
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.¹ 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”² 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. . .[and]. . .[l]ive for 16 days in an idyllic bubble.”³ Those Olympics games—dubbed the “Peace Olympics” by South Korean President Moon Jae-in⁴—did not simply create fleeting hopes, but

¹ The first use of white doves in the opening ceremonies occurred in 1920, which was two years after the end of the first world war. Constant Brand, *Montreal Passes Olympic Torch to Europe; Flame Winds its Way Toward Athens for the Summer Games*, HAMILTON SPECTATOR, June 22, 2004, at SP14. They were meant to symbolize peace and reconciliation. *Id.* Due to the unfortunate incineration of the doves upon the lighting of the Olympic flame in Seoul in 1988, the Olympics now utilize a symbolic release of peace doves. Int’l Olympic Committee, INT’L OLYMPIC COMMITTEE, FACTSHEET: OPENING CEREMONY OF THE GAMES OF THE OLYMPIAD 2 (2018), <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Factsheets-Reference-Documents/Games/Ceremonies/Factsheet-Opening-Ceremony-of-the-Games-of-the-Olympiad.pdf> [<https://perma.cc/263S-HF5K>].

² INT’L OLYMPIC COMMITTEE, OLYMPIC CHARTER 11 (Sept. 16, 2017), <https://www.olympic.org/documents/olympic-charter> [<https://perma.cc/6R77-MSTC>].

³ Jerry Brewer, *For 16 Days, PyeongChang Games Turned All of Us into One United Team*, WASH. POST, Feb. 25, 2018, https://www.washingtonpost.com/sports/olympics/for-16-days-pyeongchang-games-turned-all-of-us-into-one-unified-team/2018/02/25/9011c378-1956-11e8-92c9-376b4fe57ff7_story.html?hpid=hp_hp-top-table-low_brewer-715am%3Ahomepage%2Fstory&utm_term=.45f48b54731a [<https://perma.cc/D84Y-57ZM>].

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.⁵ The subsequent meeting was historic, as it involved a North Korean leader setting foot in South Korea for the first time.⁶

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.⁷ 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.⁸

Perhaps second only to the reach of the Olympic Movement, is the global football governing body, the *Fédération Internationale de Football Association* (FIFA).⁹ 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.¹⁰ FIFA's stated mission does not explicitly touch on peace-building specifically, yet the mission is nonetheless extremely ambitious,

highlights-deep-divisions [<https://perma.cc/GZJ3-64GA>].

⁵ Christine Kim, *North Korea says Willing to Hold Talks with U.S. and Halt Nuclear Pursuit While Negotiations Last: South*, REUTERS (Mar. 6, 2018), <https://www.pri.org/stories/2018-03-06/north-korea-says-its-willing-hold-talks-us-and-halt-nuclear-pursuit-while> [<https://perma.cc/BN8Z-LVCU>].

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.*

⁷ See generally NICHOLAS GRIFFIN, *PING-PONG DIPLOMACY: THE SECRET HISTORY BEHIND THE GAME THAT CHANGED THE WORLD* (2014).

⁸ See generally JOHN CARLIN, *PLAYING THE ENEMY: NELSON MANDELA AND THE GAME THAT MADE A NATION* (2008).

⁹ *Olympics Vs. World Cup*, CBS BALTIMORE <https://baltimore.cbslocal.com/tale-of-the-tape/olympics-vs-world-cup/> [<https://perma.cc/R63N-269B>] (last visited Oct. 19, 2018).

¹⁰ Scott Roxborough, *Soccer World Cup 2018: Global Audience to Hit 3.4 Billion, FIFA Revenue to Reach \$6 Billion*, HOLLYWOOD REPORTER, June 14, 2018, <https://www.hollywoodreporter.com/news/soccer-world-cup-2018-global-audience-hit-34-billion-fifa-revenue-reach-6-billion-1120071> [<https://perma.cc/2BQU-GK3Y>]. This viewership level has been consistent over time, such as, for example, in 2010. Media Release, FIFA, *Almost Half the World Tuned in at Home to Watch 2010 FIFA World Cup South Africa* (July 11, 2011), <https://www.fifa.com/worldcup/news/almost-half-the-world-tuned-home-watch-2010-fifa-world-cup-south-africa-1473143> [<https://perma.cc/3BH9-EWVF>].

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.”¹¹ 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.”¹²

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.¹³ The cost to put on the 2018 Winter Olympics in South Korea was estimated to be \$13 billion.¹⁴ 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.¹⁵ 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.¹⁶ The potential contributions of business include spurring

¹¹ FIFA STATUTES, 6 (Apr. 2016 ed.), http://resources.fifa.com/mm/document/affederation/generic/02/78/29/07/fifastatutsweben_neutral.pdf [https://perma.cc/3BH9-EWVF].

