



The governance of the International Olympic Committee

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The International Olympic Committee

- A club of gentlemen (co-opted members) founded in 1894 by Coubertin (A few “gentlewomen” since 1981)
- An association under Swiss law
- An NGO in charge of the Olympic Games
- A central actor of the Olympic Movement, i.e. the sport organisations and people who accept the rules of the Olympic Charter, a document established by the IOC
- A self governing body



The IOC by itself

- The International Olympic Committee (IOC), created in 1894, is a **non-governmental organisation** with **volunteer members** who represent its work around the world, and an administrative staff based in Lausanne, Switzerland. The IOC and its 203 National Olympic Committees worldwide promote the Olympic Movement, whose vision is to contribute to **building a peaceful and better world by educating youth through sport**. In addition to selecting the host city and coordinating the staging of the Olympic Games, the IOC and NOCs collaborate with a range of organisations and their members in the public and private sectors to place **sport at the service of society**. The main goal is to promote the **values** of Olympism, which include excellence, respect and friendship. For more information please visit www.olympic.org



Governance

- An old French word (17th century)
- A new word of the social sciences since 1990s
- Coming from the private sector > *corporate governance*
- Resulting from sport organisations being more and more professional
- Coming also from the increasing involvement of Governments and other stakeholders in sport > *political governance*
- Even at the international level (EU, UN) because of commercial or political uses of sport



Olympic Governance

- Becomes an issue with the 1999 “Salt Lake City scandal” involving bribed IOC members
- IOC 2000 reform creates a “new” IOC
- New IOC President in 2001 keen on governance
- The word “Governance” in the Olympic Charter from 2004 (“The IOC EB approves all internal governance regulations relating to the IOC organisation”)
- Who governs the Olympic Movement and how?



IOC (corporate) governance

- The IOC is not a corporation but it owns several corporations (ITMS SA, OBS SA, OGKS SA, ...) and controls several foundations (Olympic Foundation, Olympic Museum Foundation, ...)
- The IOC deals with multinational corporations (sponsors, media) which must follow the principles of good corporate governance
- Many approaches to corporate governance



Pérez's model (2003) of corporate governance

Level 5 Governance:
Metagouvernance

Overall legal / societal framework?

Level 4 Governance:
Governance of governance

Can decisions be appealed?

Level 3 Governance:
Management of governance

Who controls the controllers?

Level 2 Governance:
Management of Management

How is management controlled?

Level 1 Governance:
Management

How is it managed on a daily basis?

Level 1: IOC Management

- How is the IOC run on a daily basis?
- IOC (executive) President (CEO)
- IOC Administration





