BEYOND PEACE DOVES: RESPECTING HUMAN RIGHTS AND COMBATING CORRUPTION IN MEGA-SPORTING EVENTS

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ABSTRACT

Fostering peace is a core goal of the Olympics and other mega-sporting events. Unfortunately, these sporting events are continually connected to (and often catalyze) human rights violations and corrupt actions that push society toward instability and away from peace. This Article reviews those problems and explores how the humanitarian goals of mega-sporting events can have a positive impact on peace, human rights, and anti-corruption efforts. In response to recent scandals, sports governing bodies have recently made significant structural reforms, at least in their governing policies, but more should be done to push these organizations towards being the peacebuilders for society they aspire to become. This Article sets out the necessary next steps at this crucial time. Because it is early in the trajectory of incorporating respect for human rights and anti-corruption initiatives into the governance of mega-sporting events, it is important to fully consider our expectations for what these organizations should be doing and incorporate those expectations into their newly recognized responsibilities.

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INTRODUCTION

The opening ceremonies of the Olympic Games include the release of white doves to symbolize peace. Each host country must follow this tradition because fostering peace is a core goal of the Olympics. Under Principle 2 of the *Fundamental Principles of Olympism* in the Olympic Charter, “[t]he goal of the Olympic Movement is to contribute to building a peaceful and better world . . . .” According to one commentator, the recent 2018 Winter Olympic Games in PyeongChang, South Korea, did this by “remind[ing] a competitive world how to behave . . . [a]nd . . . ilve for 16 days in an idyllic bubble.” Those Olympics games—dubbed the “Peace Olympics” by South Korean President Moon Jae-in—did not simply create fleeting hopes, but

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4 Benjamin Haas, Korea’s United Olympic Squad: Symbol of Hope or Mere Political Stunt?, THE GUARDIAN (Feb. 10, 2018), https://www.theguardian.com/sport/2018/feb/10/korea-united-olympic-squad-hockey-game-
had real world impacts. The symbol of peace at the 2018 Olympics was a women’s hockey team consisting of players from both South Korea and North Korea, an interaction that paved the way for the two countries to reach an agreement on an official meeting for the first time in a decade. The subsequent meeting was historic, as it involved a North Korean leader setting foot in South Korea for the first time.

The potential role of sports in promoting peace is not limited to the Olympics. Most dramatically, for example, during the height of the Cold War, the United States and China engaged in a table tennis match that helped pave the way for President Richard Nixon’s diplomatic visit to China the following year. In South Africa, Nelson Mandela—who had just been released from jail and elected president—used the 1995 Rugby World Cup to help move the country toward reconciliation and away from the potential for wide-spread political violence.

Perhaps second only to the reach of the Olympic Movement, is the global football governing body, the Fédération Internationale de Football Association (FIFA). FIFA’s main mega-sporting event is the World Cup. It was estimated that almost half the world watched at least part of the 2018 World Cup. FIFA’s stated mission does not explicitly touch on peace-building specifically, yet the mission is nonetheless extremely ambitious,

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6 Choe Sang-Hun, *North and South Korea Set Bold Goals: A Final Peace and No Nuclear Arms*, N.Y. TIMES, April 27, 2018, https://www.nytimes.com/2018/04/27/world/asia/north-korea-south-kim-jong-un.html [https://perma.cc/6LZG-EBMK]. At the meeting, the leaders agreed to work with the United States to declare an official end to the Korean War and to remove nuclear weapons from the Korean peninsula. Id.


which is, in part, "to improve the game of football constantly and promote it globally in the light of its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes." In keeping with its mission, before every game at the 2014 World Cup in Brazil, a message was communicated in the stadium that stated, "[t]oday we come together to strive not only for victory in the game, but also for the victory of peace."  

Although the International Olympic Committee (IOC) and FIFA are organized as non-profit organizations, they are major business endeavors. The 2018 World Cup in Russia generated over $6 billion in revenue. The cost to put on the 2018 Winter Olympics in South Korea was estimated to be $13 billion. This pales in comparison to the more than $40 billion spent on the 2008 Summer Olympics in China and on the 2014 Winter Olympics in Russia. These events are associated with stadium construction, infrastructure development, officially licensed sports apparel, and other activities.

There is a growing recognition that all businesses, including those associated with mega-sporting events, have the potential to contribute to sustainable peace. The potential contributions of business include spurring

   Today we come together to strive not only for victory in the game, but also for the victory of peace. Brazil, the United Nations and FIFA wish to share a message of peace, tolerance and respect for human rights. United in spirit with all players, officials and fans around the world we join our voices to fight all forms of discrimination and in favour of mutual respect, regardless of gender, race, ethnic origin, sexual orientation, religion or class. These are universal values and aspirations that we pledge to continue to promote in this World Cup and beyond.

15 Id.
16 For examples from the academic literature, see, e.g., JOLYON FORD, REGULATING BUSINESS FOR PEACE: THE UNITED NATIONS, THE PRIVATE SECTOR, AND POST-CONFLICT
economic development, demonstrating a commitment to the rule of law (e.g., refusing to engage in corrupt practices), conducting operations in a socially responsible manner, mediating between parties prone to conflict, and fostering cultural exchanges between countries or communities that otherwise may be in conflict.17

Unfortunately, although business and sports both have the potential to contribute to sustainable peace, they both are also connected to (and often catalyze) actions that push society toward instability and increase the potential for violence. Two of the problems that most pull us away from peace are corruption and human rights violations.18 There is also an emerging awareness that these two issues are linked.19 The role of business in contributing to corruption and negatively impacting human rights through its operations is well known and there are many efforts underway to attempt to correct those challenging problems.20 In sports—and especially mega-
sporting events, such as the Olympics and the FIFA World Cup—the international governing bodies are only recently facing up to the cruel irony that sporting events billed as promoting peace are staged through corruption and built on a foundation of human rights violations.

Overall, despite the lofty pronouncements and promises of mega-sporting event organizers like the IOC and FIFA to promote peace and humanitarianism, there is reason for cynicism about the potential for sports and sporting events to have an overall positive impact on a range of social issues. The very real legal and business problems that surround these events distract from the athletic competitions and, ultimately, work against peace building and human rights support. These events often involve numerous public contracts and infrastructure projects and have immense amounts of money at stake for sponsors, advertisers, and host countries and their business and political leaders. Unfortunately, these major sporting events are often directly linked to fueling corruption and human rights violations, rather than working to stamp them out.

This article focuses on how the humanitarian goals of mega-sporting events—coupled with a range of protections and multi-stakeholder efforts—can have a positive impact on human rights and anti-corruption efforts, and therefore work towards the goal of promoting peace. Part I discusses how mega-sporting events such as the Olympics and the FIFA World Cup have, in part, a peace-building mission. The next Part shows how mega-sporting events have been plagued for decades with a history of corruption and human rights abuses; a pattern of abuses that seem to occur event after event. Part III discusses the existing frameworks and efforts related to curbing corruption and respecting human rights in business and human rights, and specifically in the mega-sporting events context. Lastly, Part IV explores the emerging connections between business, human rights, and peace building, and focuses on efforts to increase the role of business in taking responsibility for respecting human rights and fighting corruption. This Part then explains how to work towards these events beginning to have a positive, rather than a corrosive effect on human rights and efforts to reduce corruption, and ultimately serve the goal of functioning as a peacebuilding activity.

