

# THE OLYMPIC BRIBERY SCANDAL

By Dr Bill Mallon

**U**ntil 24 November 1998, all seemed to be well at the IOC headquarters along the shores of Lake Geneva. There had been few recent political problems, revenues from fund-raising and television were at all-time highs, and the most recent Olympic Games had been highly successful.

But on that day the Salt Lake City (Utah) television station, KTVX, reported that the Salt Lake Olympic Organizing Committee for the Olympic Winter Games of 2002 (SLOC) had been paying for Sonia Essomba to attend American University in Washington.<sup>1,2,5,11,17</sup> The announcement by itself seemed innocent enough, but it had far reaching repercussions, and what eventually transpired threatened the entire existence of the International Olympic Committee.

Sonia Essomba was the daughter of René Essomba, the late IOC member (1978-98) to Cameroon. The payments, it would be revealed, were part of a larger scheme set up by SLOC to award scholarships to the family members and friends of IOC members in an effort to win their votes to become the Host City. The scholarship program had its start when Salt Lake City was bidding to win the 2002 Olympic Winter Games. Within a few days after the revelation of the Essomba “scholarship” the media reported that, beginning in 1991, shortly after Salt Lake City had lost the 1998 Winter Olympic bid to Nagano,<sup>13</sup> individuals had received scholarship assistance worth almost \$400,000 from the Salt Lake Bid Committee or SLOC. Of these 13 individuals, at least six were close relatives of IOC Members.<sup>4</sup>

The International Olympic Committee Executive Board had a scheduled meeting in Lausanne shortly after these announcements. But even before that meeting, on 1 December, IOC President Juan Antonio Samaranch requested the IOC Juridical Commission to review the issue of the alleged scholarship. The Executive Board meeting began on 12 December 1998, but at the close of the meeting,

Swiss IOC Member Marc Hodler spoke openly to the press, stating that at least 5-7% of IOC members had taken or solicited bribes by bid cities. He described corruption in the bidding system and stated that agents existed who, for a significant price, would attempt to deliver IOC votes to the various cities bidding for the Olympic Games and Olympic Winter Games.<sup>11</sup>

Within a few days, all manner of revelations were published by the media, which descended like sharks on a feeding frenzy. Among other announcements, Intermountain Health Care in Salt Lake City announced that it had provided free medical care to three people connected to an IOC member, which amounted to \$28,000 worth of care for hepatitis, cosmetic surgery, and a total knee replacement. On 16 December, Salt Lake City mayor Deedee Corradini said that the city had hired the son of IOC Member David Sibandze as an intern. Bruce Baird, formerly the leader of the Sydney 2000 bid for the Olympic Games, announced that he had been approached by a non-IOC member who stated that, for the right price, he could deliver African IOC votes.<sup>1,2,4,5,11,17</sup>

Shortly before Hodler’s interview, upon the recommendation of the Juridical Commission, Samaranch had already formed an ad hoc commission to look into the allegations and accusations made against the host cities and bid cities.<sup>11</sup> Canada’s Dick Pound was named to head the inquiry, usually called the Pound Commission.<sup>11</sup> But Samaranch himself did not escape unscathed, when the press published reports in early January 1999 that he had been given expensive guns as gifts from Salt Lake City. Samaranch noted, however, that he had not kept the gifts for himself but had donated them to the Olympic Museum.<sup>2,17</sup>

Salt Lake City was not the only bid or Host City involved in the bribery scandal and efforts to investigate the Nagano bid committee began in earnest, as those Games had just ended in February 1998. It was reported in the Japanese media that the

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Nagano bid committee spent an average of \$22,000 on 62 visiting IOC members. But further investigational efforts were forestalled when it was discovered that Nagano had destroyed all the records of their bid committee. If they had a smoking gun, it had been put out. Samaranch attempted to elicit information on other bid committees by writing to each bid committee or relevant National Olympic Committee going back to 1990, and requesting evidence of IOC Member wrongdoing<sup>2,17</sup>

At the beginning of 1999, investigating the IOC and the bid city process seemed to be all the rage. In addition to the Pound commission, the SLOC formed its own Board of Ethics to investigate its own practices. The United States Olympic Committee (USOC) also formed a panel to investigate the IOC, its administrative processes, and the selection of Olympic host cities. Headed by the former U.S. Senator from Maine, George Mitchell, its formal title was the Special Bid Oversight Commission of the United States Olympic Committee, but this group became known as the Mitchell Commission. Concurrently, the FBI (Federal Bureau of Investigation) began its own inquiry into the SLOC to determine if any federal laws were violated relating to bribery and the Foreign Corrupt Practices Act. Of note, only the Pound Commission actually interviewed the IOC Members under investigation, allowing them a chance to answer the charges before them.

New announcements from Salt Lake City appeared in the press almost daily in January 1999. On 7 January the Associated Press reported that IOC Member Jean-Claude Ganga of the Republic of the Congo had earned a \$60,000 profit on a land deal arranged by a member of SLOC.<sup>2</sup> On the same day, the first ripples that Salt Lake City and the Olympic Movement might be hit in the pocket book appeared when US West Airline, a major sponsor of the 2002 Olympic Winter Games, said it would withhold \$5 million in payments until SLOC could answer question's about the allegations.<sup>2</sup> Shortly thereafter, David F. D'Alessandro, President of John Hancock Financial Services announced that, until the IOC cleaned up its act, his company would withhold payments to the Olympic Movement,

On 8 January 1999, the President and CEO of SLOC, G. Frank Joklik, resigned, as did his Senior

Vice-President, Dave Johnson.<sup>15</sup> Joklik gave a press conference at which he made the following statements:

"I have an announcement to make that saddens me greatly. For the better part of the last decade, I have been intensely involved, along with some of the finest people I know, in bringing the 2002 Olympic Winter Games to Salt Lake City. This has been a tremendously successful effort so far and will be the most successful Olympic Games in history. I plan to help make it so.

"In the last six weeks I have been deeply dismayed by the facts that have come forth concerning behaviour by certain individuals acting for the Bid Committee during the process of winning the right to stage the Games. I have been reluctant to comment or take any action with regard to these charges because of my deep concern that we should be sure before we speak or act."

