the insular, haughty and delusionary attitude of some sports to match fixing.³⁹ Taking anti-corruption units one step further, the Sports Betting Integrity Panel also put forward proposals for a pan-sports integrity unit to pool intelligence gathered by all SGB's and co-ordinate investigations and all other activities in this area. Regrettably despite this proposal being recommended by the sports minister at the time Gerry Sutcliffe following the report, it does not appear that any further steps have been taken to establish the unit.

With very much the same aims of pooling intelligence, resources and expertise, in recent years there has been the advent of EWS's. One of the key advantages of an EWS is that they have the expensive technical systems and technical expertise that it is not proportionate or possible from a cost perspective for regulators and SGB's at a national level to acquire or pursue. The apparent leader in this area is FIFA's EWS based in Switzerland which was launched in 2005. The declared objective of the organisation is "to safeguard the integrity of sport".⁴⁰ It has been structured as a legally independent and autonomous company, and does not pursue any commercial interests on the international betting market. Although it is primarily there to protect football and FIFA's slogan of 'For the Game. For the World.', it was also in operation at the Olympic Games in Beijing in 2008 on behalf of the IOC.

A cornerstone of FIFA's EWS's effectiveness is its trusted and intensive partnerships with more than 400 national and international bookmakers who have contractual agreements to report any irregular or suspicious activities in sports betting. This reflects what was mentioned earlier that it is in the interests of legal bookmakers to combat the threat of match fixing through illegal betting channels, "[Legal] operators are the first to lose out if matches are fixed because in the short term they are likely to lose directly on the bets and long term lose indirectly if the market decreases because people lose faith in sport."⁴¹ In response to this overarching threat to their industry in 2005, and specifically to the Hoyzer affair in German football in the same year, a number of European betting operators set up their own EWS the European Sports Security Association ('ESSA') based in Brussels. A reflection of how serious a threat ESSA considers match fixing is that from its central office it shares information and security and passes it on to sports organisations free of charge.⁴²

Education

Education about the threat of match fixing, and the consequences to individuals and the sport, is an area which has been very much neglected and behind the work of WADA which in 2007 introduced education seminars and workshops.⁴³ As mentioned previously, the Code by the Sports Betting Integrity Unit includes a requirement on SGB's to provide education, "SGB's will provide education/awareness programmes on all integrity issues in sport in relation to betting." Indeed in the report they dedicate an entire section to the

³⁸ Report of the Sports Betting Integrity Panel, Chapter 4, February 2010

³⁹ 'World Snooker launches anti-corruption unit', BBC Sport, 20 September 2010

⁴⁰ www.fifa-ews.com

⁴¹ 'Examination of Threats to Integrity of Sports', Section 5.2, Oxford Research A/S, April 2010

⁴² 'Examination of Threats to Integrity of Sports', Section 5.3, Oxford Research A/S, April 2010

⁴³ 'Examination of Threats to Integrity of Sports', Section 5.2, Oxford Research A/S, April 2010

education of competitors.⁴⁴ The key recommendations that came from the specific working group on this topic were as follows:

- ♥ SGB's and player associations in each sport should work together in the development of a communication programme to highlight the rules of the sport and for education;
- ♥ The basis of an effective communication programme should be to provide face to face education to all participants or competitors at both youth and professional level to fully explain the rules, and what is a breach of those rules, in a way which they will understand; and
- ♥ Verification of participants' understanding of the communication programme should be evidenced through informal tests at the end of the programme.

Interestingly WADA has also initiated youth programmes, including a Social Science Research Grant Program which supports and encourages research in social science in order to obtain information that will enable more efficient doping prevention strategies. Why not do the same for match fixing and corruption? It could stimulate interest and research to fill deficiencies, both in terms of specialism and finance, in the current approaches of SGB's. Additionally from the field of social science⁴⁵, research has shown that universal school-based interventions and education are the ones which offer the most systematic and efficient way of reaching the greatest number of young people each year. However, although they have an immediate impact, their long-term effects are questioned. Rather school-based programmes integrated into multi-level strategies involving school, family and community would bring the long-term changes and enhance effectiveness. One programme currently in place driven by the Council of Europe, an international organisation in Strasbourg which comprises 47 countries of Europe set up to promote democracy and protect human rights and the rule of law in Europe, has developed a Code of Sport Ethics as a foundation for educational measures aimed at strengthening sport ethics.⁴⁶ In addition European Ministers responsible for sport have committed to promoting the Code.

Other prevention methods

The other area of prevention is from the participants in sport. It is imperative that players themselves come forward with any knowledge they have of corruption that is going on in their own sport, as there is often an asymmetry of information between them and the SGB. For instance, the ATP prides itself on being one of sport's more efficient self-regulating bodies, with a significant input from players.⁴⁷ Indeed the Sports Betting Integrity Panel recommended the provision of a dedicated whistle-blowing line or clear communication channel for any participant to report any illegal or unusual approach regarding betting in their sport.⁴⁸

What the future holds

Having now looked at the past and present, and made suggestions for improvement, what are some of the most influential bodies in a governing capacity in sport looking to implement in the future to address the multitude of concerns highlighted throughout this paper.

