

Dangerous Liaisons: Illegal Doping and Corruption

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ABSTRACT

Less studied and less popular with the general public than drug trafficking, the trafficking of doping products nevertheless has similarities with the latter, both in terms of sales figures and the origin of the products in the pharmacopoeia. However, the trafficking of illegal doping products presents specificities that must be studied in order to have a detailed understanding of this phenomenon: The present article proposes an overview of this issue by presenting a historical review of the prohibition of doping products in the sports world, and its consequences not only in terms of trafficking and organized crime but also in terms of massive and multidimensional corruption within the sports world on an international scale.

Keywords: Doping products, trafficking, sports world, law, organized crime, corruption, IOC

Relaciones peligrosas: dopaje ilegal y corrupción

RESUMEN

Menos estudiado y menos popular entre el público en general que el narcotráfico, el tráfico de productos dopantes tiene, sin embargo, similitudes con este último, tanto en términos de cifras de ventas como del origen de los productos en la farmacopea. Sin embargo, el tráfico de productos dopantes ilegales presenta especificidades que deben ser estudiadas para tener una comprensión detallada de este fenómeno: El presente artículo propone una visión general de este tema al presentar una revisión histórica de la prohibición de los productos dopantes en el mundo del deporte. y sus consecuencias no solo en términos de tráfico y crimen organizado sino también en términos de corrupción masiva y multidimensional dentro del mundo del deporte a escala internacional.

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Palabras clave: Productos dopantes, tráfico, mundo deportivo, derecho, crimen organizado, corrupción, COI

危险关系：非法兴奋剂与腐败

摘要

与贩毒相比，关于兴奋剂产品贩运的研究较少，公众对其的了解程度也较低，不过，无论是在销售数字还是药典中的产品来源方面，兴奋剂产品贩运与贩毒都有相似之处。不过，非法兴奋剂产品的贩运呈现出值得研究的特殊性，以便详细了解该现象。本文通过一项历史述评，对该问题加以概述，述评对象包括：体育界的兴奋剂产品禁令及其后果，这一后果不仅体现在贩运和有组织犯罪方面，还体现在国际体育界内大量的多维度腐败方面。

关键词：兴奋剂产品，非法交易，体育界，法律，有组织犯罪，腐败，国际奥委会

The illicit traffic in doping products is similar to that of drugs, but it also has its roots in pharmacopoeia: in the same way, the evolution of medical ethics has ended up dissociating the legal drug from the proscribed one, the food supplement from the doping product. Based on moral (alteration of behavior and performance) and public health (physical alteration) criteria, the arbitrary decision to ban these substances has pushed these products into the underground economy, into the illicit markets. Of additional interest: although these products have been banned, they historically already had a clientele.

Justified or not, this arbitrary ban is nevertheless fraught with consequences, first of all for the world of sport, as well as on the scale of major international trafficking. The obscure history of the fight against doping will therefore serve as a guideline to understand how this ban has allowed the illicit trafficking of doping products, but also corruption in sport, to feed itself and proliferate:

PERFORMANCE = DOPING – Since the establishment of the contemporary Olympic Games, the societal dynamics of performance implies that the competitors wonder about the possibilities and the means in their possession to surpass their competitors.

This first sequence in the contemporary history of doping defines the athlete as a professional who must become the most competitive in order to win. At the

beginning of the 20th century, at the 1928 Winter Olympics in St. Moritz, experts questioned the use of doping substances by athletes. The international sports institutions know that many athletes have already resorted to drugs such as cocaine, cannabis, arsenic, oxygen, morphine, heroin, alkalis, amphetamines, tranquilizers ... and strychnine, which the IOC recognizes the usefulness in events such as the marathon when Thomas Hicks used it in 1904.

APOGEE –1950, a pivotal decade for the multiplication and improvement of the do page: testosterone, to increase muscle mass; amphetamines, for prolonged efforts without feeling fatigue. This period sees the generalization of the taking of products do pants, without concrete condemnation. Knowing why an athlete from another country's team performs better becomes a crucial question. Catching up with the gap created by certain de covered (medical or chemical) or even finding-synthesizing a revolutionary substance to surpass other competitors feeds the logic of performance in the sports world.