¹² Media Release, FIFA, FIFA World Cup™ in Brazil to Promote Peace and Fight All Forms of Discrimination (June 12, 2014), <https://www.fifa.com/worldcup/news/fifa-world-cuptm-in-brazil-to-promote-peace-and-fight-all-forms-of-dis-2-2368962> [https://perma.cc/23TW-2GFD]. The full message stated:

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.

Id.

¹³ Tariq Panja, *FIFA Set to Make \$6.1 Billion from World Cup*, NY TIMES, June 12, 2018, <https://www.nytimes.com/2018/06/12/sports/fifa-revenue.html> [https://perma.cc/DV6B-YMMM].

¹⁴ Yen Nee Lee, *For the Sake of the Games, South Korea Needs to Show Hosting an Olympics Can Be Economically Viable*, CNBC, Feb. 15, 2018, <https://www.cnbc.com/2018/02/15/south-koreas-pyeongchang-winter-olympics-costs-benefits-of-hosting.html> [https://perma.cc/GQH7-HA49].

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-

RECOVERY (2015); TIMOTHY L. FORT, *THE DIPLOMAT IN THE CORNER OFFICE: CORPORATE FOREIGN POLICY* (2015) [hereinafter Fort, *The Diplomat*]; PEACE THROUGH COMMERCE: RESPONSIBLE CORPORATE CITIZENSHIP AND THE IDEALS OF THE UNITED NATIONS GLOBAL COMPACT (Oliver F. Williams ed., 2008); TIMOTHY L. FORT, *BUSINESS, INTEGRITY, AND PEACE: BEYOND GEOPOLITICAL AND DISCIPLINARY BOUNDARIES* (2007); and TIMOTHY L. FORT & CINDY SCHIPANI, *THE ROLE OF BUSINESS IN FOSTERING PEACEFUL SOCIETIES* (2004). For organizations working in this area, see, e.g., BUSINESS FOR PEACE FOUNDATION, <http://businessforpeace.no> [<https://perma.cc/DBJ7-ANJ9>] (last visited Oct. 19, 2018); PEACE THROUGH COMMERCE, <https://peacethroughcommerce.org> [<https://perma.cc/4T45-VJ98>] (last visited Oct. 19, 2018); UNIVERSITY OF SAN DIEGO CENTER FOR PEACE AND COMMERCE, <https://www.sandiego.edu/cpc> [<https://perma.cc/PRC3-Y2NA>] (last visited Oct. 19, 2018); UN PRINCIPLES FOR RESPONSIBLE MANAGEMENT EDUCATION (PRME) WORKING GROUP ON BUSINESS FOR PEACE, <http://www.unprme.org/how-to-engage/display-working-group.php?wgid=3146> [<https://perma.cc/N2XV-7GEB>] (last visited Oct. 19, 2018).

¹⁷ Fort, *The Diplomat*, *supra* note 16, at 13-23.

¹⁸ See, e.g., *id.*, at 16-17 (discussing the connections between corruption and violence); Kjersti Skarstad, *Human Rights Violations and Conflict Risk: A Theoretical and Empirical Assessment*, in *PROMOTING PEACE THROUGH INTERNATIONAL LAW* (Cecilia Marcela Bailliet & Kjetil Mujezinovic Larsen, eds., 2015) (discussing results from an empirical study that finds that the violation of basic economic and social rights increases the risk of civil war); Oskar N.T. Thoms & James Ron, *Do Human Rights Violations Cause Internal Conflict?*, 29 HUMAN RIGHTS Q. 674 (2007) (reviewing various studies to show the links between human rights violations and the escalation or emergence of conflict); Timothy L. Fort & Cindy A. Schipani, *Adapting Corporate Governance for Sustainable Peace*, 36 VAND. J. TRANSNAT'L 377, 418-420 (2003) (describing the corruption and violence connection).

¹⁹ See Norman D. Bishara & David Hess, *Human Rights and a Corporation's Duty to Combat Corruption*, in *LAW, BUSINESS AND HUMAN RIGHTS*, 71, 71-72 (Robert C. Bird et al., eds., 2014).

²⁰ For a brief review of the development of the current efforts underway to combat corruption in international business and to hold corporation's accountable for human rights violations, see David Hess, *Business, Corruption, and Human Rights: Towards a New Responsibility for Corporations to Combat Corruption*, 2017 WIS. L. REV. 641, 646-660

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.²¹ 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.²² 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.

(2017).

²¹ Adam Hofstetter, *Can Sports Bring World Peace?*, THE ATLANTIC, (Jan. 20, 2010), <https://www.theatlantic.com/magazine/archive/2010/01/can-sports-bring-world-peace/307872/> [<https://perma.cc/6WK8-28C9>] (concluding that “athletics are no panacea” and discussing some notable examples when the promise of sports leading to peace went unfulfilled).

²² Martin Müller, *The Mega-Event Syndrome: Why So Much Goes Wrong in Mega-Event Planning and What to Do About It*, 81 J. AM. PLAN. ASS’N 6, 6 (2015).