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Sports and the movement for peace have a long history.\textsuperscript{23} The United Nations (UN) has noted that during the original Olympics there was an “ancient Greek tradition of ekecheiria or ‘Olympic Truce’ calling for a truce during the Games that would encourage a peaceful environment and ensuring the safe passage and participation of athletes and others at the Games and, thereby, mobilize the youth of the world to the cause of peace.”\textsuperscript{24}

The promise of sport and mega-sporting events, in particular, contributing to peace and other aspects of societal improvement, are core to these events and the symbolism that surrounds them. As previously stated,\textsuperscript{25} the white dove, the traditional symbol of peace, plays a role in many Olympic ceremonies\textsuperscript{26} alongside the Olympic rings flag that “expresses the activity of the Olympic Movement and represents the union of the five continents and the meeting of athletes from throughout the world at the Olympic Games.”\textsuperscript{27}

The IOC “actively pursues the goal[] of . . . contributing to the search for peaceful and diplomatic solutions to the conflicts around the world,” in part through the Olympic Truce Foundation.\textsuperscript{28} The foundation, founded in 2000, is dedicated to the “Olympic Ideals” of “serv[ing] peace and friendship and...cultivat[ing] international understanding.”\textsuperscript{29} The goal of the foundation is to promote a “Culture of Peace” and “to uphold the observance of the Olympic Truce, calling for all hostilities to cease during the Olympic


\textsuperscript{24} G.A. Res. 60/8, Building a Peaceful and Better World Through Sport and the Olympic Ideal (Nov. 3, 2005). See also The Olympic Truce, INT’L OLYMPIC COMMITTEE, https://www.olympic.org/olympic-truce [https://perma.cc/D2B4-FHWS] (last visited Oct. 19, 2018) (“The tradition of the “Truce” or “Ekecheiria” was established in ancient Greece in the 9th century BC by the signature of a treaty between three kings . . . [allowing] the athletes, artists and their families, as well as ordinary pilgrims...total safety to participate in or attend the Olympic Games and return afterwards to their respective countries.”).

\textsuperscript{25} See supra text accompanying note 1.

\textsuperscript{26} See Olympic Movement Promotes Peace Worldwide, INT’L OLYMPIC COMMITTEE, https://www.olympic.org/news/olympic-movement-promotes-peace-worldwide [https://perma.cc/WJJ6-8HX9] (last visited Oct. 19, 2018) (“The Olympic Truce is symbolised by the dove with the traditional Olympic flame in the background. In a world that is plagued by wars and animosity, the dove represents the IOC’s goal to build a peaceful and better world through sport.”).

\textsuperscript{27} INT’L OLYMPIC COMMITTEE, supra note 2, at 23.

\textsuperscript{28} INT’L OLYMPIC COMMITTEE, supra note 26.

Games and beyond, and mobilizing the youth of the world in the cause of peace.”

IOC programs aimed at encouraging peace through sport include efforts in Brazilian favelas, initiatives for children in post-conflict areas of Colombia, and efforts to combat violence in parts of Jamaica.

As noted earlier, the Olympic Charter sets out the fundamental principles of Olympism, and states that “[t]he goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.” An additional principle of Olympism affirms the IOC’s commitment to respecting the human right of freedom from discrimination.

In 2013, in recognition of this long history, the United Nations General Assembly declared that April 6th would be the International Day of Sport for Development and Peace.

There are many ways in which sports can foster peace. In a speech to United Nations in November 2017, Miroslav Lajčák, the President of the 72nd General Assembly stated that the UN “should seek out opportunities to support and use sport as a driver of peace, development and humanity.” Mr. Lajčák noted that sports are founded upon universal values of “discipline, fairness, and respect for opponents and rules.” He went on to state that sports can “build confidence and trust in post-conflict settings,” it “brings people together, instead of sending them fleeing for their lives,” and it provides a space to “show that humanity can triumph over politics.” The United Nations has also stated that “sport can be used as an effective delivery mechanism for education about peace, tolerance and respect for opponents,

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30 Id.
32 INT’L OLYMPIC COMMITTEE, supra note 2, at 11.
33 This principle states: The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.
36 Id.
37 Id.
regardless of ethnic, cultural, religious or other differences.”

In more specific situations, sport can be used for “refugee reintegration and to ensure tolerance and understanding between the communities” and to reintegrate child soldiers back into society.

Sports and peace also shows up in discussions of sustainable development. In its resolution setting out Sustainable Development Goals, the UN stated that “[s]ustainable development cannot be realized without peace and security, and peace and security will be at risk without sustainable development.” Two paragraphs later, the resolution further states:

Sport is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives.

Similarly, the FIFA governing statutes discuss FIFA’s ambitious goals in terms of the positive externalities that can follow alongside its activities. Article 2 (a) of the statutes contains the mandate “to improve the game of football constantly and promote it globally in the light of its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes.”

The reality, however, is that the potential for sports to work towards peace is marred by corruption and human rights violations. As outlined in the next Part, the business side of staging sporting events—especially the mega-sporting events discussed in this Article—faces these problems repeatedly in a predictable fashion.

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38 U.N. Under-Secretary-General, Special Adviser to the UN Secretary-General on Sport for Development and Peace, REPORT ON THE INTERNATIONAL YEAR OF SPORT AND PHYSICAL EDUCATION 83 (2005), http://www.toolkitsportdevelopment.org/html/resources/20/2066E73C-CFEF-4FA9-9345-C9E6FED8D7D2/Report%20IYSP%202005.pdf [https://perma.cc/RKS3-5NKY].

39 Id. at 82.


42 Id. at ¶ 37.

43 FIFA Statutes, supra note 11, at 6.

44 Id. at 6.
II. THE BUSINESS OF MEGA-SPORTING EVENTS: A HISTORY OF HUMAN RIGHTS VIOLATIONS AND CORRUPTION

Although NGOs and the media continually bring attention to the human rights abuses associated with mega-sporting events, the same pattern of abuses continue event after event with seemingly little improvement or learning over time.\textsuperscript{45} The NGO Human Rights Watch has identified the common human rights abuses associated with mega sporting events.\textsuperscript{46} These abuses include forced evictions of residents in order to build facilities for the sporting event, abuse of migrant workers that are employed to construct the facilities, violation of civil society organizations’ and others’ free speech rights, and discrimination (such as gender discrimination and LGBT discrimination).\textsuperscript{47}

Similar risks of human rights abuses have been found in the world of football. In December 2015, FIFA asked John Ruggie, the former UN Special Representative on Business and Human Rights, to advise them on how FIFA can improve its human rights performance.\textsuperscript{48} In addition to staging international tournaments—such as the men’s and women’s World Cup tournaments held every four years\textsuperscript{49}—FIFA, an organization with more member nations than the UN,\textsuperscript{50} promotes and governs football from the international level all the way down to the local level.\textsuperscript{51} This includes everything from setting the rules of the game to providing financial and technical assistance to football programs.\textsuperscript{52} In short, FIFA is an organization with significant global reach and impact.

In the part of his investigation focused how FIFA stages its various tournaments, Ruggie found that the sources of human rights abuse risks include:

- Site selection processes that do not adequately consider how the host government will address human rights risks.\textsuperscript{53}
- The local government acquiring land necessary for staging the


\textsuperscript{47} Id.


\textsuperscript{49} Id. at 17.

\textsuperscript{50} Id. at 6.

\textsuperscript{51} Id. at 16.

\textsuperscript{52} Id. at 17.

\textsuperscript{53} Id. at 21-22
event in a manner that does not respect the land owners’ rights.Id. at 22.

- Construction activities at the site that involve violations of safe working conditions, violation of the freedom of association, forced labor, human trafficking, and other abuses.Id.

- The supply chains for the manufacture of goods necessary for the tournament commonly have numerous human rights risks.Id.

- The provision of accommodations, and food and beverages to the event attendees raises similar concerns as with the constructions activities.Id.

- The event must provide security for the participants and attendees, but the local government often fulfills this role in a way that violates freedom of expression (of protestors or journalists) and utilizes excessive force.Id.

The following subsections review some of these violations and show how they have continued to appear in association with sporting events.

A. Land Acquisition and Displacement

Acquiring the land necessary to stage mega-sporting events, including the land for the necessary infrastructure to support the event, often involves the forced relocation of a massive amount of people. In 2000, Beijing, China was selected to host the 2008 Summer Olympics. The government’s land acquisition process led to hundreds of thousands of people being evicted from their homes with little to no compensation. In addition, the residents received little or no notice of their eviction. For example, it was reported that some residents returned from work to find out that their homes had been razed. Despite public protests—in 2003 alone, one NGO reported that over three million people participated in 50,000 public protests of the evictions—the evictions continued.