In 1952, in the Olympic Winter Games of Oslo (Norway), speed skaters received medical care; after the test, one realizes that it is one of the first reported cases of use of amphetamines in competition.² In the 1956 Summer Olympics in Melbourne, Australia, the institutional use of synthetic testosterone by the Soviet sports system allowed the weightlifter Arkady Vorobyov to beat the Americans. On the American side, Dr. Ziegler deepened his experiments with anabolic steroids. Under his supervision, weightlifters Tony Garcy, Bill March, and Lou Riecke became national champions. March and Riecke set world records.³

AWARENESS – At the 1960 Summer Olympics in Rome, Danish cyclist Knut Jenson died during the Olympic road race: he took Ronical, stimulant of the blood circulation, or amphetamines: he was the first athlete to die since 1912.⁴ The health risks of athletes are exposed at the Tour de France 1967. Cyclist Tommy Simpson, who was leading the race in the overall classification, collapsed and died on live television. According to the autopsy, his body contained various types of amphetamine mines. In 1968, Yves Mottin, also a cyclist, died from complications related to the use of amphetamines.⁵

2 Cart Julie, "Sarajevo's Lab: Is It Up to Test?" *The Los Angeles Times*, 10 February 1984, Part III, p. 15 in Kremenik Michael *et al.* "A Historical Timeline of Doping in the Olympics (Part 1 1896-1968)," *op. cit.* pp. 19–28.

3 Todd, Jan, and Terry Todd, "Significant Events in the History of Drug Testing and the Olympic Movement 1960–1999," *Doping in Elite Sports* Eds. Wayne Wilson and Edward Dorse. Champaign II: Human Kinetics, 2001, p. 66 in Kremenik Michael *et al.* "A Historical Timeline of Doping in the Olympics (Part 1 1896-1968)," *op. cit.* pp. 19–28.

4 Dirix, Albert, "The doping problem at the Tokyo and Mexico City Olympic Games," *Journal of Sports Medicine and Physical Fitness* 6, 1966, p. 185 in Kremenik Michael *et al.* "A Historical Timeline of Doping in the Olympics (Part 1 1896-1968)," *op. cit.* pp. 19–28.

5 Todd & Terry, "Anabolic Steroids, The Gremlins of Sport," *Journal of Sport History*, No.14, Spring, 1987, p. 96 in Kremenik Michael *et al.* "A Historical Timeline of Doping in the Olympics (Part 1

Therefore, at the Olympic Games in Mexico City (1968), the Medical Committee screens a randomly chosen sport every morning. Urine tests were taken before the competition; if it was positive, the athlete could not compete. But some did not fear these tests: the East German discus thrower Margitta Gummel is put on Oral-Turinabol steroids by her team doctor, Dr. Manfred Hoppner—but there was no steroid test at these games. Gummel won a gold medal and set a world record.⁶

OVERVIEW – Half of the history of contemporary sports is marked by the use of doping products, leaving an indelible mark on the curve of sports records.⁷ This was followed by two decades (1970s–1980s) marked by the creation of the World Anti-Doping Agency and the appearance (late...) of the ideology of a sport that favors natural performance. The international sports institution's awareness of the issue was certainly late, but this did not prevent them from studying the criminal activities that contribute to doping.

Aiming to preserve the physical integrity of high-level athletes, the World Anti-Doping Agency's desire to purge the world of sport of doping practices is commendable. But the habits of the sports world and its economic construction around the performance are all counter-indications to truly renounce—and not only for the sake of the gallery—the use of doping products.

The problem here is that the trafficking of doping products prohibited in competition remains part of the dynamics of sports performance; doping is often perceived as necessary by the teams supervising the athletes in order to achieve a podium finish (pace of training ... performances). Sometimes, this practice leads to the corruption of sports institutions, torn between results with positive political and economic repercussions, and the respect of legislation aimed at protecting their athletes.

We must therefore study this doping/corruption correlation, to see if revising the autonomy of sports institutions would be enough to win the fight against the illicit trafficking of doping products. This study will first focus on the analysis of corruption and illicit trafficking of doping products, a self-sufficient phenome-

1896-1968),” *op. cit.* pp. 19–28.

6 Undergleider, Steven, *Faust's Gold*, *op. cit.* p. 146 in Kremenik Michael *et al.* “A Historical Timeline of Doping in the Olympics (Part I 1896-1968),” *op. cit.* pp. 19–28.