I. THE PROMISE OF PEACE THROUGH SPORTS

Sports and the movement for peace have a long history.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.”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,²⁵ the white dove, the traditional symbol of peace, plays a role in many Olympic ceremonies²⁶ 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.”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.²⁸ The foundation, founded in 2000, is dedicated to the “Olympic Ideals” of “serv[ing] peace and friendship and . . . cultivat[ing] international understanding.”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

²³ Alexander Cárdenas, *Peace Building Through Sport? An Introduction to Sport for Development and Peace*, 4 J. CONFLICTOLOGY 24, 25 (2013).

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.”).

²⁵ See *supra* text accompanying note 1.

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.”).

²⁷ INT’L OLYMPIC COMMITTEE, *supra* note 2, at 23.

²⁸ INT’L OLYMPIC COMMITTEE, *supra* note 26.

²⁹ INT’L OLYMPIC TRUCE CENTRE, https://www.olympictruce.org/index.php?option=com_k2&view=item&layout=item&id=1&Itemid=266&lang=en [<https://perma.cc/WEC2-B55C>] (last visited Oct. 19, 2018).

Games and beyond, and mobilizing the youth of the world in the cause of peace.”³⁰ IOC programs aimed at encouraging peace through sport include efforts in Brazilian *favelas*, initiatives for children in post-conflict areas of Columbia, and efforts to combat violence in parts of Jamaica.³¹

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.”³² An additional principle of Olympism affirms the IOC’s commitment to respecting the human right of freedom from discrimination.³³ 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*.³⁴

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.”³⁵ Mr. Lajčák noted that sports are founded upon universal values of “discipline, fairness, and respect for opponents and rules.”³⁶ 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.”³⁷ 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,

³⁰ *Id.*

³¹ *Peace Through Sport*, INT’L OLYMPIC COMMITTEE, <https://www.olympic.org/peace-through-sport> [<https://perma.cc/JFJ5-ZJ9C>] (last visited Oct. 19, 2018).

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.

Id. at 12.

³⁴ G.A. Res. 67/296, International Day of Sport for Development and Peace (Sept. 18, 2013).

³⁵ U.N. President of the G.A., Statement at the Plenary Meeting of the General Assembly on Agenda Item 11, “Sport for Development and Peace: Building a Peaceful and Better World Through Sport and Olympic Ideal” (Nov. 13, 2017) <https://www.un.org/pga/72/2017/11/13/sport-for-development-and-peace-2/> [<https://perma.cc/A7TG-A834>].

³⁶ *Id.*

³⁷ *Id.*

regardless of ethnic, cultural, religious or other differences.”³⁸ 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.³⁹

Sports and peace also shows up in discussions of sustainable development.⁴⁰ 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.”⁴¹ 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.⁴²

Similarly, the FIFA governing statutes discuss FIFA’s ambitious goals in terms of the positive externalities that can follow alongside its activities.⁴³ 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.”⁴⁴

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.

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.

⁴⁰ United Nations Inter-Agency Task Force on Sport for Dev. and Peace, Sport for Development and Peace: Towards Achieving the Millennium Development Goals (Mar., 2003) <https://www.unicef.org/sports/reportE.pdf> [<https://perma.cc/S3KR-5N6X>].

⁴¹ G.A. Res. 70/2, Transforming our World: the 2030 Agenda for Sustainable Development, ¶ 35 (Oct. 21, 2015).

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.⁴⁵ The NGO Human Rights Watch has identified the common human rights abuses associated with mega sporting events.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).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.⁴⁸ In addition to staging international tournaments—such as the men's and women's World Cup tournaments held every four years⁴⁹—FIFA, an organization with more member nations than the UN,⁵⁰ promotes and governs football from the international level all the way down to the local level.⁵¹ This includes everything from setting the rules of the game to providing financial and technical assistance to football programs.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.⁵³
- The local government acquiring land necessary for staging the

⁴⁵ Lucy Amis, *Mega-Sporting Events and Human Rights—A Time for More Teamwork?*, 2 BUS. & HUMAN RIGHTS J. 135, 136-37 (2017).

⁴⁶ Minky Worden, *Raising the Bar: Mega-Sporting Events and Human Rights*, HUMAN RIGHTS WATCH (2015), <https://www.hrw.org/world-report/2015/country-chapters/global-1> [<https://perma.cc/VA4N-86JU>].

⁴⁷ *Id.*

⁴⁸ JOHN RUGGIE, "FOR THE GAME. FOR THE WORLD." FIFA & HUMAN RIGHTS 4 (2016), https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/crj/files/Ruggie_humanrightsFIFA_reportApril2016.pdf [<https://perma.cc/Y3MZ-TKAU>].

⁴⁹ *Id.* at 17.

⁵⁰ *Id.* at 6.

⁵¹ *Id.* at 16.

⁵² *Id.* at 17.

