
FIFA – The Beautiful Game – The Ugly Organization

As would be expected, we typically publish reviews of books that deal with international law. The legal topics which form part of the books under review in this essay are linked to corruption and various other forms of criminality or alleged criminality, but not directly to international law. And it is precisely for this reason that we thought it is urgent to bring the saga, which in different ways all five of these books narrate, to the attention of the international legal field.

Football (soccer) is much more than a mere sport, a leisure pastime. The economic stakes are simply huge; some reports estimate that football accounts for 2 per cent of world GDP. The politics are no less prominent – just think of the engagement of governments of the most powerful states to secure, for example, the hosting of the Mundial. It plays, too, an outsize role in East-West and North-South socio-political relations. How many teams from each region are to participate in this or that tournament, including of course the World Cup itself, is of great visibility and sensitivity. Socially, football, that wonderful, beautiful game, is a hugely important dimension in the lives of billions, measured by the astonishing numbers of TV viewership, the square miles of printed media dedicated to the game and the gazillions of gigabytes of internet and social media traffic. Hyperbole? Not on your life. It is impossible to overstate the importance of the game.

The Fédération Internationale de Football Association (FIFA) governs the management of this most popular sport on our planet – and increasingly it is impossible to disentangle the domestic and international dimensions of the game. And yet, as you will see when reading this review essay, it has been mired in corruption of the most egregious kind for decades. There was a moment of hope when, after the cleaning of the stables during the Blatter era – thanks, primarily, to the intervention of US law enforcement, which made front page news around the world – a new era was announced under the current leadership of FIFA. But hope has been dashed as any quick Google search will reveal. Full disclosure: I served for a period as an independent member of the Governance Committee of FIFA but resigned, alongside Navi Pillay and Ron Popper, in protest at what the *Financial Times* called the ‘night of the long knives’,¹ when FIFA got rid of the chairs of three of its watchdog committees, including the chair of the Governance Committee, Professor Miguel Maduro. They were, apparently, just a little bit too independent.

My conclusion from that experience is that de facto FIFA manages to operate outside any meaningful sense of the rule of law. The root causes for this are two: it is

¹ M. Ahmed, ‘Fifa Ousts Governance Chief in “Night of Long Knives”’, *Financial Times*, 9 May 2017, available at <https://www.ft.com/content/79ed66e2-3504-11e7-bce4-9023f8c0fd2e>.

formally a private entity registered under Swiss law, which has proven incredibly weak in controlling the organization whose branches, the regional confederations and the national federations, are structurally and legally beyond its reach. FIFA, of course, has a set of rules that, when read, press all the right buttons of accountability, integrity and all the rest, with an impressive array of organs designed to give effect to such. Except, as you will see, they malfunction for a host of reasons, and with no really effective outside control. The second reason is the huge power that FIFA exercises even vis-à-vis powerful states (including the threat of banning or suspending a national federation; which politician would take that risk?) and its powerful mantra of ‘keeping politics out of sport’ which has turned out to be an effective way to keep meaningful oversight and control out of FIFA.

In many ways FIFA is a powerful multinational second to none in its economic might and social and political impact, which exploits, like so many other multinationals, its formal private status and its leverage in the countries where it operates, to allow the nefarious stories the books under review reveal.

And yet, whereas the multinational corporation phenomenon has drawn the attention of international lawyers and international law for decades, FIFA has featured richly in the global administrative law literature, in some aspects of European Union (sports) law and, as regards the augustly named but only very partially successful Court of Arbitration of Sport (another private organization) in the arbitration literature. With some exceptions it is as if classical public international law proper has raised its hands and surrendered to the thrills of the game whilst shutting its eyes to the underlying miasma.

This review essay is, thus, presented as a stimulus and incentive for our field to engage more robustly with the beautiful game managed by this ugly organization.

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