7 “The massive use of doping products during periods when doping was either not prohibited, controlled and sanctioned (before the end of the 1960s) or when the fight against doping was very effective (1970s–1990s) explains this improvement in records. The curve of progression of the 5000m, for example, draws a staircase with steps corresponding each time to the appearance of a new substance: the 1920s (cocaine, strychnine, trinitrine), the 1950s (amphetamines), the 1960s–1970s (anabolic steroids, ephedrine, cortisone), the 1980s (salbutamol), the 1990s (EPO). (...) The distribution curve of records takes the form of an asymptote that reflects the rise in performance levels throughout the 20th century, then the beginning of a decline from the 1990s. A stagnation of performances is observed in two thirds of the disciplines studied.” Bourg, Jean-François, *Le Dopage*, La découverte, Paris, 2019, pp. 19–20.

non, voluntarily or not protected by the duplicity of anti-doping rules and legislation, which in turn produce new hybrid forms, between corruption and new forms of criminalities.

I. Criminal dynamics: the self-sufficiency of doping and corruption

For a long time, the history of sports records was in fact that of “chemical enhancement” of performance; hence, a devastating criminal effect. This had to stop in order to preserve competitions from scandals (cheating scandals ... live deaths...). From now on, it was necessary to preserve the interest of the public, the physical integrity of the athlete. In short: to save “the glorious uncertainty of sport.”

Putting an end to doping in athletes implies that they should naturally give their best, push their biological limits, and not naively believe that every athlete will become “clean.” Above all, they must consider the repercussions of this new orientation on their sporting career. Before doping, the top athlete already knows that he or she will not retire without reason at the age of thirty (forty, at best). He knows that he risks losing part of his health and even his longevity. Aiming for a record imposes a sacrifice. The practice of high-level sport is not healthy: it is performative.

Whether national or international, the institution, the sports federation, and those who make it up, are now aware of this sacrifice. But is this injunction of natural performance well thought out in the interest of the athlete? Given the inevitable suffering that natural performance generates, wouldn't doping be more “human?” One idea inevitably comes to the mind of the top athlete and his team: does the damage caused by doping products really exceed that inflicted by the intensive practice of a sport?

This is the same as thinking that, for city dwellers whose lungs are already attacked by pollution, smoking three extra packs of cigarettes a day would not matter ... This absurd “screwed for screwed” mentality, combined with the demand for results and caution in the face of a history of sports doping, allows two illegal practices to develop:

- **The illicit trafficking of doping products** feeds corruption, allowing countries that do pent their athletes to obtain advantageous results. Today, the size of the doping market in sports, both professional and amateur, is estimated to be in excess of 40 billion euros, and the use of doping products affects a much larger public; all users combined, the financial volume of this market approaches that of drugs.⁸

Thus, “the global population of sports and non-sports people who engage in doping behavior on a regular basis, was estimated to be 27 million people, for an overall prevalence rate of 0.4%. For comparison, the prevalence rate for problem-

8 UNODC, “2019 World Drug Report,” onudc.org.

atic drug use was 0.6%” [United Nations Office on Drugs and Crime, 2017]. The use of doping products was broken down as follows: 15.5 million people in the top 26 developed countries (prevalence rate of 1.6%) and 11.5 million in the remaining 160 countries (average prevalence rate of 0.2%). The turnover of this market is estimated at 116 billion euros: 71 billion in the form of doping products, 45 billion in the form of supplements or food supplements [Donati, 2010].^{9, 10}

The more the illicit traffic in doping products goes beyond professional sport, the more it develops and has the means to synthesize substances, further improving the performances; in turn, these investments aimed at new clientele imply renewing the offer. In addition, the difficulties encountered by sports federations in abandoning the use of these products are giving rise to new ways of circumventing the regulations: a competitive impulse, but also a desire to play with limits, with fire.

- **Corruption** and the failure of sports federations to respect (or even to act on) the ban on doping. Corruption occurs when an individual invested with a public or private function solicits or accepts a gift or an offer in exchange for a promise to perform an act that may or may not fall within the scope of his or her duties. This implies a violation by the guilty party of the duties of his or her office. French criminal law distinguishes between two types of corruption: *passive* corruption (art. 432-11 of the Penal Code), in which the person who holds a public office takes advantage of it to solicit gifts, promises or advantages in order to perform or refrain from performing an act of his or her office.

The active (article 433-1 of the Penal Code) intervenes when a natural or legal person withholds or tries to obtain gifts, promises or advantages, from an individual exercising a public function, that he accomplishes or delays or abstains from accomplishing, an act of his function or facilitated by it; it is the corrupter.