⁵³ *Id.* at 21-22

- event in a manner that does not respect the land owners' rights.⁵⁴
- 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.⁵⁵
- The supply chains for the manufacture of goods necessary for the tournament commonly have numerous human rights risks.⁵⁶
- The provision of accommodations, and food and beverages to the event attendees raises similar concerns as with the constructions activities.⁵⁷
- 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.⁵⁸

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.⁵⁹ In 2000, Beijing, China was selected to host the 2008 Summer Olympics.⁶⁰ The government's land acquisition process led to hundreds of thousands of people being evicted from their homes with little to no compensation.⁶¹ In addition, the residents received little or no notice of their eviction.⁶² For example, it was reported that some residents returned from work to find out that their homes had been razed.⁶³ Despite public protests—in 2003 alone, one NGO reported that over three million people participated in 50,000 public protests of the evictions⁶⁴—the evictions continued.

⁵⁴ *Id.* at 22.

⁵⁵ *Id.*

⁵⁶ *Id.* at 23. In addition, FIFA's relationships with suppliers (for both branded and unbranded goods) creates the same human rights risks that other companies face. *Id.* at 18.

⁵⁷ *Id.* at 23

⁵⁸ *Id.* at 23-24.

⁵⁹ *Id.* at 22.

⁶⁰ Theresa H. Wang, Comment, *Trading the People's Homes for the People's Olympics: The Property Regime in China*, 15 PAC. RIM. L. & POL'Y J. 599, 599 (2006).

⁶¹ *Id.* at 600; Martha M. Hopkins, Comment, *Olympic Ideal Demolished: How Forced Evictions in China Related to the 2008 Olympic Games are Violating International Law*, 29 Hous. J. INT'L L. 155, 157 (2006).

⁶² Hopkins, *supra* note 61, at 169.

⁶³ *Id.* at 169.

⁶⁴ *Id.* at 166-67.

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

⁶⁵ Helen Yu, *Just Compensation: Ideal or Compromise? A Comparison of the Implementation of the Just Compensation Clause and Forced Urban Evictions in China and South Korea*, 16 TRANSNAT'L L. & CONTEMP. PROBS. 189, 210 (2006).

⁶⁶ ANDREA FLORENCE, TERRE DES HOMMES INT'L, BREAKING RECORDS: CHILD RIGHTS VIOLATIONS DURING THE RIO 2016 OLYMPICS 6 (Beth McLoughlin et al. eds., 2016), <http://www.childrenwin.org/wp-content/uploads/2016/09/Rio-2016-Briefing-Paper.pdf> [<https://perma.cc/YGP5-M4AN>].

⁶⁷ *Id.*

⁶⁸ Worden, *supra* note 46.

⁶⁹ AMNESTY INT'L, THE UGLY SIDE OF THE BEAUTIFUL GAME: EXPLOITATION OF MIGRANT WORKERS ON A QATAR 2022 WORLD CUP SITE 4 (2016), <https://www.amnesty.org/en/documents/mde22/3548/2016/en/> [<https://perma.cc/Q2LZ-PN4V>] [hereinafter AMNESTY INT'L, THE UGLY SIDE].

⁷⁰ *Id.* at 4-5.

⁷¹ *See id.*

⁷² *Id.* at 4.

⁷³ *Id.* at 5.

⁷⁴ INT'L TRADE UNION CONFEDERATION, FRONTLINES REPORT 2015: QATAR: PROFIT AND LOSS 25 (2015), https://www.ituc-csi.org/IMG/pdf/qatar_en_web.pdf [<https://perma.cc/U5ZQ-C4AD>].

Watch reports that unsafe working conditions, such as requiring work during excessive heat, causes hundreds of deaths per year.⁷⁵ The International Trade Union Confederation estimated that over 7,000 workers will die before the start of the World Cup.⁷⁶ Other sources reported that in the summer of 2013 an average of one migrant worker from Nepal died each day.⁷⁷ Moreover, Qatari legal protections for migrant workers are inadequate to address these abuses⁷⁸ and may even encourage human trafficking of migrant workers.⁷⁹

Dramatically, one media publication bluntly stated, “Qatar’s workers are not workers, they are slaves, and they are building mausoleums, not stadiums.”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

⁷⁵ David Conn, *Thousands of Qatar World Cup Workers ‘Subjected to Life Threatening Heat,’* THE GUARDIAN (Sept. 26, 2017, 10:59PM), <https://www.theguardian.com/football/2017/sep/27/thousands-qatar-world-cup-workers-life-threatening-heat> [<https://perma.cc/7BA7-5BV9>].

⁷⁶ INT’L TRADE UNION CONFEDERATION, *supra* note 74, at 22.

⁷⁷ Nigel G. Crocombe, Note, *Building a New Future: The 2022 FIFA World Cup as a Potential Catalyst for Labor Reform in Qatar*, 37 SUFFOLK TRANSNAT’L L. REV. 33, 44-45 (2014).