Id. at 23-24.

Id. at 22.

Id. at 23.

Id. at 22.

Id. at 22.

Other sporting events have seen similar results. In preparation for the 1988 Olympic games in South Korea, 720,000 people lost their homes when over 48,000 buildings were destroyed.\(^65\) In preparation for the 2016 Olympics in Rio de Janeiro, 22,000 families were evicted from their homes.\(^66\) Many of those families ended up in government housing that was controlled by militia gangs.\(^67\)

### B. Facilities and Infrastructure Construction

To construct the sporting venues, hotels, roads, and other infrastructure needed to host a mega-sporting event, the construction companies commonly use migrant workers that end up being exploited.\(^68\) For the construction of the 2022 World Cup in Qatar, Amnesty International reports that over 90 percent of the workers are migrants, mostly from South Asia.\(^69\) Based on promises of high pay, decent working conditions, and quality living accommodations, migrant workers often take on debt to relocate to Qatar.\(^70\) Those promises typically prove to be false, but the workers have little power to challenge their situations.\(^71\) Because the workers’ employer may revoke their sponsorship at any time, which will result in deportation and loss of employment (while still holding their debt), the workers attempt to endure the conditions.\(^72\) In some cases, the workers have no choice since, as stated by Amnesty International, “[i]n extreme, but not exceptional, cases migrants are subjected to forced labour.”\(^73\)

The toll on these workers in Qatar includes loss of life.\(^74\) Human Rights

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\(^67\) Id.

\(^68\) Worden, *supra* note 46.


\(^70\) Id. at 4-5.

\(^71\) See id.

\(^72\) Id. at 4.

\(^73\) Id. at 5.

Watch reports that unsafe working conditions, such as requiring work during excessive heat, causes hundreds of deaths per year.\textsuperscript{75} The International Trade Union Confederation estimated that over 7,000 workers will die before the start of the World Cup.\textsuperscript{76} Other sources reported that in the summer of 2013 an average of one migrant worker from Nepal died each day.\textsuperscript{77} Moreover, Qatari legal protections for migrant workers are inadequate to address these abuses\textsuperscript{78} and may even encourage human trafficking of migrant workers.\textsuperscript{79}

Dramatically, one media publication bluntly stated, “Qatar’s workers are not workers, they are slaves, and they are building mausoleums, not stadiums.”\textsuperscript{80} The journalist described a likely situation that a typical migrant worker from Bangladesh—who paid a recruitment fee to get a job as a desk clerk—would face once he arrived in Qatar:

> You’re not working as a clerk in an office, you’re building a football stadium. They’re not quite sure who told you the $400 a month figure, but it’s actually going to be $200, less miscellaneous costs. The recruitment fee isn’t $200 as you’d agreed, but $2000, plus the cost of your flight to Qatar. Your crisp new passport is confiscated. You cannot quit your job. You cannot leave the country. And before you have even clocked in for your first shift, you owe your employer the equivalent of two years’ wages.

And so quite suddenly, you are plunged into a bewildering world of alienation and exploitation, long hours and back-breaking toil in baking
heat. Twelve hours a day, six days a week. At night, you sleep on a filthy bunk bed. At least your wages are getting paid on time. You’re one of the lucky ones. Talking to other migrant workers in one of the many makeshift camps dotted around the outskirts of Doha, you find others who are having money withheld for two, three, sometimes even six months.\textsuperscript{81}

FIFA should not have been surprised by the allegations surrounding the construction projects in Qatar. First, Amnesty International argued that before awarding the World Cup contract to Qatar, FIFA should have known that migrant workers would be used and that there was high likelihood of abuse in that country.\textsuperscript{82} Second, other mega-sporting events have faced similar problems. For example, at construction sites in Russia before the 2014 Olympic games, migrant workers suffered a range of abuses.\textsuperscript{83} These abuses included actions to prevent the workers from leaving (such as failure to pay workers for months and the withholding of personal identity documents), excessive work hours, and overcrowded accommodations.\textsuperscript{84} Even at prior World Cups, workers have alleged abuses.\textsuperscript{85} In both South Africa and Brazil, FIFA leadership was notified of the workers’ situation.\textsuperscript{86} The main difference between those two situations and Qatar, however, was that workers in South Africa and Brazil were able to raise their concerns through labor unions and even use strikes to demand (and then receive) some improved working conditions.\textsuperscript{87} In Qatar, migrant workers are denied the rights of freedom of association and collective bargaining.\textsuperscript{88}

\textbf{C. Free Speech, Discrimination and Other Violations}

Beyond construction related abuses, there are numerous other human rights violations associated with the sporting events. Host governments

\textsuperscript{81} Id.
\textsuperscript{82} AMNESTY INT’L, THE UGLY SIDE, supra note 69, at 70.
\textsuperscript{83} HUMAN RIGHTS WATCH, RACE TO THE BOTTOM: EXPLOITATION OF MIGRANT WORKERS AHEAD OF RUSSIAN’S 2014 WINTER OLYMPIC GAMES IN SOCHI 1 (2013), https://www.hrw.org/sites/default/files/reports/russia0213_ForUpload.pdf [https://perma.cc/M8Q8-Z4U3] [hereinafter HUMAN RIGHTS WATCH, RACE TO THE BOTTOM].
\textsuperscript{84} Id. at 2-3.
\textsuperscript{85} HUMAN RIGHTS WATCH, BUILDING A BETTER WORLD CUP: PROTECTING MIGRANT WORKERS IN QATAR AHEAD OF FIFA 2022 34 (2012), https://www.hrw.org/sites/default/files/reports/qatar0612webcover_0.pdf [https://perma.cc/5D8T-8SDJ].
\textsuperscript{86} Id.
\textsuperscript{87} Id.
\textsuperscript{88} Id. at 42-43.
commonly deny protestors and journalists their free speech rights. During the 2014 World Cup in Rio de Janeiro, the government was accused of using excessive force against peaceful protestors resulting in numerous injuries. In Qatar, the police detained journalists and destroyed their data. At many sporting events, there have long been concerns of women and children being the victims of human trafficking for purposes of prostitution. In 2012, clothes worn by British athletes and volunteers were alleged to have been made in sweatshop conditions, with excessive hours, low pay, forced overtime, and other abuses.

An issue gaining more recent attention—due to Russia hosting the 2014 Olympics and the 2018 World Cup—is discrimination that violates LGBT rights. In 2013, Russia passed legislation that criminalized any speech that promotes homosexuality. Included in the banned speech were any statements that present a “distorted view that society places an equal value on traditional and non-traditional sexual relations or propagating information on non-traditional sexual relations making them appear interesting . . . .”

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91 INT’L TRADE UNION CONFEDERATION, supra note 74, at 22.

92 See generally, Jennifer Gustafson, Comment, Bronze, Silver, or Gold: Does the International Olympic Committee Deserve a Medal for Combating Human Trafficking in Connection with the Olympic Games?, 41 CAL. W. INT’L J. 433 (2011) (discussing correlations between past Olympics or Olympic-sized events and human trafficking); Victoria Hayes, Note, Human Trafficking for Sexual Exploitation at World Sporting Events, 85 CHI.-KENT L. REV. 1105 (2010) (examining the link between world sporting events and sex trafficking, in particular how host countries’ differing approaches to prostitution laws affect the dynamics of human trafficking at these events); Anne Marie Tavella, Note, Sex Trafficking and the 2006 World Cup in Germany: Concerns, Actions and Implications for Future International Sporting Events, 6 NW. U. J. INT’L HUM. RTS. 196 (2007) (exploring the anti-trafficking efforts used in Germany, the influence of the international community’s preventative preparation, and implications for future international sporting events).