Sports corruption is first of all passive, with employees of sports federations keeping quiet, or even encouraging, doping practices; against the success of a victory and the positive spin-offs going to the whole federation, as in the case of Schwazer and the Italian athletics federation in 2016.¹¹ It can also be active if the approach comes from a superior, in an institutional corruption as with Russia at

9 UNODC, “2019 World Drug Report,” onudc.org.

10 For more information, de Bongain Anne, “Culte sociétal de la performance et trafic de produits dopants, Chimie illicite et médicalisation du crime,” *Sécurité globale*, 2021/3 (N° 27), pp. 127–136.

11 “Olympic champion of the 50 km walk at the Beijing Olympics in 2008 and then world champion in 2016, the Italian Alex Schwazer (36 years) had been suspended for eight years the same year after a second positive control antidoping, anabolic steroids. [But last February, the Italian justice had cleared him criminally](#), considering that the transalpine walker had not committed the facts and that his positive samples could have been modified.” L’Equipe, “Doping, CAS rejects walker Alex Schwazer’s appeal,” May 7, 2021, <https://www.lequipe.fr/Athletisme/Actualites/Dopage-le-tas-re-jette-l-appel-du-marcheur-alex-schwazer/1249906>

the Sochi Olympics in 2012¹²; also, when the involvement of organized crime with the rigging of the outcome of a competition or match.

Corruption also feeds the illicit trafficking of doping products by undermining the idea of natural sport. Institutions and federations not knowingly encourage athletes to use doping products; they turn a blind eye, thinking that they can avoid the scandal associated with these practices. Here, the endogamous nature¹³ of sport and sports federations tends to encourage self-protection of athletes who have retained illegal practices.

Thus, the act of doping is not the act of an athlete but often the result of the supervising sports system, which pushes him or her to do it; at the very least, it refrains from dissuading him or her from doing so; this is due to the distorted evolution of the ethical question and the legality of doping in sports:

- First, the arbitrary decision to progressively ban substances that threaten the “glorious uncertainty of sport” and the physical integrity of athletes, both professional and amateur;
- Then the ability and willingness of the federations to follow the major international sports institutions by equipping themselves with the entire anti-doping apparatus—if, in reality, that is even possible.

As evidence, the figures revealed by sports federations like the USAPL (*United-States of America Powerlifting*¹⁴), recalling that 45% of the member countries of the IPF (*International Powerlifting Federation*) do not do anti-doping tests. In 2019, 57 of the IPF’s 130 member countries thus performed ... zero doping tests, 53% of IPF member nations tested between 0 and 10 of their athletes over a year, with zero failed doping tests reported between 2017 and 2019.

Conclusion: WADA¹⁵ does not condemn countries that evade its instructions and is satisfied that they are cooperative and approve its decisions. In criminology, the fact that flaws occur repeatedly reveals a system: in this case, the practice of solving problems superficially, not in depth. And the lack of desire—conscious or not—of international/national sports institutions and federations to study together the illicit traffic of doping products and sports corruption. The progressive deci-

12 The Russian intelligence services would have exchanged the urine samples of their athletes escaping the vigilance of the authorities of the fight against doping at the Sochi games in 2012.

13 Marie-Cécile Naves rightly wonders “why the world of sport does not question itself? Contrary to all the other spheres of society where we want more democracy, more renewal and more openness - generally speaking, this problem of endogamy of the inner circle is colossal and explains the law of silence and it is a world that does not open up to other types of skills, that remains closed in on itself. And there is a waste of talent and a refusal to be in touch with social developments.”

14 One of the major American athletic federations affiliated with the IPF (*International Powerlifting Federation*), which conducts doping controls in association with WADA.

15 World Anti-Doping Agency.

sions to ban on the one hand, and the ability/willingness to establish guidelines on the other, betray the duplicity of anti-doping rules and legislation.

II. Duplicity of anti-doping rules and legislation

Reminder: There is no *strict* and fixed definition of what a doping product is. It is defined by:

- Its action, because it is “used as assistance (generally) chemical to the organism, in response to a state of ill-being or to the concern of a better physical and/or mental wellbeing, to answer a stake of performance, at the origin of sanitary prejudices”¹⁶; and in the sports practice, of moral prejudices.
- Its presence in a revisable national and international convention¹⁷ of substances and doping procedures defined as illicit. It concerns above all the penalization of their use for athletic performance purposes, such as “the UNESCO international convention¹⁸ against doping” containing “means proscribed by WADA, updated every year”¹⁹ exposing the uncertain “geometry of the do page.”²⁰

Beyond this dynamic, the laws voted by national and international sports organizations, the conventions and the lists of products/substances designated as interdits are too little defined/precise. This legal vagueness makes it possible to play with detection thresholds and reveals the lack of will on the part of institutions to curb this phenomenon or to harmonize the prohibitions on the production of certain products on an international scale. Yet, is nothing conceivable or feasible here?