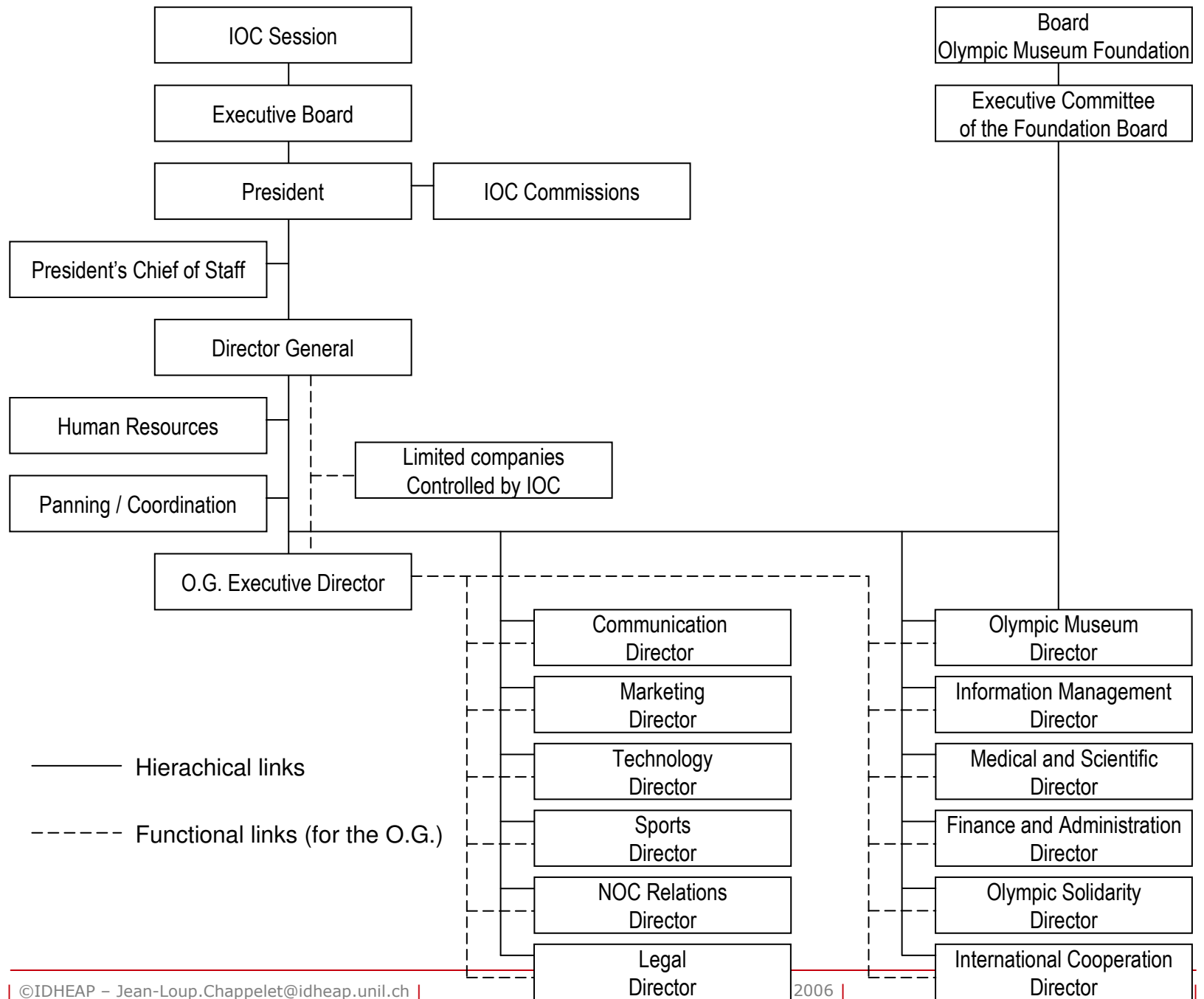
IOC (executive) President

- Juan Antonio Samaranch (1980-2001) started the trend
- Jacques Rogge since 2001 (elected for 8 years)
- Both started working almost full time for the IOC at 60 on a volunteer basis
- But all business expenses paid
- + residency costs (hotel suite, local taxes...):
US\$ 397'000 for Rogge, 174'000 for Samaranch in 2004
- From an entrepreneurial to a technocratic style
- From an expansion to a consolidation strategy



IOC Administration

- In Lausanne since 1915
- Developed by Samaranch (100 employees in 2000)
- Further developed by Rogge (320 in 2006)
- 30 nationalities, 62% women, average age = 37.5 year
- Now 15 Departments/Directors over 4 city locations
- One Director General (COO)
- One Executive Director of the Olympic Games
- One Head of President's Executive Office (Chief of Staff)
- One Spokeswoman (also Communication Director)





Level 2: Management of IOC Management

- How is IOC management controlled?
- IOC Session
- IOC Executive Board
- IOC Commissions



IOC Session

- General meeting of the membership (115 members)
- Once a year in Olympic city or another city (odd years)
- Amends the Olympic Charter
- Elects Olympic cities (every 2 years)
- Elects IOC Executive board (EB) members for 4-year mandates (but not all at the same time)
- Approves IOC accounts and commission's reports
- Has full power except those given by the Olympic Charter to the IOC EB or President



IOC Executive Board (EB)

- Since 1921
- Now 15 members including President, 4 vice presidents, 6 regular members + representatives of ANOC, ASOIF, IOWF and athletes
- Meets 4 times a year or more
- At the heart of IOC Governance
- Prepares all the Session's decisions
- Pre-selects Olympic (candidate) cities
- Proposes new members for election by the session
- Checks all the President's urgent (important) decisions



IOC Commissions

- Members appointed by IOC President (unchecked)
- 24 commissions in 2006 (a few statutory ones) – No reduction
- Meet in principle once a year in Lausanne
- Advisory role only
- Each assisted by an IOC Director to whom they are supposed to give overall objectives
- Most important ones
 - Finance (+ Audit committee since 2006)
 - TV and New Media Rights (chaired by IOC President)
 - Olympic Solidarity (now chaired by ANOC President)
 - + Nominations, Athletes, Ethics (level 3)



Level 3: Management of IOC Governance

- How are the controllers controlled?
- Nominations Commission
- Athletes Commission
- Ethics Commission