95 Id. at 99-100.

96 Id. at 100. For a discussion of the law’s history in Russia, see Stacey Alicia Maalej
D. Mega-Sporting Events and Corruption

Corruption related to mega-sporting events can arise in a variety of contexts. In one form, corruption can be related to the athletic events themselves. For example, throughout Olympic history, there have been corruption allegations between competitors' and related to judging athletes' performance. For a discussion on the connections between corruption and human rights violations, see generally MAGDALENA SEPULVEDA CARMONA, INT’L COUNCIL ON HUMAN RIGHTS POLICY & TRANSPARENCY INT’L, CORRUPTION AND HUMAN RIGHTS: MAKING THE CONNECTION (Robert Archer ed., 2009), http://www.ichrp.org/files/reports/40/131_web.pdf [https://perma.cc/6YZD-A9DT].

97 Peltz-Steele & Benavides, supra note 94, at 101.
99 See Fort & Schipani, supra note 18, at 419-420 (citing works by Fort and Schipani that discuss the connection between corruption and peace).
performances. Doping in sport also calls into question the legitimacy of the athletes’ performance, perhaps most famously at the Tour de France, the mega-sporting event of the cycling world.

Corruption related to sports, however, reaches well-beyond just concerns about the integrity of the sporting competition. For purposes of this Article, the most immediate concern is how the allure and perceived benefits of hosting a prestigious mega-sporting event such as the Olympics or the World Cup—however elusory and hard to measure the benefits are—can directly lead to various forms of corrupt activities. First, although countries have different incentives for seeking the right to host a mega-sporting event—and may actually come to regret their selection as the host country—the bidding process has led to many allegations of corruption. Second, the necessary infrastructure development and associated contracts with the host country or host city provide many opportunities for corruption.

The bidding process has led to many accusations, and in some instances


103 See Nicholas Hailey, Note, A False Start in the Race Against Doping in Sport: Concerns with Cycling’s Biological Passport 61 DUKE L.J. 61 393, 395 (2011) (discussing how doping led to credibility issues for the Tour de France and the entire sport of cycling). In the world of football, for example, FIFA considers doping as a form of corruption. FIFA Statutes, General Provision 2, supra note 44, at 6 (“to promote integrity, ethics and fair play with a view to preventing all methods or practices, such as corruption, doping or match manipulation, which might jeopardise the integrity of matches, competitions, players, officials and member associations or give rise to abuse of association football”).


105 Victor A. Matheson et al., Corruption in the Bidding, Construction, and Organisation of Mega-Events: An Analysis of the Olympics and World Cup, in THE PALGRAVE HANDBOOK ON THE ECONOMICS OF MANIPULATION IN SPORT 257, 257-261 (Markus Breuer & David Forrest, eds., 2018).

106 Id. at 259.

A successful mega-event can also promote a country’s reputation on the world stage, and instill patriotism and civic pride at home. Of course, poorly run events will have the opposite effect, and disorganisation or corruption may lead a country to regret hosting a mega-event. Nevertheless, it is easy to romanticise the Olympics or the World Cup, so national governments have historically been eager to host them.

107 See infra notes 109-112 and accompanying text.

108 See infra notes 114-120 and accompanying text.
criminal prosecutions, for sporting events officials accused of taking bribes to influence their site-selection voting. In what one commentator labelled "the biggest ethics scandal in the history of the Olympic movement," United States officials were accused of bribing International Olympic Committee members to secure the selection of Salt Lake City to host the 2002 Olympics.¹⁰⁹ FIFA corruption has led to various investigations and indictments, both for bribery related to tournament site selection and for the awarding of lucrative marketing and broadcasting rights.¹¹⁰ With respect to the FIFA site selection process, corruption scandals have plagued the process for the past two decades.¹¹¹ In 2010, FIFA simultaneously selected both the 2018 and 2022 World Cup sites, and immediately faced allegations of corruption.¹¹² The selection of South Africa to host the 2010 World Cup has led to a criminal trial and numerous guilty pleas.¹¹³

Corruption in construction project bidding related to mega-event infrastructure is also a concern. Recent examples include accusations of corruption and cronyism in construction projects at the Olympics in Russia and the World Cups in Brazil and Qatar, as well as post-event corruption and mismanagement of infrastructure.¹¹⁴ The most striking example was in Russia where activists claimed that corruption was the primary reason that the original Olympic budget of $12 billion ballooned to over $50 billion.¹¹⁵


¹¹⁰ See Chance Esposito, Comment: A Red Card for FIFA: Corruption and Scandal in the World's Foremost Sports Association, 16 RICH. J. GLOBAL L. & BUS. 45 (2016) (describing the recent corruption allegations and U.S. Department of Justice investigations surrounding FIFA tournaments, as well as the organizations history and complex governance structure); Bruce W. Bean, An Interim Essay on FIFA's World Cup of Corruption: The Desperate Need for International Corporate Governance Standards at FIFA, 22 ILSA J. INT'L & COMP. L. 367, 368 (2016) (describing the allegations that over $150 million in bribes were paid during a period of twenty years).

¹¹¹ Matheson, et. al., supra note 105, at 260-61. Likewise, allegations of corruption in the Olympic site selection process have also gone back two decades. Spalding et al., supra note 101, at 86.

¹¹² Matheson, et. al, supra note 105, at 260-61; Bean, supra note 110, at 376. In the spring of 2017, France announced that it would conduct an investigation for corruption in the 2010 selection decision. David Conn, France Investigates Votes for 2018 and 2022 World Cups and Questions Blatter, GUARDIAN, Apr. 27, 2017.

¹¹³ David Conn, How the FBI Won 'the World Cup of Fraud' as FIFA scandal Arrives in Court, GUARDIAN, Nov. 6, 2017; see also, Esposito, supra note 110, at 55-59 (describing the DOJ corruption prosecution).

¹¹⁴ Matheson, et. al., supra note 105, at 267-70.

¹¹⁵ Spalding et al., supra note 101, at 92.
For example, due to government kickbacks, fictitious employees, and over-billing, the costs of building a stadium in Russia were estimated to be three times the costs in another country.\textsuperscript{116} Such allegations are also seen in other mega-sporting events. For example, the 2010 Commonwealth Games in New Delhi were supposed to allow India to show the world that it was a ready to become a major economic power, but instead the country’s reputation was significantly marred with numerous allegations of corruption.\textsuperscript{117} Due to corruption, the various infrastructure projects for the event faced numerous delays and had low quality results due to the use of substandard material.\textsuperscript{118} The extent of corruption resulted in India spending over $4.6 billion on the games when the initial budget was only $500 million.\textsuperscript{119} One commission alleged that up to $1.8 billion was corruptly taken from the budget.\textsuperscript{120}

III. BUSINESS AND HUMAN RIGHTS; SPORTS AND PEACE

Hosting a mega-sporting event is without a doubt a mega-business activity, with budgets running into the billions of dollars.\textsuperscript{121} Thus, to explore how these events can begin to better manage their human rights and corruption issues, this Article examines the recommendations from the field of business and human rights, a field that has only just gained widespread recognition and legitimacy with the 2011 United Nations Guiding Principles on Business and Human Rights. The following two sections in this Part discuss the development of the UN Guiding Principles and their requirements and how mega-sporting events can implement those requirements.\textsuperscript{122} The third section in this Part discusses how business—and mega-sporting events—can go beyond the UN Guiding Principles to promote human rights for the purposes of promoting peace.

\textsuperscript{116} Id. at 91-92.
\textsuperscript{117} Owen Gibson, India Tries to Save Reputation and Avert Commonwealth Games Crisis, THE GUARDIAN, Sept. 22, 2010.
\textsuperscript{119} Id.
\textsuperscript{121} See supra notes 14-15 and accompanying text.
A. Business and Human Rights and The United Nations Guiding Principles

The field of business and human rights began when activists wanted to hold corporations accountable for their direct human rights violations or their complicity in violations committed by others, such as the state.123 The activists sought to hold corporations accountable, in part, because of the difficulties of holding the state accountable.124 These activists then came to be frustrated with the lack of mechanisms to hold corporations accountable.125 In addition, they did not believe that voluntary corporate social responsibility (CSR) initiatives were sufficient.126

For a significant amount of time, the debate over the human rights responsibilities of business was stalled.127 Initially, there was the United Nations Global Compact, which was a voluntary initiative that included a commitment by corporations to support and respect human rights, and to avoid complicity in human rights abuses.128 However, due to the voluntary nature of the Global Compact and its lack of an accountability mechanism beyond potential public shaming, many commentators criticized the initiative as a way for corporations to whitewash their activities without making meaningful change.129

The next major initiative was the UN Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, which placed human rights obligations directly on corporations, whereas beforehand that was solely a matter for the state.130

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124 Id. at 155, 156.