After Joklik described some of the transgressions of the bid committee and SLOC, he said, "Therefore, I have today obtained the resignation of David Johnson, who was a vice-president of the Bid Committee, and has been acting as Senior Vice-President of the Organizing Committee until today. I have recommended the appointment of a new Chief Operating Officer. The other two principal members of the Bid Committee, Tom Welch, who was Chief Executive Officer and Craig Peterson, who was the Chief Administrative Officer, are no longer employees of the corporation. ... Finally, to ensure that the Games go immediately forward, I must take steps of my own. Although I had no knowledge of these improper payments during my tenure as the volunteer Chairman of the Board of Trustees of the Bid Committee, in order to assure the people of Salt Lake City, the State of Utah, and the world that the Organizing Committee is distinct from the bid committee and is off to a fresh start, I have tendered my resignation today."<sup>15</sup>

Tom Welch was the main impetus behind the Salt Lake City bid to host the 2002 Winter Olympics. Though no longer in an administrative position with SLOC, he was on their payroll as a consultant when the scandal hit. Joklik stated that Welch's consulting

agreement was terminated as of his announcement.<sup>15</sup> Over the next few months, Welch was a marked man, and a reclusive one, who made no public statements but spoke only through his lawyers. He has been a figure in the FBI investigation of the Salt Lake Bid Committee (SLBC), and his lawyer, Tom Schaffer, revealed later in 1999 that Welch denied any wrongdoing, but the Associated Press reported that he would consider testifying against members of the IOC in exchange for immunity from prosecution.<sup>16</sup>

On 14 January 1999 USOC official Alfredo La Mont resigned amidst allegations that he had worked with SLOC to secure information concerning Latin American IOC Members. The next day, Samaranch called for an extraordinary IOC Session to be held in Lausanne on 17-18 March, but he also stated that he would not resign, despite frequent calls in the media for him to do so. One break for SLOC occurred at this time as US West gave the committee the promised \$5 million which it had been holding until all information was available.<sup>1,2,3,17</sup>

On 19 January Finnish IOC Member Pirjo Häggmann resigned. She was one of the first two female members of the IOC, having served since 1981. But her “crime” was that her ex-husband had worked for the Salt Lake City bid committee and had also worked for the Toronto Bid Committee when that city bid to host the 1996 Olympics.<sup>1,2,5,17</sup>

The second IOC member to resign was the Libyan, Bashir Mohamed Attarabulsi, who did so on 22 January. It was revealed that his son had attended an English language center at Brigham Young University in Salt Lake City, with tuition paid by SLOC and the son was provided with \$700/month by the organizing committee.<sup>1,2,5,17</sup>

The Sydney bid for the 2000 Olympics, to this time, had been relatively unscathed. But on the same day that Attarabulsi resigned, John Coates, who had headed the Sydney bid, admitted that he had made last-minute offers of \$70,000 to two African IOC officials, but said the action was legitimate.<sup>1,2,5,17</sup>

On 23 January, the IOC Executive Board met in Lausanne to discuss the preliminary findings of the Pound Commission and make some early decisions. At the end of the meeting, Samaranch announced that the IOC had made mistakes, that they were responsible, and that it must never happen again. Six IOC Members were suspended, pending the final Pound Report, with a vote to be taken on their possible expulsion at the special IOC Session in March.

The six IOC Members suspended (and eventually expelled) were Lamine Keita of Mali, Agustin Arroyo of Ecuador, Charles Mukora of Kenya, Zein El-Abdin Mohamed Ahmed Abdel Gadir of the Sudan, Sergio Santander Fantini of Chile, and the aforementioned Jean-Claude Ganga. A third member resigned voluntarily, David Sibandze of Swaziland, while investigations continued into the status of three other members - Korea’s Kim Un-Yong, Russia’s Vitaly Smirnov, and Louis Guirandou-N’Diaye of Côte d’Ivoire. Dutch member Anton Geesink, a former gold medalist in judo, had been investigated, but was exonerated, and given only a warning.<sup>14</sup>

Then came the reports. The first commission to formally issue its findings was the Board of Ethics of the Salt Lake Organizing Committee for the Olympic Winter Games of 2002. This was a five-member commission chaired by The Honorable Gordon R. Hall, former Chief Justice of the Utah Supreme Court. Their report was issued to the SLOC Board of Trustees on 8 February 1999.<sup>4</sup> It was scathing.

It began by noting that the Board of Ethics had been formed on 10 April 1997 but the SLOC had asked it in December to expand its role in response to “certain allegations of wrongdoing or improper activity ... during the bid effort.” The SLOC Executive Committee had asked the Board of Ethics “to conduct an independent and thorough investigation ...” This investigation stated that Salt Lake City believed that it had lost the bid for the 1998 Winter

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The IOC was once broke,  
and it was only in the 1980s  
that it began to achieve  
financial independence. But  
all this happened quickly, too  
quickly for the IOC to adjust.

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Olympics to Nagano because of the extreme measures taken by the Nagano bid committee to “befriend” IOC Members. Of note, shortly before the IOC Meeting at which Nagano was chosen, Japanese companies made large donations, possibly in excess of \$15 million, to the IOC Museum in Lausanne. It should be noted, however, that Olympic Winter Games in Salt Lake City in 1998 would have followed the Olympic Games in Atlanta in 1996, and the IOC no longer usually awards both Games consecutively to the same nation.