⁷⁸ See Azadeh Erfani, Comment, *Kicking Away Responsibility: FIFA’s Role in Response to Migrant Worker Abuses in Qatar’s 2022 World Cup*, 22 JEFFREY S. MOORAD SPORTS L.J. 623, 635 (2015) (“The Qatari judicial system traditionally has not been a resource for migrant workers who seek to hold their employers accountable.”) (citations omitted).

⁷⁹ See Paula Renkiewicz, Comment, *Sweat Makes the Green Grass Grow: The Precarious Future of Qatar’s Migrant Workers in the Run Up to the 2022 FIFA World Cup Under the Kafala System and Recommendations for Effective Reform*, 65 AM. U. L. REV. 721, 721 (2016) (arguing that “Qatar’s restrictive sponsorship system perpetuates human trafficking by exploiting migrant workers”).

⁸⁰ Jonathan Liew, *World Cup 2022: Qatar’s Workers Are Not Workers, They Are Slaves, and They Are Building Mausoleums, Not Stadiums*, THE INDEPENDENT (Oct. 3, 2017, 1:26PM), <http://www.independent.co.uk/sport/football/international/world-cup-2022-qatars-workers-slaves-building-mausoleums-stadiums-modern-slavery-kafala-a7980816.html> [<https://perma.cc/3MX4-FEBX>].

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.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.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.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.⁸⁴ Even at prior World Cups, workers have alleged abuses.⁸⁵ In both South Africa and Brazil, FIFA leadership was notified of the workers' situation.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.⁸⁷ In Qatar, migrant workers are denied the rights of freedom of association and collective bargaining.⁸⁸

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

⁸¹ *Id.*

⁸² AMNESTY INT'L, *THE UGLY SIDE*, *supra* note 69, at 70.

⁸³ HUMAN RIGHTS WATCH, *RACE TO THE BOTTOM: EXPLOITATION OF MIGRANT WORKERS AHEAD OF RUSSIA'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*].

⁸⁴ *Id.* at 2-3.

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/qatar0612webwcover_0.pdf [<https://perma.cc/5D8T-8SDJ>].

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* at 42-43.

commonly deny protestors and journalists their free speech rights.⁸⁹ During the 2014 World Cup in Rio de Janeiro, the government was accused of using excessive force against peaceful protestors resulting in numerous injuries.⁹⁰ In Qatar, the police detained journalists and destroyed their data.⁹¹ At many sporting events, there have long been concerns of women and children being the victims of human trafficking for purposes of prostitution.⁹² 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.⁹³

An issue gaining more recent attention—due to Russia hosting the 2014 Olympics and the 2018 World Cup—is discrimination that violates LGBT rights.⁹⁴ In 2013, Russia passed legislation that criminalized any speech that promotes homosexuality.⁹⁵ 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”⁹⁶ In

⁸⁹ Helen Jefferson Lenskyj, *The Olympic Industry and Civil Liberties: The Threat to Free Speech and Freedom of Assembly*, in SPORT, CIVIL LIBERTIES AND HUMAN RIGHTS 165, 165-166 (Richard Giulianotti & David McArdle eds., 2006).

⁹⁰ AMNESTY INTERNATIONAL, VIOLENCE HAS NO PLACE IN THESE GAMES!: RISK OF HUMAN RIGHTS VIOLATIONS AT THE RIO 2016 OLYMPIC GAMES 5 (2016), <https://www.amnestyusa.org/wp-content/uploads/2017/04/amr1940882016english.pdf> [<https://perma.cc/F3RN-9Q74>].

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).

⁹³ Kathy Marks, *Exposed: The Reality Behind London’s ‘Ethical’ Olympics*, THE INDEPENDENT (Apr. 14, 2012, 12:00AM), <http://www.independent.co.uk/news/world/asia/exposed-the-reality-behind-londons-ethical-olympics-7644013.html> [<https://perma.cc/NYZ8-K45C>].

⁹⁴ Richard J. Peltz-Steele & Jose A. Benavides, *World Cup Dreaming: Sporting Activism and the Incrementalist Advancement of Sexual Equality Through Association Football*, 118 W. VA. L. REV. 95, 97-100 (2015).

⁹⁵ *Id.* at 99-100.

⁹⁶ *Id.* at 100. For a discussion of the law’s history in Russia, see Stacey Alicia Maalej

Qatar—the host of the 2022 World Cup—homosexual acts can be criminally punished.⁹⁷

As this brief overview shows, human rights violations related to mega-sporting events are widespread and occur on a predictable basis. The focus of this Article is on the role of the governing bodies of these events in preventing human rights violations. The next Part sets out the expectations for business under the UN Guiding Principles on Business and Human Rights (UNGPs).⁹⁸ It then discusses how some sports governing organizations are starting to consider the UNGPs and determine how they can be implemented in their organization. To meet the promise of sports promoting peace, however, this Article argues that business should go even further than the requirements of the UNGPs. Prior to that discussion, the next section discusses how mega-sporting events are connected to corruption—an activity that works against peace directly,⁹⁹ and indirectly by leading to human rights abuses.¹⁰⁰

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 competitors¹⁰¹ and related to judging athletes'

Rusnak, *Reconciling Three Countries' Current Laws with Human Rights in the Face of International Law*, 20 ANN. SURV. INT'L & COMP. L. 139, 152-160 (2014). Although one Human Rights Watch official stated that the 2014 Olympics risked "being remembered as the anti-gay games," and several national leaders boycotted attending the games, it ultimately became a "non-issue" in terms of major controversies or scandals at the game. John T. Wendt, *Looking Back at Sochi: Lessons from Putin's Games*, 32 ENT. & SPORTS LAW 10, 10-11 (2016).