129 Amerson, supra note 125, at 892-94. In response, defenders of the UN Global Compact argued that the critics seemed to want the initiative to focus only on helping “perfect” companies do even better and ignored the benefits of helping currently companies that are currently performing poorly on human rights issues to improve. Id.

130 David Kinley et al., ‘The Norms are Dead! Long Live the Norms!’ The Politics Behind the UN Human Rights Norms for Corporations, in THE NEW CORPORATE ACCOUNTABILITY: CORPORATE SOCIAL RESPONSIBILITY AND THE LAW 459, 461-63 (Doreen McBarnet et al. eds., 2007)
Although the UN Norms were never voted on for adoption by the United Nations, the proposal of the Norms led to the appointment of John Ruggie as a Special Representative on business and human rights.  

Ruggie’s efforts led to the current leading frameworks on business and human rights, which are found in the 2008 United Nations Protect, Respect, and Remedy Framework and the 2011 United Nations Guiding Principles for Business and Human Rights (UNGPs). Although the Framework and the UNGPs are not without controversy, they are credited with significantly advancing businesses’ awareness of human rights issues. Under the Framework, the state has the responsibility to protect human rights. Business has a responsibility to respect human rights, which means avoid infringing on the human rights of others. Both the state and business have a responsibility to provide victims of human rights abuse with access to remedies.

The UNGPs set out how states and business should implement the UN Framework. With respect to businesses’ responsibility to respect human rights, Principles 11 through 15 set out foundational principles and Principles 16 through 24 set out operational principles. The foundational principles establish an organization’s obligation respect human rights, which means to, “[a]void causing or contributing to adverse human rights impacts through their own activities,” and to “prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.” To meet that responsibility, business should make a policy commitment to respect human rights, adopt a “due diligence process to...
identify, prevent, mitigate and account for how they address their impacts on
human rights," and develop a process to remediate any negative human rights
obligations the business causes or contributes to.\(^\text{141}\)

The operational principles then detail how to implement those
foundational principles.\(^\text{142}\) To determine human rights risks, the organization
should consult with human rights experts and meaningfully engage with the
relevant stakeholders.\(^\text{143}\) Organizations should take appropriate action to
“prevent and mitigate adverse human rights impacts,” which will depend on
the business’ connection to the impact and its leverage to address it.\(^\text{144}\)
Leverage refers to the organization’s ability or power to influence others and
effect change.\(^\text{145}\) Organizations should also track the effectiveness of their
actions to address human rights impacts, seek feedback on those efforts,\(^\text{146}\)
and communicate those efforts externally.\(^\text{147}\)

B. Applying the United Nations Guiding Principles to Sports

FIFA has taken significant action towards adopting the UNGPs and
determining how it can respect human rights in its operations.\(^\text{148}\) In July
2015, FIFA announced that it had adopted two types of reforms.\(^\text{149}\) First,
FIFA stated that it had adopted extensive internal reforms in response to its
corruption scandal.\(^\text{150}\) Second, FIFA stated that it “will recognise the
provisions of the UN Guiding Principles on Business and Human Rights and
will make it compulsory for both contractual partners and those within the
supply chain to comply with these provisions.”\(^\text{151}\) In 2016, FIFA adopted a
new provision in its statutes that stated FIFA “is committed to respecting all
internationally recognised human rights and shall strive to promote the
protection of these rights.”\(^\text{152}\) Later in 2016, FIFA engaged John Ruggie to

\(^{141}\) Id. at 15 (Principle 15).

\(^{142}\) Id. at 4 (Principle 9).

\(^{143}\) Id. at 17 (Principle 18).

\(^{144}\) Id. at 18 (Principle 19).

\(^{145}\) Id. (commentary to Principle 19).

\(^{146}\) Id. at 19 (Principle 20).

\(^{147}\) Id. at 20 (Principle 21).

\(^{148}\) FIFA Exec. Comm., FIFA Executive Committee sets presidential election for 26
February 2016 and fully supports roadmap for reform, FIFA.COM (July 20, 2015),
http://www.fifa.com/about-fifa/news/y=2015/m=7/news=fifa-executive-committee-sets-
presidential-election-for-26-february-20-2666448.html [https://perma.cc/7AB8-Y465].

\(^{149}\) Id.

\(^{150}\) Id.

\(^{151}\) Id.

\(^{152}\) FIFA, FIFA STATUTES 7 (General Provisions, principle 3) (April 2016 ed.)
[https://perma.cc/6SJ2-CN9F].
provide them with guidance on how to implement the provisions of the UNGPs.¹⁵³ Then, in May 2017, FIFA adopted a human rights policy (discussed further below).¹⁵⁴

For FIFA to implement the UNGPs, Ruggie set out six steps.¹⁵⁵ First, FIFA should adopt a human rights policy.¹⁵⁶ A policy is essential because it sets forth the organization’s expectations for its leadership, staff, and business partners. Second, FIFA must embed respect for human rights into the organization through such actions as appointing a high level manager with accountability for human rights issues, ensuring those with responsibility for human rights issues have appropriate training, and having formal structures in place for stakeholder engagement.¹⁵⁷ Third, the organization must identify and evaluate its human rights risks.¹⁵⁸ Importantly, this means the risks to people impacted by FIFA’s actions, not the risk that the public disclosure of human rights violations would cause harm to FIFA’s reputation or business. Fourth, FIFA must then address those human risks, such as by setting clear expectations for Local Organizing Committees, and using its leverage as early as possible to influence behavior in supply chain relationships.¹⁵⁹ Fifth, the organization should track and report on how FIFA understands and addresses human rights risks.¹⁶⁰ Tracking performance requires FIFA to establish the capacity to monitor performance.¹⁶¹ Finally, FIFA must provide access to remedy for victims of human rights abuses, including effective grievance mechanisms for the reporting of human rights related complaints.¹⁶²

The above six steps show what Ruggie, the author of the UNGPs, believes FIFA should do to respect human rights (and a similar analysis would apply to the Olympic governing body). As stated by Ruggie, “FIFA is not responsible for all human rights abuses by organizations it works with, or in all countries in which events are staged. But it is responsible for its own involvement with such risks, whether the connection is through its events, commercial subsidiaries and business partners, member association or other

¹⁵⁴ FIFA, FIFA’s Human Rights Policy (May 2016 ed.) [https://perma.cc/36F6-CQH7].
¹⁵⁵ Ruggie, supra note 153, at 28-35.
¹⁵⁶ Id. at 29.
¹⁵⁷ Id. at 30.
¹⁵⁸ Id. at 31.
¹⁵⁹ Id. at 32.
¹⁶⁰ Id. at 34.
¹⁶¹ Id.
¹⁶² Id. at 35.
The use of the UNGPs for the governing bodies of sporting events helps ensure that these events do not cause, or become associated with, negative human rights impacts. However, for sports to meet their goal of promoting peace, these events should do more than avoid negative human rights impacts, and instead lead the way in promoting and supporting human rights.

A primary criticism of the UNGPs is that they do not place a positive obligation on business to improve human rights. Although that debate continues, this Article argues that if we want sports to work towards fostering peace, then sports must actively work to improve the human rights conditions of those connected to it. The first step, as outlined by the UNGPs, is to avoid negative human rights impacts. This is a foundational requirement that cannot be compromised. In other words, a sporting event is not meeting its obligation to respect human rights if the event’s organizers and sponsors must argue that the event’s positive impacts on society outweigh its negative impacts. This is not sufficient to work towards peace. The next step is to take positive action to promote human rights.