With this in mind, the Salt Lake City bid committee, led by Tom Welch, revealed its new mission statement in October 1991. The mission for International Relations was to “plan and implement a campaign to secure the winning number of IOC member votes for Salt Lake City in Budapest in 1995.”<sup>4</sup> To that end, the following goals, among others, were established:

- ‘Establish and maintain long-term, vote influencing relationships with IOC members.
- Establish and maintain long-term relationships with other key people of the Olympic Family. A key person is one who would influence an IOC member’s vote.
- Establish and maintain long-term, vote influencing relationships with the USOC.<sup>4</sup>

The Board of Ethics report then described a litany of indiscretions by the bid committee and SLOG. These included:

- Bid and organizing committee payments to Sibon Sibandze, son of Swaziland IOC Member David Sibandze, totalling \$111,389.12, ending in October 1996.<sup>4</sup>
- The existence of the “scholarships program” which assisted family members or friends of IOC Members with payments to universities or other educational opportunities.<sup>4</sup>
- The employment of John Kim, son of IOC Member Kim Un-Yong, by Keystone Corporation, after Tom Welch had interceded on his behalf. Keystone was reimbursed the full costs of John Kim’s employment, estimated to be between \$75,000 and \$100,000. (The Pound Report later noted”... the Commission considers that there was an arrangement between SLBC [Salt Lake Bid Committee] and Keystone under which SLBC was

reimbursing Keystone for John Kim’s salary.”)

- Payment of living expenses in Salt Lake City from June 1992 to 1995, totalling nearly \$21,000, for Nancy Rignault Arroyo, daughter of IOC Member Agustin Arroyo. (The Pound Report later estimated these benefits at \$10,468.83.)
- Payments to consultants whose primary responsibility seemed to be to facilitate introductions between IOC Members and bid committee members. These consultants and their payments are listed as follows in the report: Mahmoud El-Farnawani, a consultant based in Toronto specializing on IOC Members from the Mediterranean region, was paid \$148,260 over three years; Muttaleb Ahmad, Director-General of the Olympic Council of Asia, was paid \$62,400 from June 1994-June 1995; “Citius” - a consulting contract which was traced back to an association with Alfredo La Mont, USOC Director of International Relations and Protocol, and which was paid \$25,714.35 between March 1990 and May 1991; ARCA - another entity affiliated with Alfredo La Mont, which was paid \$18,185.90; and the earlier described association with Bjarne Häggmann, husband of Pirjo Häggmann.<sup>4</sup>
- Payment of rent, tuition, and expenses for Sonia Essomba, which began the scandal’s revelations, to the tune of \$108,350.<sup>4</sup>

The Board of Ethics did not stop with the above, and it noted that “Many witnesses before the Board of Ethics described Mr. [Jean-Claude] Ganga as the IOC member who most took advantage of the Bid Committee’s and the community’s generosity.” The report noted that Ganga visited Salt Lake City on six occasions. During those visits he was treated for hepatitis, his mother-in-law underwent total knee replacement surgery, and his wife had cosmetic surgery, all on the dole of the Salt Lake City bid committee. It was estimated that travel expenses for Mr. Ganga and his family alone exceeded \$115,000.<sup>4</sup>

In addition, the report stated, “There is no personal relationship between a Bid Committee official and an IOC member that appears more improper than the business dealings between Mr. Welch and Mr. Ganga.” Specifically, in May 1994, Welch and Ganga formed a partnership called “Claudet Investments,” whose purpose was listed as to “invest in real and personal

property." Ganga was also assisted by SLOC Trustee Bennie Smith, Jr. in the purchase of land in the Ogden, Utah area, with Ganga realizing a profit of \$60,000, when the land was quickly re-sold. There were also unexplained direct payments from the bid committee to Ganga totalling \$70,010.<sup>4</sup>

The Board of Ethics report revealed further payments. Charles Mukora, the Kenyan IOC Member was paid \$34,650 directly, purportedly for a Kenyan NOC program. Sergio Santander Fantini, Chilean IOC Member and President of the Chilean NOC, was paid directly and it is noted that, "both checks, totalling \$20,050, lack proper documentation." Further direct payments were requested from one of the consultants, Muttaleb Ahmad, to Zema Gadir, who was said to be the daughter of the Sudanese IOC Member, General Zein El-Abdin Mohamed Ahmed Abdel Gadir. But it was discovered that General Abdel Gadir has no daughter. (Note Abdel Gadir's initials - Z.E.M.A. Abdel Gadir!)<sup>4</sup>

And so it went, through 57 pages of revelations of various indiscretions. The Board of Ethics Report concluded with nine recommendations, as follows:

1. The IOC should promulgate and enforce rules governing interactions between bid cities and IOC members.
2. The IOC should require bid cities to file periodic reports detailing all expenditures on behalf of IOC members.
3. The IOC and the USOC should prohibit bid cities from participating in NOC assistance or Olympic Solidarity programs during the bid process.
4. The USOC should promulgate and enforce rules governing interactions between U.S. bid cities, the USOC and the IOC.
5. SLOC should monitor the ongoing efforts of the IOC and the USOC to promulgate rules governing interactions with IOC members, and should establish supplementary policies as necessary.
6. SLOC should create an ombudsman position to provide an avenue for employees to communicate their concerns to the Board of Trustees.
7. SLOC should seek Board of Ethics review prior to making decisions that raise ethical concerns.

8. SLOC's Executive Committee should conduct semi-annual reviews of all material expenditures by SLOC.
9. SLOC should undertake a thorough review of its policies to ensure that appropriate direction is given to management and the Board of Trustees in conducting their business.<sup>4</sup>

The IOC could barely catch its breath over these revelations when the Mitchell Commission released its report on 1 March 1999.<sup>19</sup> The Mitchell Commission did note that its sources were documents from SLOC and the USOC, as well as media reports. It did not interview IOC Members under investigation nor did it review IOC documents. It interviewed the two IOC Members to the United States, Anita DeFrantz and James Easton, as well as Frank Joklik. It was unable to interview Tom Welch and Alfredo LaMont, both of whom declined interview requests upon advice of counsel.