The constant evolution of doping substances and the difficulty of deciding on them leads to the establishment of a list of prohibited substances²¹ that is necessarily arbitrary, a practice whose flaws deserve to be exposed. “It’s arbitrary until they make the decision to cross the line with that substance. I hope you already know this, but there have been at least a few times when there have been gaps in

16 Jussieu.fr [online], “Doping: fight and prevention,” published on December 16, 2010, slide 2. Availability and access: <https://www.chups.jussieu.fr/polys/dus/dusmedecinedusport/diudopage/deceaurizlndd/index.htm>,

17 Ibid., slide 5.

18 United Nations Educational, Scientific and Cultural Organization.

19 Bourg Jean-François, *Le dopage*, La Découverte, Paris, 2019, p. 29.

20 Ibid.

21 The inclusion of substances and procedures defined as illegal in a revisable national and international convention. It concerns above all the penalization of their use for athletic performance such as “the international convention of UNESCO against doping” containing “prohibited means by WADA, updated every year” exposing the uncertain “geometry” of doping. “Out of this esquisse let us not forget that ‘what is not on this list is authorized, including doping products that, although not prohibited, are effective and dangerous: nicotine, glucocorticoids, Tramadol, beta 2-agonists, Actovegin, Neoton, Viagra, caffeine.”

the list, causing positive doping tests. Alpha methylphenethylamine is probably the best example, where the composition of a supplement that became a popular pre-workout stimulant caused positive doping tests, even before it was listed. So, it's arbitrary to some extent, to the point of considering that possession of a banned substance is even a concern for the athlete."²²

Here, Mr. Oliver Catlin, director of the company BSCG²³ exposes one aspect of the arbitrariness of the inclusion of certain doping substances on the list of prohibited products. The problem here is that the imprecision of the list leaves the athlete in a state of uncertainty. Furthermore, these lists place all the responsibility on the athlete: if he or she tests positive, he or she will have to prepare his or her defense alone: after a positive test, his or her federation is rarely involved. Thus, inadvertent doping (half of the positive doping tests) is partly due to the absence of a strict and yet ... arbitrary definition.

CBD products²⁴ are perhaps the best example I can think of where this arbitrary limit can sometimes become real or at least the threat is there: and that's CBD products (...) it comes from hemp and it's the main chemical in hemp as opposed to T.H.C.²⁵ But CBD products still contain small amounts of THC (...) They made an exception for CBD but for the other cannabinoids. They are present in CBD products and as far as they are concerned, many anti-doping agencies such as UKAD²⁶ or USADA²⁷ ban them. This is the perfect example in the nutrition field of anti-doping authorities interpreting the strict language of the list and creating what I would call "paranoia."²⁸

The example of cannabinoids, where legal uncertainty can lead to positive tests, is added to the lack of international harmonization of the ban on the production of certain drugs. Many athletes have taken drugs, even though they were legally purchased, unaware that they contained a molecule that could cause them to test positive in an anti-doping test.

Here, the entourage and the team of the high-level athlete plays a preponderant role: in sport, it is still possible to optimize performance by playing on the

22 Interview with Oliver Catlin, April 2022.

23 *Banned Substances Control Group*, a company offering a wide range of certificates and GMP (Good Manufacturing Practice) testing and compliance to the dietary supplements and natural products industries.

24 CBD: acronym of cannabidiol. Active substance present in cannabis, without psychotropic effect (contrary to THC), which would have relaxing properties. In France, the marketing of CBD-based products (vaping liquid, candy, etc.) is subject to very strict regulations.

25 T.H.C: acronym of tetrahydrocannabinol. Main active substance of cannabis, responsible for its deleterious effects on the psyche, but whose therapeutic form is authorized in some countries for its analgesic and antitumor properties.

26 U.K.A.D.: United-Kingdom Anti-Doping.

27 U.S.A.D.A.: United States Anti-Doping Agency.

28 Interview with Oliver Catlin, April 2022.

detection thresholds of the tests, which is possible by legally obtaining, in certain parts of the world, drugs that are otherwise prohibited, because they are considered doping products.