The UN Global Compact identifies four ways that business can promote human rights:

- “Through their core business activities in support of UN goals and issues
- Strategic social investment and philanthropy
- Advocacy and public policy engagement [and]
- Partnership and collective action.”

For example, consider the issue of child labor. Corporations should respect human rights by ensuring that child labor is not used anywhere in the organization’s supply chain. However, corporations can do more to promote human rights with respect to child labor. The furniture company IKEA is an example of a company that took actions that demonstrated all four ways to promote human rights identified by the UN Global Compact. In response to the discovery of the continued use of child labor in the production of its rugs

\[163\] Id. at 20.


\[165\] Principle One: Human Rights, UNITED NATIONS GLOBAL COMPACT [https://perma.cc/T9HB-HB92].
in India, IKEA went beyond simply monitoring suppliers’ compliance with its child labor policies and examined the root causes of the use of child labor.\textsuperscript{166} IKEA discovered that the root causes involved interactions between poverty, illiteracy, poor educational opportunities, social norms, family indebtedness, health (illness in the family often forced children to work to provide for the family), and discrimination based on gender and caste.\textsuperscript{167} Thus, to promote human rights and help prevent the use of child labor, IKEA worked with a civil society organization, UNICEF, to tackle those root causes.\textsuperscript{168} IKEA’s involvement was not limited to just the provision of financial resources. Because IKEA was a major buyer of carpets in the area, this active involvement added “credibility and clout” to the initiative.\textsuperscript{169} The initiative’s programs included providing alternative learning centers to all children (including girls and members of any caste) in rural areas, health care initiatives, and community loan systems (to reduce indebtedness).\textsuperscript{170} At the ten year anniversary of the program, UNICEF stated that their program had reached over 74 million children in India, and had expanded to include the government of India.\textsuperscript{171}

Although the discussion in this Part has focused on human rights, a similar analysis applies to the issue of corruption. It can be argued that corporations should have an obligation to not just ensure that their employees and agents are not paying bribes, but to proactively combat corruption in the environments in which they operate,\textsuperscript{172} such as using the approaches identified by the UN Global Compact.\textsuperscript{173} This obligation is based, in part, on the recognition that corporations’ efforts to respect human rights are significantly hampered by the presence of corruption, which is a root cause of many human rights violations and an impediment to social initiatives (and laws) designed to respect (or protect) human rights.\textsuperscript{174} The next Part looks

\begin{itemize}
  \item \textsuperscript{166} Christopher A. Bartlett et al., \textit{IKEA’s Global Sourcing Challenge: Indian Rugs and Child Labor (B)}, Harvard Business School Case 9-906-415, at 2 (Nov. 14, 2006).
  \item \textsuperscript{167} Id.
  \item \textsuperscript{168} Id. at 3.
  \item \textsuperscript{169} Id.
  \item \textsuperscript{170} Id. at 4-5.
  \item \textsuperscript{171} UNICEF Canada, \textit{IKEA and UNICEF Programmes Reach 74 million Children in India}, UNICEF CANADA (Sept. 5, 2012) [https://perma.cc/GE8D-AUUH]. \textit{See also} Sebastien Mena et al., \textit{Advancing the Business and Human Rights Agenda: Dialogue, Empowerment, and Constructive Engagement}, 93 J. Bus. ETHICS 161, 173 (2010) (noting that the program became a partnership between IKEA, UNICEF, and the local government in India).
  \item \textsuperscript{172} Hess, \textit{supra} note 20, at 681.
  \item \textsuperscript{173} \textit{See supra} note 165 and accompanying text.
  \item \textsuperscript{174} Hess, \textit{supra} note 20, at 669-73. Likewise, in his report for FIFA, John Ruggie stated:
\end{itemize}

Bribery and corruption is not only about giving and taking money for private gain that has been intended for broader social purposes. It may also enable the parties involved
more closely what sports organizations are doing, and should be doing, along these lines.

IV. NEXT STEPS: TOWARDS SPORTS AND PEACE

In a 2016 speech, UN Secretary General Ban Ki-moon noted the potential for mega-sporting events to promote peace and human rights, but he also recognized that such events often do not produce “long-lasting, sustainable or widely shared” benefits.\textsuperscript{175} Coinciding with the greater awareness of business and human rights issues due to the UN Guiding Principles, the appropriate actors, including the organizing committees, officials, and staff at governing bodies like FIFA and the Olympics, are starting to recognize that mega-sporting events must change their practices or continue to put the legitimacy of their institutions at risk.\textsuperscript{176} The next section discusses some of these recent changes. The final section in this Part brings in the goal of sports and peace, and shows how it can be incorporated into these recent efforts. Because the initiatives described below are just starting to take hold, and have not yet been fully implemented by sports organizations, this is an important time to consider these next steps.

A. The Current Efforts to Respect and Support Human Rights through Mega-Sporting Events

To raise awareness of, and support implementation of appropriate practices on, human rights and sports, a multi-stakeholder initiative—the Centre for Sports and Human Rights—was formed in June 2018.\textsuperscript{177} The Centre aims to bring together governments, non-governmental organizations, sports governing bodies, unions, sponsors, and others to work on these issues.\textsuperscript{178} As a starting point, the Centre sets out foundational principles in the 2018 Sporting Chance Principles on Sports and Human Rights.\textsuperscript{179} Under the principles, all actors should take universally recognized human rights into account at all times (meaning at every stage of the event’s life cycle, from

\begin{flushleft}
\textsuperscript{175} United Nations, \textit{Secretary-General's remarks on value of Hosting Mega Sport Events as a Social, Economic and Environmental Sustainable Development Tool} (Feb. 16, 2016) [https://perma.cc/W8HJ-3PD8].

\textsuperscript{176} \textit{Id.}


\textsuperscript{178} \textit{Id.}

\textsuperscript{179} CENTRE FOR SPORTS AND HUMAN RIGHTS, 2018 SPORTING CHANCE PRINCIPLES ON SPORTS AND HUMAN RIGHTS [https://perma.cc/E3Z7-ZNVM].
\end{flushleft}
bidding for the location, to staging the event, to consideration of post-event impacts). In addition, due to the problem of human rights violations recurring in event after event, principle seven requires the capturing and sharing of knowledge gained after each event, and principle eight requires sports organizations to acquire the necessary knowledge and capacity to address human rights issues. Finally, principle nine requires collective action, and states “all stakeholders should forge collective solutions to address human rights challenges that are beyond the capacity of any single stakeholder to resolve.”

The Olympics have also made significant changes to its rules governing human rights issues related to event sites. Starting with the 2024 Olympics, the contract with the host city will require the city to respect human rights. The contract will require the host city, the host National Olympic Committee, and the Organizing Committee for the Olympic Games to:

a. prohibit any form of discrimination with regard to a country or a person on grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;

b. protect and respect human rights and ensure any violation of human rights is remedied in a manner consistent with international agreements, laws and regulations applicable in the Host Country and in a manner consistent with all internationally-recognised human rights standards and principles, including the United Nations Guiding Principles on Business and Human Rights, applicable in the Host Country; and

c. refrain from any act involving fraud or corruption, in a manner consistent with any international agreements, laws and regulations applicable in the Host Country and all internationally recognised anti-corruption standards applicable in the Host Country, including by establishing and maintaining effective reporting and compliance.