The Mitchell Report was more encompassing, dealing with several arms of the Olympic Movement. It looked at the bidding process, the IOC structure, and the USOC itself. Its 50 pages of documentation ended with seven pages of conclusions and recommendations.<sup>19</sup> However, these were summarized early in the document as follows:

In our report, we make a Series of recommendations. principal among them are:

1. Bid cities should be prohibited from giving to members of the USOC or the IOC anything more than nominal value, and from directly paying the expenses of members of the USOC or IOC. Travel to bid cities and other expenses should be paid out of a central fund administered by the USOC in the selection of a United States candidate city, and out of a central fund administered by the IOC in the selection of a host city.<sup>19</sup>
2. The USOC must strengthen its oversight of the site selection process by:
  - a. establishing an independent Office of Bid Complaints;
  - b. prohibiting bid and candidate cities from having or participating in any international assistance program;

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- c. strictly applying the criteria for the award and administration of its International Assistance Fund; and
  - d. strengthening its Bid Procedures Manual and its Candidate City Agreement.<sup>19</sup>
3. The IOC must make fundamental structural changes to increase its accountability to the Olympic Movement and to the public:
- a. a substantial majority of its members should be elected by the National Olympic Committees for the country of which they are citizens, by the International Federations, and by other constituent organizations. The athlete members should be chosen by athletes. There should be members from the public sector who best represent the interests of the public.
  - b. its members and leaders should be subject to periodic re-election with appropriate term limits;
  - c. its financial records should be audited by an independent firm, and the results of the audit disclosed publicly, at least yearly; and
  - d. appropriate gift giving rules, and strict travel and expense rules should be adopted and vigorously enforced.<sup>19</sup>
4. The USOC should request the President of the United States to consider, in consultation with other governments, naming the IOC a “public international organization” within the meaning of the Foreign Corrupt Practices Act, as amended.<sup>19</sup>

But the Mitchell Commission, unlike the Pound Commission for the IOC, the Board of Ethics Commission for SLOC, and the FBI investigation, had no real power, and had primarily only a consultative role. But the IOC was listening.

An important recommendation made by the Mitchell Commission was to have the IOC and USOC “take the necessary steps to designate the IOC as a ‘public international organization’ pursuant to the OECD’s [Organization for Economic Cooperation and Development] Recommendation on Combating Bribery in International Transactions, and pursuant to the Foreign Corrupt Practices Act.” The IOC attempted to do this but in early December 1999, Donald J. Johnson of the OECD replied, “The IOC does not correspond to the definition of a public

international organization in the meaning of Article I, Paragraph 4 of the convention, and that, as a result, its members could not be regarded as foreign public officials in the meaning of the convention. ... I have asked the secretariat, in the context of this work, to put to the working group the idea of the convention possibly covering the officials of non-governmental international organizations such as the IOC.”<sup>26</sup>

In April U.S. Congressman Henry A. Waxman (D-California) introduced legislation to prohibit American corporations, including the television networks, from providing any financial support to the IOC until it instituted the reforms recommended by the Mitchell Commission. He later noted in House Subcommittee testimony that “It was a tough bill, a controversial one, but a necessary piece of legislation. It was also a bill with bipartisan support from members with very different political views.”<sup>26</sup>

The next published report after the Mitchell Report was the Sheridan Report, produced by Mr. Tom A. Sheridan, former Auditor General for Australia.<sup>18</sup> Entitled Examination for SOCOG: Review of Records of the Sydney Olympics 2000 Bid Ltd by Independent Examiner, the report was produced in conjunction with Deloitte Touche Tohmatsu (auditors) and Clayton Utz (lawyers). Sheridan’s report investigated only the Sydney bid for the 2000 Olympic Games. Although it reached a number of conclusions, Sheridan was very careful not to make unwarranted assumptions. He noted, “I am reporting factual material which has not been tested and the accuracy and correctness of which has not been evaluated. Affected persons have not, in most cases, had an opportunity to comment or to rebut the material.” We stated further, “It is important to note that my powers in obtaining evidence outside the Bid Company records were limited to the co-operation that individuals or organisations saw fit to provide.” This is a problem inherent in most of the reports, as their commissions do not have subpoena power, nor can they act with policing authority to investigate crimes.<sup>18</sup>

A much milder report than either the Mitchell or the Salt Lake City report, the Sheridan Report was criticized in the Australian media as being too “kind” to the Sydney bid committee. But Sheridan did point out several instances in which he considered either the bid committee or IOC Members to have breached

the standards of conduct outlined by the IOC. Among other items, he reported that:

- There were several breaches of guidelines related to gift giving to IOC members, in excess of the \$200 (US) limit.<sup>18</sup>
- Two IOC Members had trips to European sporting events paid for by the Sydney Bid Committee, outside of IOC guidelines - Niels Hølst-Sørensen (DEN) and his wife attended the 1993 French Open tennis final; and Kevin O'Flanagan (IRL) and his brother attended the 1992 Wimbledon tennis final - both on the Sydney Bid Committee tab.<sup>18</sup>
- Several visits to IOC members in other nations made by Sydney Bid CEO Rod McGeoch were breaches of IOC guidelines. These national visits were noted to be to Mongolia, Brazil, Argentina, Venezuela, Mexico, and India.<sup>18</sup>
- Although not considered by Sheridan as a strict breach of IOC guidelines, he stated that the Sydney Bid Committee employed two professional lobbyists - Mahmoud El-Farnawarni and Gabor Komyathy - whose charge was to travel extensively, visit IOC Members, and lobby them on Sydney's behalf. They were paid AUD \$180,000 and AUD \$200,000 respectively.<sup>18</sup>
- There were few apparent breaches of the guideline relating to IOC Member trips to visit Sydney.<sup>18</sup>

The IOC extraordinary session was planned for 17-18 March. Before this meeting the Executive Board met again and Dick Pound released the "Second Report of the IOC ad hoc Commission to Investigate the Conduct of Certain IOC Members and to Consider Possible Changes in the Procedures for the Allocation of the Games of the Olympiad and the Olympic Winter Games."<sup>14</sup>

The Pound Report began with a short description of the conclusions of the Board of Ethics Report and the Mitchell Report. It then made its final recommendations near the beginning of the document, although these recommendations were supported by almost 50 pages of documentation describing the transgressions of certain IOC Members<sup>14</sup>

The report recommended expelling six IOC members: Agustin Arroyo, Zein El-Abdin Mohamed

Ahmed Abdel Gadir, Jean-Claude Ganga, Lamine Keita, and Sergio Santander Fantini, who were all mentioned in the preliminary Pound Report, and Paul Wallwork of Samoa. Charles Mukora, whose expulsion had been recommended earlier, had since resigned.<sup>14</sup>