During major sporting events, Olympic Games, etc., contemporary sport has memories of waves of positive tests and compromised athletes' careers, for the simple reason that legal drugs, mentioned in their protocol, were targeted by the anti-doping agencies. This downstream fight condemns the athlete whose entourage and coaches of his federation know the trips and countries where their athletes follow these pharmacological protocols. "At the end of the summer of 2009, Schwazer asked the Athletics Federation to allow him to train in the Canary Islands, on Mount Teide (...) Vittorio Visini, ex-commander of the Carabinieri Sports Group, quickly understood that the real purpose of the training course for Schwazer was to meet with Dr. Michele Ferrari more or less clandestinely, due to the judicial investigations against him (...). Visini reported his suspicions to various executives of the Federation, but no one intervened to prevent it. They did not want to disturb the goose that lays the golden eggs."²⁹

All this goes beyond the simple negligence of federations and often involves the entourage and the medical team preparing the athlete for performance by wanting to exploit with impunity the loopholes in the system, the disparities in legislation and drug production, which are still legal in some countries. Rarely corrected by the international anti-doping system, these loopholes mean that new substances are detected downstream and not blocked upstream.

The legal disparity in the fight against the illicit traffic of doping products also stems from the long pharmaceutical separation between East and West, with this traffic often originating in Russia and Eastern Europe. Oliver Catlin built this reflection around Meldonium, a Russian heart drug banned for its metabolic modulator effects. Maria Sharapova failed a doping test in part because she was taking the drug. Beyond that, about 500 athletes have been caught using Meldonium, an obscure Eastern European heart drug that has become the number one doping substance in the world.

This has not been the electroshock expected by some experts, on the officials of the fight against doping, because as soon as one substance is detected, another replaces it on the market. Thus, Oliver Catlin found on the Internet sites selling Russian drugs, often to Western customers. He reacts, "It's not as if these are alternatives to doping, which the world anti-doping agencies do nothing about. Now all this is sold completely freely online to ... who knows? It's sold to Westerners who want perfect quality, undetectable Eastern European drugs... Is it sold to athletes to bypass a doping test? of course (...)."³⁰

29 Donati, Alessandro, "I signori del Doping," Rizzoli, July 2021, Milan.

30 Interview with Oliver Catlin, April 2022.

According to him, it is no coincidence that the Russian figure skater Kamila Valieva was using the three heart medications that caused her to fail the doping test. It is not an accident, and the example of Meldonium, a few years ago, should have opened the eyes and made ban Hypoxin, another drug she was using.

The idea of fighting against doping is based on a new conception of sport, where performance would be achieved without the chemical substances that alter the natural state of man, by strictly biological evolution. In fact, the sports world is performative and has always sought to optimize human physical capacities in any way possible, this moral dissociation therefore causes a two-speed evolution:

- that of the ideologies wanting to return to a natural sporting practice,
- and the reality of competitions, with the financial gains they make.

The public wants the spectacular, a word in which there is spectacle, a concept that must finally be analyzed, a whole underground sports economy having nestled between doping and corruption.

III. Multiplicity/hybridity of corruption

Corruption in sport is not uniform, but all its forms feed the trafficking of doping products. This is the case upstream, as the current sports system encourages doping (and in the case of Russia, even institutionalizes it); downstream, through the return on interest that comes with victory. The political and financial profit of a sporting victory in fact makes it possible to initiate other forms of corruption: doping also makes it possible to predict which athlete is likely to win the competition, or to know the outcome of a match. Thus, the illicit trafficking of doping products feeds the rigging of matches and sports betting, a new opportunity for it to take root, develop and intensify (and even become part of the landscape).

In its legal sense, bribery is the action by which a person invested with a specific function, public or private, solicits or accepts a gift, an offer or a promise, in order to accomplish, delay or omit, an act directly or not, within the framework of its functions. In sport in the *strict sense of the word*, it takes various forms: corruption of an athlete, match-fixing, vote-buying to be elected as the host country of a sports competition.

These various types of corruption are most lucrative and bait organized crime; starting with sports betting: “inevitably this new *Wild West* attracts the mafia, delighted to find a new way to recycle dirty money.”³¹

At this point, the athlete’s environment and integrity, in the sense of respecting the sporting ethics of his or her discipline, are put at risk. That an athlete’s performance generates profits attracts organized crime; gambling attracts the mafia.

31 Les dossiers du canard enchainé, *L'envers du Jeu*, “II. Les jeux, quelle mafia?” *op. cit.*

In spite of the multiplication of approaches by criminals, the sports world still does not have a system to secure the athlete's environment.