While many have applauded these changes, other commentators note potential problems in implementation. First, the Olympic contracts do not

180 Id. at Principles 2, 3, and 4.
181 Id. at Principle 7.
182 Id. at Principle 8.
183 Id.
184 INTERNATIONAL OLYMPIC COMM., HOST CITY CONTRACT PRINCIPLES 16-17 (2017) [https://perma.cc/LBN2-KAEY] [hereinafter HOST CITY CONTRACT PRINCIPLES].
185 Id. at 8, 16.
186 Id. at 16.
involve the host country.\(^\text{187}\) Second, there is no mechanism in place—such as an independent third-party monitor—to determine if the contract terms have been violated.\(^\text{188}\) Third, it is unclear what sanctions would be imposed for any violation of the terms.\(^\text{189}\) It is also unclear how committed the IOC is to respecting all human rights beyond discrimination and certain labor issues. The initial version of the revised host city contract failed to mention human rights and only discussed non-discrimination and labor standards.\(^\text{190}\) Likewise, the Olympic Agenda 2020 also fails to mention human rights beyond non-discrimination principles.\(^\text{191}\)

FIFA has started to take more significant action than the IOC. As discussed in the prior Part, FIFA adopted a new human rights policy in 2017.\(^\text{192}\) In the policy, FIFA commits to acting in accordance with the UNGPs, and to implement that commitment by following the steps listed in the Ruggie report.\(^\text{193}\) FIFA also goes further than the IOC by stating that it will affirmatively take “human rights into account in the selection of host countries.”\(^\text{194}\) To that end, FIFA published a description of its reformed bidding process to host the World Cup.\(^\text{195}\) Included in the changes are commitments to transparency and to human rights.\(^\text{196}\) In an effort to avoid corruption, there is a principle of transparency, which includes the disclosure of the evaluation reports of host candidates and an open selection voting process.\(^\text{197}\) Due to its commitment to human rights and the UNGPs, FIFA “requires the implementation of human rights and labour standards by the bidding member associations, the government and other entities involved in the organisation of the tournament, such as those responsible for the


\(^{188}\) *Id.*

\(^{189}\) *Id.*


\(^{191}\) INTERNATIONAL OLYMPIC COMMITTEE, *OLYMPIC AGENDA 2020 4-5, 16 (2014)* [https://perma.cc/G4D2-T9F3].

\(^{192}\) FIFA, *FIFA’S HUMAN RIGHTS POLICY 4, 8* (May 2017 ed.) [https://perma.cc/2RDM-9NFT].

\(^{193}\) The first principle in the human rights policy is that FIFA commits to act in accordance with the UNGPs. *Id.* at 5. Under the heading of “Our Human Rights Approach,” FIFA outlines how it will implement its human right commitment through four pillars, which cover the same recommendations as found in the Ruggie report. *See id.*, at 8-10.

\(^{194}\) *Id.* at 8 (Principle 10).

\(^{195}\) FIFA GUIDE TO THE BIDDING PROCESS FOR THE 2026 WORLD CUP (2017) [https://perma.cc/K4SF-NDVE].

\(^{196}\) *Id.* at 5.

\(^{197}\) *Id.*
construction and renovation of stadiums, training sites, hotels and airports.”

As part of the bidding process, the candidate countries must submit a “proposal for a human rights strategy on how to identify and address the risks of adverse impacts on human rights and labour standards.” This includes risk assessment—informed by an independent expert—and the description of mechanisms that the country will use to address the identified human rights risks.

Notably, FIFA’s reforms go beyond the UNGPs and commit it to a positive obligation to promote human rights. Principle Four of the 2017 Human Rights Policy states:

FIFA will strive to go beyond its responsibility to respect human rights, as enshrined in the UNGPs, by taking measures to promote the protection of human rights and positively contribute to their enjoyment, especially where it is able to apply effective leverage to help increase said enjoyment or where this relates to strengthening human rights in or through football.

However, FIFA’s policy does not outline how it plans to implement Principle Four. The next subsection provides some ideas on what FIFA—and other sports bodies—should do to implement such a principle.

Beyond FIFA and the Olympics, it is important to note that other sporting events are also adopting changes. For example, in October 2017, the Commonwealth Games—which involve over 70 countries competing every four years—adopted a human rights policy. The policy commits the games to the UNGPs, to conducting due diligence, and to report on those efforts.

B. Next Steps

The UNGPs are focused on organizations not doing any harm with respect to human rights, either directly or indirectly. FIFA and the IOC are linked to the human rights abuses listed in Part II, and those organizations have a responsibility to prevent such human rights abuses through the various steps identified in Part III.B. As shown in the prior subsection, the governing bodies are starting to take action to respect human rights and a multi-
stakeholder initiative on human rights and mega-sporting events is helping move forward the agenda. There is still a great deal of work to be done, but positive action is occurring already.

At this point in time, because it is early in the trajectory of incorporating respect for human rights and anti-corruption initiatives into the governance of mega-sporting events, it is important to fully consider our expectations for what these organizations should be doing and incorporate those expectations into their newly recognized responsibilities. This Article explores how the perspective from business and peace, combined with the movement for sports and peace, suggest that mega-sporting events can go beyond respecting human rights and avoiding direct involvement in corrupt activities, and work towards the realization of human rights and reduction of corruption in the communities in which the events take place.

Although many associate the business and peace movement with the responsibilities of corporations in zones of conflict, business can also have an impact on peace when operating in relatively peaceful societies.\textsuperscript{206} To understand how, it is important to distinguish between peacemaking, peacekeeping, and peacebuilding.\textsuperscript{207} Peacemaking involves efforts to end ongoing violence.\textsuperscript{208} Peacekeeping processes focus on preventing violence from recurring.\textsuperscript{209} The final stage in the peace process is peacebuilding, which seeks "to move a conflict from negative peace to positive peace through transformations in governance structures, society, and the economy."\textsuperscript{210} Peacekeeping is negative peace, which means the avoidance of violence.\textsuperscript{211} Peacebuilding is positive peace, which is focused on harmony, integration, and building better relations between members of society.\textsuperscript{212} Positive peace may also be described as not just the absence of violence, but "the presence of social justice through equal opportunity, a fair distribution of power and resources, equal protection and impartial enforcement of law."\textsuperscript{213}

Peacebuilding and supporting positive peace are key aspects of how

\textsuperscript{206} Timothy L. Fort, \textit{Gentle Commerce}, 4 BUS. PEACE \& SUSTAINABLE DEVELOPMENT 107, 107 (2014) [hereinafter Fort, \textit{Gentle Commerce}].

\textsuperscript{207} JAN JOEL ANDERSSON ET AL., \textit{PRIVATE SECTOR ACTORS AND PEACEBUILDING: A FRAMEWORK FOR ANALYSIS} 12 (The Swedish Institute of International Affairs, 2011) [https://perma.cc/NU2T-3MAS].

\textsuperscript{208} \textit{Id.}

\textsuperscript{209} \textit{Id.}

\textsuperscript{210} \textit{Id.}


\textsuperscript{212} \textit{Id.} at 145.

business can contribute to peace. Professor Fort argues that the literature on peace shows that “relatively peaceful societies . . . tend to be relatively egalitarian with strong notions of individual voice and empathy along with gender equity. Pushed further to consider more contemporary correlations, one finds evidence of peace building where there is economic development, avoidance of corruption, institutions that protect voice and foster democracy, and gender equity.”214 Thus, when businesses conduct their operations in a manner that is consistent with those practices, business is helping a society sustain, or move towards peace.215 This is similar to Professor Santoro’s theory of human rights spin-off.216 Santoro argued that multinational corporations operating in China—in the pursuit of profits and without the direct intention of improving human rights—still have a positive impact on spreading human rights.217 By taking the actions they need to be successful, such as through human resources practices, these corporations positively influence “four sets of factors—economic prosperity, merit-based hiring practices, information-sharing and teamwork, and leadership values—that have an ‘elective affinity’ with human rights and democracy.”218

Respecting human rights and avoiding corruption are non-discretionary organizational obligations that have spill-over effects for peace. To achieve the potential of sports and peace, however, mega-sporting events should take affirmative action to support positive peace beyond just spill-over effects. In other words, the governing bodies of mega-sporting events should seek to become “peace entrepreneurs.”219 Peace entrepreneurs are organizations that have the specific aim of promoting peace.220 This is akin to social entrepreneurs, which are businesses that seek to have some specified positive impact on society or the environment in addition to their business goals.221