Nominations Commission

- Founded in 1999 (before: IOC President's wish list)
- Composed of 7 IOC members (4-year terms), 3 chosen by Ethics Commission, 3 by IOC Session, 1 by Athletes Com.
- Elects its own chairperson
- Checks all candidacies for IOC membership and makes a recommendation to the IOC EB which proposes a person for election (8-year mandates, renewable)
- Many IOC members to be re-elected in 2007-2008-2009 because of grandfathering clause in 1999 reform
- Age limit now at 70 years



Athletes Commission

- Founded in 1981 (Baden Baden Olympic Congress)
- 19 members
 - 12 elected by Olympic Athletes at the Summer and Winter Games (4 + 2 + 4 +2), become IOC members upon confirmation by IOC Session
 - 7 appointed by IOC President for gender and continental balance, 3 can be elected as IOC members
 - 2 ex officio members representing WOA and IPC
- Commission chair usually a member of IOC EB
- Regular joint meeting with IOC EB



Ethics Commission

- Founded in 1999 (taking over from IOC investigation commission into Salt Lake scandal)
- 8 members (4 non IOC members)
- Edicts IOC Ethics Code and several internal rules
- “Special Representative” manages the commission
- Check Olympic *Parties*’ behaviour
 - IOC members and staff
 - NOCs
 - OCOGs and candidature committees
 - Olympic Games participants



Cases / sanctions

- IOC members
 - M. Hasan, I. Slavkov, U. Y. Kim, Y. Tsutsumi excluded or resigned
 - G. Drut, (Y. Park, H. Sérandour) warned
- NOCs
 - Iraq, Somalia
- Candidature committees
 - Many small / borderline cases
- Olympic Games “participants”
 - Some agents involved in Slavkov’s case
 - Not for doping cases
- IFs
 - FIVB President who was an IOC member
 - But not some other members in similar positions
 - Not used in the case of judging controversies in Athens 2004



Ethics Commission problems

- Not independent from the IOC (recommendations reviewed by IOC EB, housed by IOC, etc.)
- Waits for state courts decisions concerning members
- Several IFs have their own code (FIFA, UCI, FILA, FIVB...)
- Several NOCs have their own code (USOC, CONI, NED, SLO, SUI...)
- Need for harmonisation



Level 4: Governance of IOC Governance

- How can IOC decisions be appealed?
- How can IOC positions be harmonised with those of other (sports) organisations?

- National legislations
- World Anti Doping Agency (WADA)
- Court of Arbitration for Sport (CAS)



National legislations

- IOC decisions are (of course) subject to national laws (Switzerland or Olympic host countries)
- Hearing of IOC President by US Congress in 1999
- 2 cases examined by Swiss (Canton of Vaud) courts
 - Readmission of PR China in 1979 and subsequent conditions imposed on Chinese Taipei to remain an NOC (case dropped by Taiwanese member)
 - Admission of Gibraltar NOC pending since the 1990s (case not yet decided)



World Anti Doping Agency (WADA)

- Founded in 1999 (following Lausanne Doping Conference)
- Swiss private foundation with headquarters in Montreal
- Equal representation of public authorities and Olympic Movement (18 board members each)
- Promotes, co-ordinates and monitors on an international basis, the fight against doping in sport in all its forms
- On the basis of the World Anti-Doping Code (adopted 2003, revised 2007)
- Observes anti-doping fight at international competitions
- Service agency or regulation watchdog?



Court of Arbitration for Sport (CAS)

- Founded in 1983 in Lausanne
- Based on CIAS, a Swiss foundation whose board is named by IOC, IFs, NOCs and athletes
- Nominates judge(s) who arbitrate between 2 parties who have agreed to submit their sport case to CAS
- Has reversed some IOC decisions in doping affairs which constitute the majority of examined cases
- Most other cases do not involve IOC but IFs, NOCs, companies
- Independence recognised by Swiss Federal Court (which is the regular appeal court in case of alleged procedural errors)
- Has contributed to align sports regulations with natural law



Level 5: IOC Metagovernance

- How does the IOC fit in the world legal and societal framework?
- Swiss law
- European law
- International law



Swiss Law

- The IOC is recognised by the Swiss Government since 1981 which granted
 - Direct tax exemption for the IOC (not its staff)
 - Possibility to recruit foreigners without limitation
- Has signed an agreement with the Swiss Government in 2000 slightly extending these privileges
- Does not have full diplomatic privileges (customs and VAT exemptions, immunities, etc.)
- Waits for a new law in 2007 to obtain a headquarter agreement
- Difficult situation because the IOC is not a treaty (intergovernmental) organisation