Nine IOC members had been investigated, but were given only warnings with no recommendations of expulsion: Phillip Coles of Australia, Louis Guirandou-N'Diaye of Côte d'Ivoire, Willi Kaltschmitt Lujan of Guatemala, Kim Un-Yong of Korea, Shagdarjav Magvan of Mongolia, Anani Matthia of Togo, Vitaly Smirnov of Russia, and Mohamed Zerguini of Algeria. Three members had been investigated, but it was recommended that they should be fully exonerated of the allegations made against them, as follows: Henry Edmund Olufemi Adefope of Nigeria, Ashwini Kumar of India, and Ram Ruhee of Mauritius. Austin Sealy of Barbados was originally given a warning but was later fully exonerated.<sup>14</sup>

After describing its recommendations concerning the IOC Members, the Pound Report made several conclusions. It noted that the IOC must take action to correct the problems within its membership, and it must implement reforms to be certain these problems could never occur again. The Commission also noted that the IOC should have done more to avoid the problems concerning Salt Lake City's candidacy."

The Pound Report answered the critics of the IOC, however, in its next few statements. It noted that the suggestion that the IOC had fostered or encouraged a climate of corruption was neither fair nor true, giving three examples why this was not so: First, the IOC set guidelines as early as 1988 for bid cities to follow concerning gifts to IOC Members but that bid cities had resisted these guidelines from the outset. Second, as soon as the evidence of improper behaviour by IOC members was made public in late November 1998, the IOC took action, and ordered the first inquiry into the problem on 1 December 1998, before any such investigation by the SIOC or USOC. Third, the Commission strongly stated that the IOC was prepared to take decisive action to prevent a future re-occurrence of the problem.<sup>14</sup>

The Pound Report then reaffirmed endorsement of recommendations it had made in its initial report of

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24 January, which included:

- Adoption of significant changes in the host city selection process. These changes must be made with an eye to eliminating even an appearance of conflict of interest among those who decide where the Olympic Games are to be hosted.<sup>14</sup>
- Limitations on travel by IOC members to bid cities.<sup>14</sup>
- The creation of a permanent, independent Ethics Commission charged with developing a Code of Ethics and appropriate enforcement mechanisms. This Commission should be composed of outstanding senior persons from nations around the globe, a majority of whom will be independent, outside members.<sup>14</sup>

The IOC met in full session a few days later. It voted to expel the members as recommended by the Pound Report, meaning that fully 10 members of the IOC lost their position in the scandal. But more importantly, the IOC voted to form two new commissions to help reform the structure of the IOC and the Olympic Movement and to ensure that such problems would never happen again.<sup>8,11</sup>

The two commissions were the Ethics Commission and the IOC 2000 Commission. The Ethics Commission's function is described above, but the IOC 2000 Commission may have had a more important role. It was charged with reforming the entire structure of the Olympic Movement into the next millennium to help prevent such ethical breaches in the future.<sup>8,11</sup>

The IOC 2000 Commission was made up of 82 members, with less than half of them IOC Members, and with an Executive Board of 26 members, of whom 13 were IOC Members. The commission produced an intermediary report in June 1999 and their final report was released in November 1999, although early leaks of information were available. Altogether the IOC 2000 Commission studied more than 100 possible ideas concerning reform of the Olympic Movement, and eventually made 50 separate recommendations to the IOC.

The Ethics Commission's primary focus was to address the responsibilities of the IOC and oversee the selection process of host cities.<sup>8</sup> The Ethics Commission consisted of eight members - three IOC Members (Chairman Judge Kéba Mbaye, R. Kevan

Gosper, and Chiharu Igaya), and five independent members. The independent members were chosen for their backgrounds as follows:

- Howard Baker - former White House Chief of Staff, former majority leader of the United States Senate
- Javier Perez de Cuellar - former United Nations Secretary-General
- Robert Badinter - former President of the French Constitution Court
- Kurt Fürgler - former President of the Swiss Confederation
- Charmaine Crooks - five-time Olympic runner from Canada<sup>11</sup>

The Ethics Commission produced an IOC Code of Ethics, in the spring of 1999, which reads as follows:<sup>9</sup>

### I. Dignity<sup>9</sup>

- 1 Safeguarding the dignity of the individual is a fundamental requirement of Olympism.
- 2 There shall be no discrimination between participants on the basis of race, sex, ethnic origin, religion, philosophical or political opinion, marital status or other grounds.
- 3 No practice constituting any form of physical or mental injury to the participants will be tolerated.
- AU doping practices at all levels are strictly prohibited. The provisions against doping in the Olympic Movement Anti-Doping Code shall be scrupulously observed.
- 4 All forms of harassment against participants, be it physical, mental, professional or sexual, are prohibited.
- 5 The Olympic parties shall guarantee the athletes conditions of safety, well-being and medical care favorable to their physical and mental equilibrium.

### II. Integrity<sup>9</sup>

- 1 The Olympic parties or their representatives shall not, directly or indirectly, solicit, accept or offer any concealed remuneration, commission, benefit or service of any nature connected with the organization of the Olympic Games.

- 2 Only gifts of nominal value, in accordance with prevailing local customs, may be given or accepted by the Olympic parties, as a mark of respect or friendship. Any other gift must be passed on to the organization of which the beneficiary is a member.
- 3 The hospitality shown to the members and staff of the Olympic parties, and the persons accompanying them, shall not exceed the standards prevailing in the host country.
- 4 The Olympic parties shall avoid any conflict of interest between the organization to which they belong and any other organization within the Olympic Movement. If a conflict of interest arises, or if there is a danger of this happening, the parties concerned must inform the IOC Executive Board, which will take appropriate measures.
- 5 The Olympic parties shall use due care and diligence in fulfilling their mission. They must not act in a manner likely to tarnish the reputation of the Olympic Movement.
- 6 The Olympic parties must not be involved with firms or persons whose activity is inconsistent with the principles set out in the Olympic Charter and the present Code.
- 7 The Olympic parties shall neither give nor accept instructions to vote or intervene in a given manner within the organs of the IOC.