⁹⁷ Peltz-Steele & Benavides, *supra* note 94, at 101.

⁹⁸ John Ruggie (Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises), *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011) https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf [<https://perma.cc/AE5R-EFRX>].

⁹⁹ See Fort & Schipani, *supra* note 18, at 419-420 (citing works by Fort and Schipani that discuss the connection between corruption and peace).

¹⁰⁰ 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>].

¹⁰¹ Commentators have noted corruption in the Olympics as early as 388 B.C., when an athlete was accused of bribing a competitor. Andy Spalding et al., *From the 2014 World Cup*

performances.¹⁰² 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.¹⁰³

Corruption related to sports, however, reaches well-beyond just concerns about the integrity of the sporting competition.¹⁰⁴ 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.¹⁰⁵ 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 country¹⁰⁶—the bidding process has led to many allegations of corruption.¹⁰⁷ Second, the necessary infrastructure development and associated contracts with the host country or host city provide many opportunities for corruption.¹⁰⁸

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

to the 2016 Olympics: Brazil's Role in the Global Anti-Corruption Movement, 21 SW. J. INT'L LAW 71, 85-86 (2014).

¹⁰² See Jenny A. Urquhart, Comment, *Olympic Judging and Scoring is Far from a Perfect Ten: Why the International Olympic Committee Must Set Standards for Judging and Scoring to Save the Olympic Games*, 24 PENN ST. INT'L L. REV. 475 *passim* (2005).

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").

¹⁰⁴ See generally Alexandra Wrage, *Foreword to the Symposium Issue: Corruption in International Sports*, 32 MD. J. INT'L L. 1 (2017) (noting the corruption in the broader business of international sports).

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.

Id. (citations omitted).

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

¹⁰⁹ Thomas A. Hamilton, *The Long Hard Fall from Mount Olympus: The 2002 Salt Lake City Olympic Games Bribery Scandal*, 21 MARQ. SPORTS L. REV. 219, 221, 229-30 (2010). The United States officials eventually were acquitted of bribery charges in federal case due to insufficient evidence. Lex Hemphill, *OLYMPICS; Acquittals End Bid Scandal That Dogged Winter Games*, NY TIMES, Dec. 6, 2003, at D00001.

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.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.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.¹¹⁸ The extent of corruption resulted in India spending over \$4.6 billion on the games when the initial budget was only \$500 million.¹¹⁹ One commission alleged that up to \$1.8 billion was corruptly taken from the budget.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.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.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.

¹¹⁶ *Id.* at 91-92.

¹¹⁷ Owen Gibson, *India Tries to Save Reputation and Avert Commonwealth Games Crisis*, THE GUARDIAN, Sept. 22, 2010.

¹¹⁸ Sumon K. Chakrabarti, *Watchdog Questions Commonwealth Games Deals*, TIME, Oct. 26, 2010, <http://content.time.com/time/world/article/0,8599,2027349,00.html> [<https://perma.cc/HW8Y-6ACH>].

¹¹⁹ *Id.*

¹²⁰ *Games Chiefs Suresh Kalmadi and Lalit Bhanot Sacked*, BBC NEWS, Jan. 24, 2011, <http://www.bbc.co.uk/news/world-south-asia-12265465> [<https://perma.cc/CEG3-L4QK>].

¹²¹ See *supra* notes 14-15 and accompanying text.

¹²² Larry Cata Backer, *Moving Forward the UN Guiding Principles for Business and Human Rights: Between Enterprise Social Norm, State Domestic Legal Orders, and the Treaty Law that Might Bind Them All*, 38 FORDHAM INT'L L.J. 457, 458-59 (2015).

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

¹²³ Michael A. Santoro, *Business and Human Rights in Historical Perspective*, 14 J. HUM. RTS. 155, 156-57 (2015).

¹²⁴ *Id.* at 155, 156.

¹²⁵ Jena Martin Amerson, *'The End of the Beginning?': A Comprehensive Look at the U.N.'s Business and Human Rights Agenda from a Bystander Perspective*, 17 FORDHAM J. CORP. & FIN. L. 871, 887-89 (2012).

¹²⁶ Anita Ramasastry, *Corporate Social Responsibility Versus Business and Human Rights: Bridging the Gap Between Responsibility and Accountability*, 14 J. HUM. RTS. 237, 238 (2015).