The competition that has remained largely untouched by corruption despite being the biggest in the world is the Olympics. Now I find this surprising given the largely amateur standing of its competitors and therefore the financial gains to be made from becoming complicit in match fixing are persuasive. Indeed the president of the IOC Jacques Rogge admits that his organisation cannot afford to be naïve or complacent.⁴⁹ To prevent such complacency setting in the IOC are currently considering three options to tackle illegal betting: a new body based on a formalised structure; a body based on existing United Nations/Council of Europe conventions; or to continue building alliances and communication between SGB's, governments and

⁴⁴ Report of the Sports Betting Integrity Panel, Chapter 3, February 2010

⁴⁵ 'Prevention Through Education', Leeds Metropolitan University, Backhouse et al, 2009

⁴⁶ 'Examination of Threats to Integrity of Sports', Section 5.3, Oxford Research A/S, April 2010

⁴⁷ 'Tennis authorities keeping a close eye on potential match-fixing', Guardian.co.uk, Kevin Mitchell, 10 September 2010

⁴⁸ Report of the Sports Betting Integrity Panel, Chapter 3, February 2010

⁴⁹ 'IOC targets match fixers', BBC Sport, David Bond, 1 March 2011

international bodies such as Interpol.⁵⁰ To fund any of these options Mr Rogge has called for controversial legislation that will see sport receive a portion of betting revenues as a rule across European countries.⁵¹ He believes that the regulated betting industries role as an ally in the fight to protect the integrity of sport should come at a price. He says that the IOC favours a system where betting operators are licensed by the national government but that SGB's should have a 'fair return' for their efforts for organising the sport from the operators financial income. This 'levy' has been justified on the basis that the betting operators use sports 'intellectual property' ("IP") to their commercial advantage.⁵² Although, as already shown, legal betting operators want to help in the fight, and many people can be integral to it, they do not buy into the idea that bookmakers are somehow using sport's IP and should therefore have to pay for the privilege. However, if the goals of a SGB or government are simply driven by short-term financial aspirations, the long-term prize for cleaning up sport for good could remain a distant pipe dream.⁵³

The next most powerful SGB in the world is FIFA. They are implementing a number of policies and spending vast amounts of money looking into the future. Specifically to address the high risk of referees being corrupted by match fixers, for instance the high profile games stated earlier and subsequently in a recent friendly between Nigeria v Argentina⁵⁴, FIFA are now promising tighter monitoring of referees' assignments by forcing organisers of exhibition matches / friendlies to submit referees' names for approval two months before the game is to be played.⁵⁵ The cynic and referee in me believes this is obvious and wonders why FIFA has not controlled this from the outset, very much a case of locking the stable door after the horse has bolted.

Throughout this paper it is evident how crucial strategic partnerships between various stakeholders in the integrity of sport are to the success of fighting threat match fixing. Indeed Secretary General of Interpol Ronald K. Noble has said that law enforcement has to be as equally as flexible through co-operation at the regional and global levels - to not only facilitate the exchange of expertise and intelligence on suspects and modus operandi but to carry out joint operations when possible.⁵⁶ FIFA too recognises this and has just pledged £17.5m to a groundbreaking 10-year crack down on match fixing and illegal betting working alongside Interpol. The money will help create a FIFA anti-corruption training wing in Singapore, which is considered a good place strategically to base operations to combat the threat, as Interpol already has a significant presence there and FIFA believes a number of illegal betting operations operate from the country.⁵⁷ The money will also be used to educate players, referees and officials. Ronald K. Noble said, "By funding a long-term corruption prevention training programme to be designed and implemented by Interpol...FIFA has taken a significant step towards ensuring the integrity of football worldwide."

Final words

This paper has looked at all aspects of match fixing and has hopefully made you wonder why it is given far less column inches and coverage than other threats to the integrity of sport, particularly doping, when it is in my opinion the biggest threat of the 21st century. The perception of a problem of match fixing can be as serious a threat as the actual problem itself, so both are important to tackle.⁵⁸ Furthermore, no longer should those convicted of doping offences be vilified more than convicted participants in match fixing. The increasing presence of criminals across the sporting spectrum should be a concern for all stakeholders and provide additional impetus to the continuing need for concerted action on a global scale, principally given that organized crime never loses money in illegal gambling operations, one way or another they make a profit. Ronald K. Noble highlighted the gravity of the increasing criminal presence perfectly, "organised

⁵⁰ 'IOC considers three options for tackling illegal betting', World Sports Law Report, Volume 9(3), March 2011

⁵¹ 'Sport: A Right to Bet?', SportBusiness International magazine, No. 166, April 2011

⁵² 'Gambling: EU online gambling consultation: issues for sport', World Sports Law Report, Volume 9(4), Andrew Danson, April 2011

⁵³ 'Sport: A Right to Bet?', SportBusiness International magazine, No. 166, April 2011

⁵⁴ 'Nigeria's friendly with Argentina investigated by Fifa', Daily Mail online, 4 June 2011

⁵⁵ 'FIFA pledges match-fixing fight', ESPN.com, 3 March 2011

⁵⁶ Speech from Interpol's Global Conference on Asian Organized Crime, Singapore, 23 January 2008

⁵⁷ 'Fifa unveils anti-match fixing plan', BBC News, 9 May 2011

⁵⁸ 'Examination of Threats to Integrity of Sports', Section 4.3, Oxford Research A/S, April 2010

criminals frequently engage in loan-sharking and use intimidation and violence to collect debts, forcing their desperate, indebted victims into drug smuggling and their family members into prostitution.”⁵⁹ If that does not make you sit up and take notice then nothing will.

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⁵⁹ 'FIFA's historic contribution to INTERPOL in fight against match-fixing', FIFA.com, 9 May 2011