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214 Fort, Gentle Commerce, supra note 206, at 111.
215 Id.
217 Id. at 70-71.
218 Id. at 71.
219 Fort, The Diplomat, supra note 16, at 98.
220 Fort, Gentle Commerce, supra note 206, at 107, 110.
221 See Dana Brakman Reiser, Theorizing Forms for Social Enterprise, 62 EMORY L.J. 681, 684 (2013) (stating that social entrepreneurs “believe in the unique ability of social enterprise to solve social problems and return profits to owners. Rather than hiding these dual aspirations behind a veneer of “business as usual” or under a halo of selflessness, these founders want to claim their social enterprises’ blended missions explicitly.”) On social enterprises, see generally Justin Blunt & Patricia Nunley, What is a ‘Social’ Business and Why Does the Answer Matter?, 8 BROOK. J. CORP. FIN. & COM. L. 278 (2014); J. Haskell Murray, Choose Your Own Master: Social Enterprise Certifications, and Benefit Corporation Statutes, 2 AM. U. BUS. L. REV. 1 (2012); Robert T. Esposito, The Social Enterprise Revolution in Corporate Law: A Primer on Emerging Corporate Entities in Europe and the United States
The governing bodies of mega-sports events should utilize their immense commercial and rhetorical influence around the globe to take on the positive obligation to act as peace entrepreneurs. This does not mean that hosting entertaining and high-quality mega-sporting events becomes a secondary goal of the organization. Just as social enterprises have a hybrid nature of balancing profits alongside positive social goals, so must these organizations craft dual roles of implementing these premier, world-class sporting events alongside truly creating positive social impact.

It is important to remember, however, that respecting human rights and avoiding corruption cannot be treated as a tradeoff inherent in putting on a successful mega-sporting event, and be balanced against positive impacts. As stated in the UNGPs, “business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights. But this does not offset a failure to respect human rights throughout their operations.”

There are many ways that mega-sporting events can promote human rights. Most importantly, they can serve as a catalyst for all organizations connected to mega-sporting events to begin to implement the UNGPs. One commentator has stated:

These events will have involved host governments, local organizing committees and a plethora of business actors, including the sports sector itself, as well as developers, planners, logistics experts, and architects; construction, infrastructure and engineering firms; sporting good and merchandise manufacturers and their suppliers; agribusiness and food suppliers; hospitality and event organizing businesses, and a diverse spectrum of sponsor and broadcasting partners. For many, [business and human rights] is brand new territory.

As indicated by the quote, at this stage, determining how to implement the UNGPs is new to most organizations. Through contractual requirements backed up with public advocacy, mega-sporting events can encourage all of these actors to work towards respecting human rights and developing the experience necessary to push us forward on the learning curve for understanding how to respect human rights.

As mentioned above, FIFA, for example, has stated its commitment to considering human rights when selecting tournament host countries. Although there may be times when sports governing bodies should avoid


222 Guiding Principles, supra note 133, at 13 (commentary to principle 11).

223 Amis, supra note 45, at 136.

224 HOST CITY CONTRACT PRINCIPLES, supra note 184.
certain host countries, these organizations should also consider how the event may actually help promote human rights (again, remembering that positive impacts cannot “offset” negative impacts) and curb corruption, and not just “address the risks of adverse impacts on human rights and labour standards,” as stated in the new FIFA bidding process.225

The governing bodies should also engage in public advocacy that goes beyond mere statements about the possibility of fostering peace through sports. Although a public advocacy responsibility may seem to be inserting mega-sporting events into the political realm that may lead to more conflicts of interests, a few key principles can help guide the way. These principles are responsiveness, collaboration, and publicness.226 First, the public advocacy should be responsive to established global concerns; that is, following widely accepted norms and not attempting to develop new moral norms that are disassociated with international practice. Accordingly, mega-sporting event organizations like the IOC and FIFA should focus on human rights found in the International Bill of Human Rights and, because worker abuse is common with these events, the International Labor Organization’s Declaration on Fundamental Principles at Work,227 as well as the established anti-corruption norms found in the United Nations Convention Against Corruption.

Second, the governing bodies should work collaboratively to have a positive impact through multi-stakeholder initiatives, and, where none exist on the issue or problem, serve as a catalyst for bringing together business, government, civil society organizations, and others. The sports organizations should not be expected to be experts on positive peace, human rights, and fighting corruption, but they should utilize the existing expertise held by others and use their own extensive leverage to bring the relevant stakeholders together.

The third principle is publicness. This involves two aspects. First, the governing bodies should work to raise public awareness of the risks of human rights abuses and corruption, and inform potential victims of their legal rights and access to grievance and remedy mechanisms. This also requires active involvement in multi-stakeholder initiatives, and when necessary, publicly holding government bodies accountable for not upholding their obligations to respect human rights and combat corruption. Second, the organizations should be transparent on their own efforts to respect human rights and combat corruption. Adhering to the principle of publicness will assist mega-sporting event organizers to develop legitimacy for their efforts, which is necessary because their reputations have been damaged by the many previous scandals

225 See supra note 199 and accompanying text.

226 The following principles are based on Hess, supra note 20, at 685-92; and Florian Wettstein, The Duty to Protect: Corporate Complicity, Political Responsibility, and Human Rights Advocacy, 96 J. BUS. ETHICS 33, 43-44 (2010).

227 Guiding Principles, supra note 133, at 13 (principle 12).
related to human rights and corruption.

CONCLUSION

Mega-sporting events such as the Olympics and the FIFA World Cup attract the attention of billions of fans and generate billions of dollars of revenue for the organizers and their commercial sponsors and broadcast partners. The immense power and influence of these mega-events is ripe for being harnessed for economic development and positive social impact for the nations and individuals involved in working to create and implement these impressive events. These organizers also profess to have socially-responsible missions beyond providing entertainment for fans, including promises to create peace through “Olympism” and benefitting humanity through promoting football around the world.228 Unfortunately, as discussed in Part II of this Article, there has been a long series of high profile revelations in recent decades about the corruption and human rights abuses that too commonly surround the Olympic Games, the World Cup, and other sporting events.

Problems with corruption are seen directly from the start of the site selection process with instances of bribery and rampant conflicts of interest, and they continue with corruption related to the creation of the massive infrastructure needed to conduct these huge events—and even with how facilities are mismanaged after events conclude.229 Human rights problems often arise alongside the infrastructure creation for these mega-sporting events, including when people are displaced for building projects or during construction when workers are mistreated, subject to human trafficking abuses, and even killed because of unsafe working conditions.230 Nonetheless, sporting governing bodies—including FIFA and the IOC—have reacted and made significant structural reforms, at least in their governing statutes and in response to scandals related to corruption and human rights abuses.231 This has led to important steps, such as FIFA adopting affirmative responsibilities outlined in international guidelines concerned with respecting human rights, such as the UNGPs, as well as anti-corruption principles.232 Yet, from a business and peace perspective, more can be done to reform these organizations and help them move toward being effective peacebuilders for society. To achieve this lofty goal, mega-sporting events must incorporate the respect of human rights and anti-corruption into

228 Host City Contract Principles, supra note 184, at 8; FIFA’s Human Rights Policy, supra note 192, at 4.
229 See supra Part II.D.
230 See supra Part II.A. to Part II.C.
231 United Nations, supra note 175
the entire life-cycle of hosting these events—from site selection, infrastructure development, operating the event, and then managing post-event. However, the events should seek to go beyond those requirements, and voluntarily seek to promote human rights and combat corruption in the community supporting these events. This includes active public advocacy on these matters, and taking a leadership role in ensuring that multi-stakeholder initiatives are effective.

233 See MEGA-SPORTING EVENTS PLATFORM FOR HUMAN RIGHTS, “THE MEGA-SPORTING EVENT LIFECYCLE: EMBEDDING HUMAN RIGHTS FROM VISION TO LEGACY” [https://perma.cc/M4PG-RU55].