Asia³² and the Balkans are the areas where corruption of athletes by the criminal underworld is most visible, but this phenomenon metastasizes to less corrupt countries, such as France and Spain.³³ For example, match-fixing, which rarely involves a direct relationship between the athlete and the criminal milieu, but much more often through the clubs. To stay in the Balkans, the case of the Albanian team Skanderbeg, which rigged 53 matches, including several internationals, is a striking case.³⁴ The team has since been banned from European competition by UEFA (Union of European Football Associations).

Thus, the athlete is not the only one targeted by the illegal world, but also the institutions—which sometimes even go so far as to infiltrate illegal activities into sport. The entry into the sports economy of these new shadowy actors reveals flaws weakening an already precarious fight against match-fixing on a global scale. In 2014, the Council of Europe adopted a convention to promote global cooperation in the fight against corruption in sports competitions. This “Maggingen Convention”—incidentally the only legally binding international treaty on the subject—has so far been ratified by Norway, Portugal, Moldova, Ukraine, and Switzerland and entered into force on 1 September 2019. Why is there such a lack of interest from the major European powers—France, the United Kingdom or Germany—in this convention aimed at harmonizing measures to punish the rigging of match results?

“The majority of governments refuse to ratify the convention on the pretext that it would interfere with the free movement of services in force in the European Union,”³⁵ especially for the island of Malta, whose economic dynamism is applauded by the European Union. Its interesting taxation has allowed the installation of numerous sports betting companies, whose growth has enriched the island. But it has also compromised the island with the world of illicit gambling, as Clothilde Champeyrache explains³⁶: “the island is an example of the blurring that can exist between legality and il legality in the economy (...) Prime Minister Lawrence Gonzi is at the origin of the law that created the gaming industry. His son David was named in an Italian investigation into the mafia and its links to gambling.”³⁷

32 Korean footballer Lee Kyung-hwan committed suicide after being banned for life from the Korean Football Association when he admitted his involvement in large-scale match-fixing. In 2011, prosecutors charged 57 people - 46 current and former players and 11 members of criminal gangs and bookmakers—with determining the results of 15 matches in 2010. (The World Game, “Korean player commits suicide,” November 5, 2012).

33 Meignan Geraldine, “Gros plan sur la corruption dans le sport,” *l'Express*, July 5, 2012.

34 Les dossiers du canard enchainé, *l'envers du Jeu*, “II. Les jeux, quelle mafia?” *op. cit.*

35 Les dossiers du canard enchainé, *l'envers du Jeu*, “II. Les jeux, quelle mafia?” p. 19, *op. cit.*

36 Senior lecturer at the Conservatoire National des Arts et Métiers. Economist and specialist of the mafia, his research topics are the stakes and evolutions of the illicit economy.

37 *Ibid.*

The link between online sports betting and the world of crime has been demonstrated above, targeting athletes as well as clubs and institutions; yet the lure of profit persists, even if there is a strengthening of cooperation between the regulatory authorities of the various European countries; this is particularly true following the dismantling by Europol in 2013 of a gang suspected of rigging 380 soccer matches.

The illegal world is present as soon as the profit is obvious, but sports institutions do not hesitate to resort to the same methods to enrich themselves, thus risking becoming a new player in the illegal world. As we have seen, harmonization measures could be taken, in particular the signing of conventions to combat the rigging of sports competitions; but the financial stakes are too high to tolerate this strengthening of security.

With unfortunate consequences: tolerating the financial manipulation of sports competitions facilitates the corruption of athletes, the rigging of matches and sometimes, of competitions. That this is seen as a lesser evil has made sport, through sports betting, “a support for money laundering”³⁸ says Laurent Vidal, director of the Sorbonne-ICSS Chair in Ethics and Security in Sport, supported by the director of the documentary *Sport, Mafia and Corruption*, Hervé Martin Del-pierre: “sports betting is manipulated by organized crime and has become, in spite of itself, the simplest, most efficient, most profitable and most formidable money laundering machine ever invented!”³⁹

From the specific—corruption of an athlete, complicity of clubs with the criminal world—we go back to the general, to international organizations such as FIFA (Fédération International de Football Association) and the Olympic Committee. Thus, this phenomenon contaminates even in the high places that are supposed to establish and defend the sports ethics. But can they be prosecuted; can they even be worried? No: these international non-governmental organizations dedicated to organizing the practice and competition of each sport are all-powerful, have no competition because they were pioneers (created more than a century ago) and have since been able to approve the federations that can compete, or not.