### III. Resources<sup>9</sup>

- 1 The resources of the Olympic parties may be used only for Olympic purposes.
- 2 The income and expenditure of the Olympic parties shall be recorded in their accounts, which must be maintained in accordance with generally accepted accounting principles. These accounts will be checked by an independent auditor. They may be subjected to auditing by an expert designated by the IOC Executive Board.
- 3 The Olympic parties recognize the significant contribution that broadcasters, sponsors, partners and other supporters of sports events make to the development and prestige of the Olympic Games throughout the world. However, such support must be in a form

consistent with the rules of sport and the principles defined in the Olympic Charter and the present Code. They must not interfere in the running of sports institutions. The organization and staging of sports competitions is the exclusive responsibility of the independent sports organizations recognized by the IOC.

### IV. Candidatures<sup>9</sup>

The Olympic parties shall in all points respect the IOC Manual for cities bidding to host the Olympic Games. Candidate cities shall, inter alia, refrain from approaching another party or a third authority, with a view to obtaining any financial or political support inconsistent with the provisions of such Manual.

### V. Relation with States<sup>9</sup>

- 1 The Olympic parties shall work to maintain harmonious relations with state authorities, in accordance with the principle of universality and of political neutrality of the Olympic Games. However, the spirit of humanism, fraternity and respect for individuals which inspires the Olympic ideal requires the governments of countries that are to host the Olympic Games to undertake that their countries will scrupulously respect the fundamental principles of the Olympic Charter and the present Code.
- 2 The Olympic parties are free to play a role in the public life of the states to which they belong. They may not, however, engage in any activity or follow any ideology inconsistent with the principles and rules defined in the Olympic Charter or set out in the present Code.
- 3 The Olympic parties shall endeavor to protect the environment on the occasion of any events they organize. In the context of the Olympic Games, they undertake to uphold generally accepted standards for environmental protection.

### VI. Confidentiality<sup>9</sup>

The Olympic parties shall not disclose information entrusted to them in confidence. Disclosure of information must not be for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any person or organization.

VII. Implementation<sup>9</sup>

- 1 The Olympic parties shall see to it that the principles and rules of the Olympic Charter and the present Code are applied.
- 2 The Olympic parties shall notify the Ethics Commission of any breach of the present Code.
- 3 Each year, the Ethics Commission will submit to the IOC President and Executive Board a report on the application of the present Code, noting any breaches of its rules. The Commission will propose to the IOC Executive Board sanctions which might be taken against those responsible.
- 4 The Ethics Commission may set out the provisions for the implementation of the present Code in a set of bye-laws.

As 1999 wore on, news about the investigations and the scandal was less common. But on 3 August the first criminal indictment related to the scandal occurred when David Simmons, former chief executive of Keystone Communications, pleaded guilty to a federal misdemeanor tax charge, admitting in a statement that he had employed John Kim, son of Kim Un-Yong, as part of a scheme to help him obtain permanent resident status in the United States. He also admitted that he had entered into false agreements to conceal that Kim's salary was actually funded by the Salt Lake City Olympic Bid Committee. The U.S. Justice Department's criminal information noted that "the payments were made under a sham employment arrangement designed to enable the IOC relative to attain lawful permanent resident status," and "for the purpose of influencing his father's vote in favor of awarding the Olympic Winter Games to Salt Lake City."<sup>16</sup>

On a related note, in early September John Kim was indicted on 17 felony charges of fraudulently obtaining a permanent U.S. Visa, or Green Card, and using it to travel frequently to the United States. Kim had returned to Korea prior to the indictments. The FBI investigation is ongoing<sup>2</sup>

During the year, the United States Congress also began hearings into the conduct of the IOC, although it is difficult to understand how they have oversight power on an international sports organization headquartered in Switzerland. On 14 April 1999, the Senate Commerce Committee held a hearing to focus

on the Salt Lake City bid and the actions taken by both the IOC and the USOC in an effort to prevent a recurrence. The two IOC Members to the United States, Anita DeFrantz and James Easton, both appeared before the Congressional hearing, as did USOC representatives and members of the Mitchell Commission were also called upon to testify<sup>21</sup>

The House Commerce Subcommittee on Oversight and Investigation requested an investigation into the Atlanta Bid for the 1996 Olympic Games.<sup>3</sup> This was assigned to the Atlanta law firm of King & Spaulding, and was headed by former U.S. Attorney General Griffin B. Bell. This committee issued a preliminary report in June 1999, but its final document, termed the Bell Report, was released on 15 September 1999.<sup>3</sup> The Bell Report listed detailed and factual accounting of all gifts worth more than \$100 given to IOC Members from Atlanta officials. The June report noted that 38 gifts exceeded the IOC guidelines of a \$200 limit on gifts by bid committees, but the September report turned up further evidence.<sup>3</sup>

Bell noted, "This is not a corrupt system, but it is subject to abuse. We had a couple of cases where we gave gifts of \$1,000 and given all the people fighting for the same thing, I'm amazed it didn't go higher."<sup>3</sup> Two scholarship offers were made to relatives of IOC Members. Former Atlanta Mayor Andrew Young, who co-chaired the bid committee, offered a Georgia Tech scholarship to the daughter of Major General Henry Edmund Olufemi Adefope, IOC Member to Nigeria. The other offer was a tennis scholarship to the University of Georgia made to the daughter of Pál Schmitt, IOC Member to Hungary. Both scholarship offers were declined.<sup>3</sup>

In the report, Bell noted that three favors to IOC Members may have been illegal. Gifts to IOC Members to Cuba and Libya may have violated a United States embargo on trade with both countries. In addition, two Atlanta officials carried cash into the country for a Jamaican member, and the cash was split between them to avoid having to declare it at customs. The money was later returned to the delegate's American business in the form of a cashier's check.<sup>3</sup>

The most salacious revelation of the Bell Report was that of the series of dossiers that the Atlanta Bid Committee kept on IOC Members. These dossiers

purported to document various preferences of IOC Members, which would allow Atlanta officials to make the proper enticements to help win their vote. One report said, "... gifts are OK. Gift of female OK." Another noted, "... will sell his vote, and. will do so openly." Other examples are as follows: "... Likes pretty women. Likes to talk about Nigeria and going on safari." "Does accept gifts. His wife is influential with him. Gift for his wife may be useful..." and "Lives in a palace. Did accept two ladies from Barcelona."<sup>3,6</sup>