¹²⁷ Claire Methven O'Brien & Sumithra Dhanarajan, *The Corporate Responsibility to Protect Human Rights: A Status Review*, 29 ACCT., AUDITING, AND ACCOUNTABILITY J. 542, 543 (2016).

¹²⁸ Surya Deva, *Global Compact: A Critique of the U.N.'s "Public-Private" Partnership for Promoting Corporate Citizenship*, 34 SYRACUSE J. INT'L L. & COM. 107, 130 (2006).

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.¹³¹

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*¹³² and the 2011 United Nations *Guiding Principles for Business and Human Rights* (UNGPs).¹³³ 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.¹³⁴ Business has a responsibility to respect human rights,¹³⁵ which means avoid infringing on the human rights of others.¹³⁶ Both the state and business have a responsibility to provide victims of human rights abuse with access to remedies.¹³⁷

The UNGPs set out how states and business should implement the UN Framework.¹³⁸ 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.¹³⁹ 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."¹⁴⁰ To meet that responsibility, business should make a policy commitment to respect human rights, adopt a "due diligence process to

¹³¹ Amerson, *supra* note 125, at 906.

¹³² See Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Protect, Respect and Remedy: A Framework for Business and Human Rights*, ¶ 17, U.N. Doc. A/HRC/8/5 (Apr. 7, 2008) [<https://perma.cc/B3DU-H6HQ>] [hereinafter the UN *Framework*].

¹³³ Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011) [<https://perma.cc/46D3-ZR8S>] [hereinafter *Guiding Principles*].

¹³⁴ UN *Framework*, *supra* note 132, at 9-14.

¹³⁵ *Id.* at 14-21.

¹³⁶ *Id.* at 9.

¹³⁷ *Id.* at 22-27.

¹³⁸ UN *Framework*, *supra* note 115, at ¶ 9.

¹³⁹ *Id.* at ¶ 11-24.

¹⁴⁰ *Guiding Principles*, *supra* note 133, at 14 (Principle 13).

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.¹⁴¹

The operational principles then detail how to implement those foundational principles.¹⁴² To determine human rights risks, the organization should consult with human rights experts and meaningfully engage with the relevant stakeholders.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.¹⁴⁴ Leverage refers to the organization’s ability or power to influence others and effect change.¹⁴⁵ Organizations should also track the effectiveness of their actions to address human rights impacts, seek feedback on those efforts,¹⁴⁶ and communicate those efforts externally.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.¹⁴⁸ In July 2015, FIFA announced that it had adopted two types of reforms.¹⁴⁹ First, FIFA stated that it had adopted extensive internal reforms in response to its corruption scandal.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.”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.”¹⁵² Later in 2016, FIFA engaged John Ruggie to

¹⁴¹ *Id.* at 15 (Principle 15).

(20) *Id.* at 4 (Principle 9).

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

¹⁵³ JOHN RUGGIE, HARV. UNIV., "FOR THE GAME. FOR THE WORLD." FIFA & HUMAN RIGHTS 4 (2016) [<https://perma.cc/Z2FB-U9S9>].

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.

parties.”¹⁶³ The next subsection discusses how sporting organizations can go beyond Ruggie’s six steps and promote the goal of peace by not just respecting human rights, but also promoting human rights.

C. Towards the Promise of Peace

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.¹⁶⁴ 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.”¹⁶⁵

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.

¹⁶⁴ Florian Wettstein, *Normativity, Ethics, and the UN Guiding Principles on Business and Human Rights: A Critical Assessment*, 14 J. HUM. RTS. 162, 169-70 (2015).

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.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.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.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.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).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.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,¹⁷² such as using the approaches identified by the UN Global Compact.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.¹⁷⁴ The next Part looks

¹⁶⁶ Christopher A. Bartlett et al., *IKEA's Global Sourcing Challenge: Indian Rugs and Child Labor (B)*, Harvard Business School Case 9-906-415, at 2 (Nov. 14, 2006).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 3.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 4-5.

¹⁷¹ UNICEF Canada, *IKEA and UNICEF Programmes Reach 74 million Children in India*, UNICEF CANADA (Sept. 5, 2012) [<https://perma.cc/GE8D-AUUH>]. See also Sebastien Mena et al., *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).

¹⁷² Hess, *supra* note 20, at 681.

¹⁷³ See *supra* note 165 and accompanying text.

¹⁷⁴ Hess, *supra* note 20, at 669-73. Likewise, in his report for FIFA, John Ruggie stated: 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.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.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 2018.¹⁷⁷ The Centre aims to bring together governments, non-governmental organizations, sports governing bodies, unions, sponsors, and others to work on these issues.¹⁷⁸ As a starting point, the Centre sets out foundational principles in the *2018 Sporting Chance Principles on Sports and Human Rights*.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

to evade legal and contractual requirements, including those protecting human rights. Lack of financial integrity, therefore, is a foundational source of human rights risks.

Ruggie, *supra* note 153, at 21.

¹⁷⁵ United Nations, *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>].