The economic *boom* in the world of sport in the 1980s, with the *sponsorship* and sale of broadcasting rights for international competitions, allowed these organizations to prosper.⁴⁰ Their enrichment, the prebends paid to their leaders and executives, have led to deviations and attempts at corruption, on themselves—or even by themselves. It is no longer the illicit world that sniffs out these financial

38 Ferret Alexandre, “Rigged tennis matches - Mafia: game, set and match!” January 18, 2016.

39 Ibid.

40 FIFA has multiplied its revenues by 200 in thirty years. Indeed, in 1970, it generated 1.5 million Swiss francs of income and in 2014 more than 2 billion. The same is true for the Olympic Committee, which went from 3.7 million Swiss francs in 1980 to 1.5 billion in 2016. Verschuuren Pim, “Institutional corruption in international sport, a new phenomenon, old problems,” *International and Strategic Review*, 2016/1 (No. 101), pp. 141–149.

boons, but the international sports system that sometimes becomes an actor in the illicit world, the architect of a new type of criminality, an institutional type.

Originally, these international organizations chose to be non-governmental, out of respect for the ethics of sport and to avoid the instrumentalization of States. In fact, they are not influenced by States, but they are often suspected of bargaining for the positive benefits of hosting international sports events for the host country. For a long time, vote buying in the two international organizations (IOC and FIFA) was a frequent corrupting practice; an example is the election of Rio as host city for the 2016 Olympic Games. Carole Nuzman, president of the Brazilian Olympic Committee is suspected of money laundering, corruption, and participation in a criminal entity by having facilitated the purchase of votes of other members of the IOC.⁴¹

FIFA seems to be affected as well: the Brazilian Ricardo Teixeira, the ex-director of the Brazilian Football Federation, is convinced that he sold his vote to Qatar for the 2022 *World Cup*.⁴²

Pim Verschuuren, a doctoral student at the University of Lausanne who specializes in the integrity of international sport governance, believes that the supposed ideal of strong autonomy on the part of international sports organizations has allowed them to manipulate their own competitions without fear of justice: “The series of scandals recently affecting institutional sport (ed. note: Rio games and *world* soccer in Qatar) is likely to continue; but has already exposed the problem of sports self nomy, a principle that the sports movement always defends, because protecting competitions, and sport in general, from any political manipulation of states. However, whether voluntarily or not, this autonomy has prevented the sports authorities from taking responsibility and today they are not accountable to anyone.”⁴³

This, while enjoying the tolerance of the States in front of the economic and political fallout that these events, these victories, can bring them; which, in turn, pushes the leaders of the sports world to neglect the security or ethical aspect, to the benefit of the financial aspect. In some recent cases concerning the security of sports events, this tolerance even touches on negligence, as shown by the chaos at the Stade de France, last May 28.⁴⁴

41 Bouchez Yann and Gatinois Claire, “Corruption at the Rio Games: the IOC suspends the Brazilian Olympic Committee,” *Le Monde*, October 6, 2017.

42 *Le Monde*, “Mondial 2022 : une enquête ouverte sur un virement suspect provenant du Qatar,” 27 novembre 2017.

43 Verschuuren Pim, “La corruption institutionnelle au sein du sport international, phénomène nouveau, problèmes anciens?” *op. cit.*

44 “During the Champions League final between Liverpool and Real Madrid, the forces of order were overwhelmed by the influx of tens of thousands of fans and attempts to intrude by people without tickets,” *L’Obs*, “Incidents at the Stade de France: the unfolding of this evening of chaos,” May 30, 2022.

Neglecting the security aspect and allowing sports authorities to regulate the event, which are more sensitive to business than to public order, not only flouts the principles that all athletes are supposed to respect, but also endangers their physical integrity, as well as that of the spectators and all the actors of the sports world taking part in these international sports' gigantic events.

Conclusion

To understand a phenomenon, it is necessary to confront it, to link it to others. Observing together the illicit traffic of doping products and the corruption of national and international sports institutions reveals a whole faulty system.

- The rejection of doping in the sporting world has led to a twofold phenomenon: progressive bans and the introduction of guidelines that are supposed to prevent two illicit practices: trafficking in doping products and corruption. However, at both the national and international levels, this evolution has led to a duplication of anti-doping rules and legislation that have not yet been harmonized; this lack of international coordination allows external corruption to be added to the latent corruption of sports institutions.
- The lack of control over an anarchic sports economy increases the risk of a convergence between institutional and organized crime.

All this leads to questions about the autonomy of sports institutions. Certainly, amending this autonomy would be a start; but, in the light of the facts studied, centralizing and not scattering repressive acts should now lead to a joint and serious fight against corruption and doping.