On 14 October 1999, the House Commerce Subcommittee on Oversight and Investigations held a hearing to focus on the revelations documented by the Bell Report. Again, both DeFrantz and Easton testified before the Congressional Committee, as did IOC Director François Carrard, representatives of both the USOC and the Atlanta Olympic Committee, Dr. Henry I&#x27;nsinger, a member of the IOC 2000 Commission, and Kenneth Duberstein, a member of the Mitchell Commission.<sup>22-24</sup>

The IOC met in Extraordinary Session in Lausanne on 11-12 December, to vote on the recommendations made by the IOC 2000 Commission. At this historic session, the IOC voted to enact all the recommendations made by the commission. The most important changes implemented were: 1) an age limit of 70 for IOC Members, 2) term limits of eight-years for most IOC Members, 3) creation of four categories of IOC Members - a) athletes, b) NOC Presidents, c) IF Presidents, and d) individual members; 4) eliminating visits by IOC Members to the bid cities, 5) a complete change in the process of selecting host cities, 6) opening IOC Sessions to the media via closed-circuit television, and 7) much more transparency in the financial transactions of the IOC, the bid cities, and the OCOGS.<sup>12-13</sup>

The IOC 2000 Commission made 50 recommendations to the IOC in its Final Report, with recommendations made by each of the working groups. At the IOC Session in December 1999, the IOC approved all 50 of the recommendations, which

has led to a major re-writing of the Olympic Charter. A summary of the recommendations is as follows:<sup>12-13</sup>

1. Members: The maximum IOC membership should be 115, with 15 active athletes (defined as having taken part in the Olympic Games or Olympic Winter Games within four years of their membership), 15 IF Presidents, 15 Presidents of NOCs or Continental Associations, and 70 members elected on an individual basis.
2. Procedure for Selecting Candidates and Electing Members: Proposed forming a Nomination Committee. Each of the above four classes of IOC members may propose candidate members. The

Nomination Committee will consist of seven members, including at least one athlete, elected for a four-year period. The Nomination Committee will be consist of three members elected by the IOC, three by the Ethics Commission, and one by the Athletes Commission. The Nomination Committee will evaluate prospective members who will be voted upon by the

full IOC Session.

3. Nationality: One member per nation for members chosen on an individual basis; one member per nation among the athletes; one member per nation among NOC Presidents; no restrictions on nationality among IF Presidents.
4. Terms of Office: Term limit of eight years renewable, with re-election to follow the same procedure as election. Athletes' members term limit of four pars.
5. Age Limit: 70 years of age for all members and all functions. However, current members will be "grandfathered" to follow the limit of 80 which existed prior to this vote.
6. Rights and Responsibilities of Members: When a vote concerns a country of a member, the member may not take part in the vote.
7. Honorary Members: Awarded to members of 10 years' standing and for exceptional services. The current rule to remain in force through 31 December 2001.

“Unfortunately, while the  
Games evolved, our [IOC]  
organizational structure did  
not keep up with the  
pace of change.”

IOC Director-General, François Carrard

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8. Executive Board: Increase number of members to 15, with four Vice-Presidents. Four-year term limits on the Board.
9. President: Elected for an eight-year term; may be re-elected one time for a four-year second term of office.
10. Current Members: Current members will be "grandfathered" in place for eight years, at which time they will be subject to re-election as will all new members.
11. Transition Period: During the transition period, to conclude 1 January 2001, the number of IOC Members may be greater than the recommended 115.
12. Entry into Force: The new rules will come into force on 1 January 2000, with an implementation period of one year allowed.
13. Programme and Participation: 13.1 The obligation of each NOC to participate in the Games of the Olympiad will be added to the Olympic Charter - somewhat of an "anti-boycott" clause. All NOCs will be allowed to enter six athletes in the Games of the Olympiad, even if they do not meet the minimum qualification standards. 13.2 sports Programme: A maximum of 280 events is recommended for future Games of the Olympiad. Events included in world championships programs do not necessarily need to be included in the Olympic Games. Significant discussion followed this vote, as there will be 300 events at Sydney in 2000 and 14 sports are currently applying for admission to the Olympic Program. President Samaranch suggested that the IOC Sports Commission study this proposal and make recommendations to the next IOC Session.
14. Finance: The IOC will transfer knowledge concerning licensing programs to future UCOGs. The IOC will also provide guidelines and recommendations concerning ticketing and pricing to the OCOGs.
15. Paralympics: The Paralympics must be held in the same city as the Olympics, following the Games. The IOC will formalize its relationship with the International Paralympic Committee.
16. Management of the Olympic Games: The IOC will establish an operational structure to transfer knowledge and expertise from one edition of Olympic Games and Olympic Winter Games to the next.
17. Athletes (1): Defined an active Olympic athlete as one who is still competing or has participated in the most recent edition of the Olympic Games.
18. Athletes (2): Athletes should be represented at all levels of the Olympic Movement.
19. Athletes (3): The Athletes Commission should be represented on the IOC Executive Board, and recommends the same for IFs, NOCs, and NGBs.
20. Athletes (4): OCOGs must include an athlete on their boards.
21. Athletes (5): The IOC Athletes Commission must be allocated a budget for its operation.
22. Athletes (6): During the Closing Ceremony of the Olympic Games and Olympic Winter Games, the elected athletes will be recognized by their peers and the Olympic Family.
23. Role of Olympic Solidarity Olympic Solidarity should act as the coordinator of development programs for all members of the Olympic Movement.
24. Decentralized Programs: Olympic Solidarity must provide support to Continental/Regional Games under IOC Patronage and will also help develop Regional and Sub-regional Sports Training Centers.
25. Humanitarian Projects: These will be pursued and reinforced if they relate to members of the Olympic Movement and the development and practice of sport.
26. Information Transfer: Olympic Solidarity will ensure that all NOCs have access to the technology necessary for information transfer between sectors of the Olympic Movement.
27. Education: Proposed that NOCs include a session in all Olympic Solidarity-funded programs to educate the participants concerning the Olympic Movement.
28. Regional Information Centers: Proposed that Olympic Solidarity set up Regional and Sub-regional Sports Information Centers to help disseminate information on the Olympic Movement and sports administration.