European law

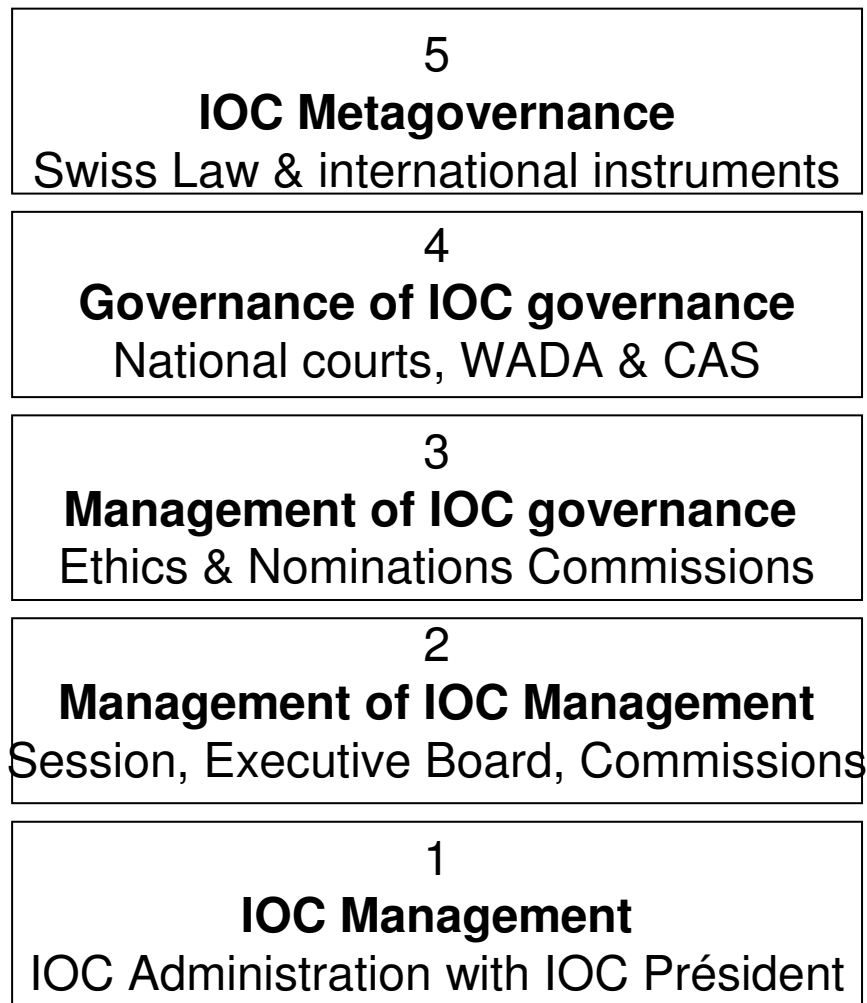
- Sport is in the European constitution (not yet adopted)
- Nice Declaration (2000) recognises the importance of associative sport
- Difficult relationships between European Commission and some IFs (UCI, FIFA, UEFA, FIBA, FIA...)
- Separate roads taken by UEFA (“The Independent European Sport Review 2006”) and IOC/FIFA (autonomy of sport organisations)
- Potential clash on doping matters : “The IOC’s rules on doping control fall within the scope of the Community competition law” (CJEC)



International Law

- IOC and Games mentioned in the UN Olympic Truce resolutions (since 1994)
- IOC designated as the owner of the Olympic rings (Nairobi Treaty 1981)
- IOC mentioned by UNESCO anti doping resolutions and 2005 convention signed to implement the World Anti Doping Code
- Olympic Charter has less legal status than the International Charter for Physical Education and Sport (1978)
- Some scholars call for the creation of a UNSP (UN Sport Programme) to protect sport and the Games as global public goods

Pérez's model adapted to the IOC



How is the
IOC
governed
beyond
the Olympic
Charter



The four pillars of good governance

- **Transparency**
 - IOC session opened, open tenders, quadrennial reports, website...
- **Democracy**
 - Lively internal democracy but no full stakeholders representation
- **Accountability**
 - Of the members with Ethics Commission but not of the IOC itself
- **Predictability**
 - Improved through profesionalisation and due process for main decisions (Olympic cities, sport programme, members' elections...)



IOC governance scorecard

- Great progress since 1999 !
- Still improvements to be made, notably with a more independent Ethics Commission
- Too much concentration on governance may translate as a lack of leadership for the IOC presidency



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