¹⁷⁶ *Id.*

¹⁷⁷ *Centre for Sports and Human Rights, Overview*, <https://perma.cc/8PS9-8JGV> (last visited Oct. 21, 2018).

¹⁷⁸ *Id.*

¹⁷⁹ CENTRE FOR SPORTS AND HUMAN RIGHTS, 2018 SPORTING CHANCE PRINCIPLES ON SPORTS AND HUMAN RIGHTS [<https://perma.cc/E3Z7-ZNVM>].

bidding for the location, to staging the event, to consideration of post-event impacts).¹⁸⁰ 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,¹⁸¹ and principle eight requires sports organizations to acquire the necessary knowledge and capacity to address human rights issues.¹⁸² 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.”¹⁸³

The Olympics have also made significant changes to its rules governing human rights issues related to event sites.¹⁸⁴ Starting with the 2024 Olympics, the contract with the host city will require the city to respect human rights.¹⁸⁵ 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.¹⁸⁶

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.¹⁸⁷ Second, there is no mechanism in place—such as an independent third-party monitor—to determine if the contract terms have been violated.¹⁸⁸ Third, it is unclear what sanctions would be imposed for any violation of the terms.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.¹⁹⁰ Likewise, the Olympic Agenda 2020 also fails to mention human rights beyond non-discrimination principles.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 2017.¹⁹² 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.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.”¹⁹⁴ To that end, FIFA published a description of its reformed bidding process to host the World Cup.¹⁹⁵ Included in the changes are commitments to transparency and to human rights.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.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

¹⁸⁷ Tomas Grell, *The Olympics & Human Rights – Part II: Human Rights Obligations Added to the Host City Contract*, ASSER INT’L SPORTS LAW CENTRE: ASSER INT’L SPORTS LAW BLOG (Jun. 13, 2017) [<https://perma.cc/2EBN-8HQR>].

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ Press Release, Amnesty International UK, 2024 Olympics: “Astonishing’ Omission of Human Rights from Host City Contract (Sept. 24, 2015) [<https://perma.cc/WY9X-VZKY>].

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.”¹⁹⁸ 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.”¹⁹⁹ 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.²⁰⁰

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.²⁰¹

However, FIFA’s policy does not outline how it plans to implement Principle Four.²⁰² 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 years²⁰³—adopted a human rights policy. The policy commits the games to the UNGPs, to conducting due diligence, and to report on those efforts.²⁰⁴

B. Next Steps

The UNGPs are focused on organizations not doing any harm with respect to human rights, either directly or indirectly.²⁰⁵ 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-

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 32.

²⁰⁰ *Id.*

²⁰¹ FIFA, *supra* note 192, at 5 (principle Four).

²⁰² *See id.*

²⁰³ COMMONWEALTH GAMES FEDERATION, HUMAN RIGHTS POLICY STATEMENT (Oct. 5, 2017) [<https://perma.cc/A7D8-KU9U>].

²⁰⁴ *Id.*

²⁰⁵ *See supra* note 164, at 169.

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.²⁰⁶ To understand how, it is important to distinguish between peacemaking, peacekeeping, and peacebuilding.²⁰⁷ Peacemaking involves efforts to end ongoing violence.²⁰⁸ Peacekeeping processes focus on preventing violence from recurring.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.”²¹⁰ Peacekeeping is negative peace, which means the avoidance of violence.²¹¹ Peacebuilding is positive peace, which is focused on harmony, integration, and building better relations between members of society.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.”²¹³

Peacebuilding and supporting positive peace are key aspects of how

²⁰⁶ Timothy L. Fort, *Gentle Commerce*, 4 BUS. PEACE & SUSTAINABLE DEVELOPMENT 107, 107 (2014) [hereinafter Fort, *Gentle Commerce*].

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

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ Johan Galtung, *Twenty-Five Years of Peace Research: Ten Challenges and Some Responses*, 22 J. PEACE RESEARCH 141, 151 (1985).

²¹² *Id.* at 145.

²¹³ Mikael Baaz, *Back to the Future: Promoting Peace through International Law*, 30 LEIDEN J. INT'L L. 775, 779 (2017).

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

²¹⁴ Fort, *Gentle Commerce*, *supra* note 206, at 111.

²¹⁵ *Id.*

²¹⁶ MICHAEL A. SANTORO, PROFITS AND PRINCIPLES: GLOBAL CAPITALISM AND HUMAN RIGHTS IN CHINA 33-42 (2000).

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. This Article is discussing the positive obligations to promote human rights and combat corruption in the community beyond the obligation to avoid negative 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.”²²²

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.²²³

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.²²⁴ Although there may be times when sports governing bodies should avoid

and the Case for the Benefit Corporation, 4 WM. & MARY BUS. L. REV. 639 (2013).

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

²³² FIFA Exec. Comm., *supra* note 148.

the entire life-cycle of hosting these events—from site selection, infrastructure development, operating the event, and then managing post-event.²³³ 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>].