29. Evaluation/Accountability: Better coordination between the IOC departments and an improved auditing procedure of Olympic Solidarity will be implemented.
30. Education and Culture (1): Merge the Cultural and IOA/Education Commissions into a single Commission on Education and Culture. Create a new department of Education and Culture within the IOC. Hire additional professional staff for the Olympic Studies Centre at the Olympic Museum.
31. Education and Culture (2): Multiple recommendations to spread the message of Olympism to appropriate regional structures, including publishing the Olympic Reviews and the Official Reports of the Olympic Games on the Internet.
32. Education and Culture (3): Creation of a traveling exhibit of the Olympic Movement and Olympic History to be set up in host cities, with a clause added to the host city contract.
33. Education and Culture (4): Greater recognition of the IOC on the educational importance of the flame relay and participation by the IOC Executive Board in the flame-lighting ceremonies at Olympia.. (Approved 93-5)
34. Doping (1): The Athletes' Oath will be amended to include a statement concerning drug-free sport.
35. Doping (2): Implementation by the World Anti-Doping Agency (WADA) of an athletic passport concerning the athlete's health, allowing doping controls to be carried out and to monitor the participant's health.
36. Doping (3): The IOC will conduct out-of-competition drug tests beginning at the time of accreditation of athletes at the Olympic Games and Olympic Winter Games.
37. Doping (4): In the event of an appeal against sanctions, the "B" sample should be tested by a different laboratory than the one that tested the "A" sample. (Approved 93-0)
38. Doping (5): Sports not conforming to the Olympic Movement Ann-Doping Code and who do not perform out-of-competition drug testing will be dropped from the Olympic Program. IOC-Recognized sports not conforming to this code will lose their recognition.
39. Relations with Governments and Non-Governmental Organizations (NGO) (1): The IOC will provide more assistance to the NOCs to develop closer relationships with their respective local governments.
40. Relations ... (2): The passage of the United Nations' Olympic Truce could be supplemented by similar declarations from world leaders and other NGOs to support the Olympic Truce.
41. Relations ... (3): The Olympic Truce will be given greater prominence. Six months prior to the Olympic Games or Olympic Winter Games, the IOC President will contact the protagonist nations in major internal and international conflicts and ask them to observe the Olympic Truce for the duration of the Games. During the Opening Ceremony, the IOC President will refer to the Olympic Truce and will note that it is a first step toward lasting peace.
42. Internal Communications: Internal communications within the Olympic Movement must be open, substantive, two-way and timely
43. External Communications: An IOC spokesperson will be appointed to support the IOC President and other IOC Executives. The Communications Department of the IOC will develop a pro-active approach to media relations. IOC Sessions will be open to the media on closed-circuit television.
44. Transparency (1): The flow of IOC funds for each Olympiad will be disclosed beginning with the current Olympiad, via independent, external auditors.
45. Transparency (2): The IOC will disclose the allocation of funds to each NOC and IF and each entity of the Olympic Movement will submit to the IOC an accounting of its expenditure of funds provided by the IOC.
46. Transparency (3): The IOC will seek a more transparent disclosure of fund distribution to be phased in over future Olympiads.
47. Transparency (4): Each bid city must disclose the source of funding for bid expenditures, which will be audited at the conclusion of the bid process.
48. Transparency (5): The IOC will encourage NOCs and IFs to disclose their sources and uses of funds.

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49. Role of the NOCs in the Bid Process: The NOC should be involved in any Olympic candidature as a full partner with the bid committee and should take responsibility for the Olympic bid to the IOC.

50. New Candidature Procedure: A new bid acceptance phase will be instituted, with multiple recommendations as follows:

50.1 Strict minimum technical requirements will be applied to the selection of a bid city

50.2 A new bid acceptance process in which representatives of the IOC, IFs, NOCs, athletes and external experts will examine the proposed bids and recommend to the IOC Executive Board which cities should be accepted as candidate cities.

50.3 The IOC will enter into a contractual agreement with the NOC and the Bid Committee.

50.4 The IOC will issue candidate city manuals and prepare candidature files.

50.5 An Evaluation Commission will be formed to visit each of the candidate cities.

50.6 Selection of final candidate cities, if necessary. The Executive Board may reduce the number of candidates by selecting a limited number of cities.

50.7 It is not considered necessary for IOC Members to visit the candidate cities nor for the representatives or candidate cities, or third parties acting on their behalf ("agents"), to visit IOC Members.<sup>12-13</sup>

In the end, all 50 recommendations of the IOC 2000 Commission were approved, most of them unanimously. The main points of contention were the age limit, which had eight dissenting votes, and Recommendation 50.7, which eliminated IOC Members' visits to candidate cities, but even these passed with over 90% of the vote.<sup>12-13</sup>

After the implementation of the numerous IOC reforms, IOC President Juan Antonio Samaranch testified before the House Commerce Subcommittee on Oversight and Investigations on 15 December 1999.<sup>26</sup> It was a somewhat contentious appearance as the members of the Subcommittee were underwhelmed by the IOC's reform process. Rep. Joe

Barton (R-Texas) asked him to resign on the spot, "I would like for you to announce today that you will resign. I think you have done many good things, but I don't think the good things you've done overwhelm the bad practices that have developed. And I think it's time for some new blood and some new leadership. And this would be a great venue for you to be a true statesman of sport and announce that."<sup>26</sup>

The Subcommittee also questioned the power and independence of the IOC Ethics Commission. After the December IOC Session, the media questioned the Ethics Commission structure when it was announced that they would not be pursuing further investigations relating to the scandal, unless new related evidence appeared. Congressmen and the media also voiced concerns about the Ethics Commission's independence since three of its eight members were also IOC Members. However, in a classic example of the pot calling the kettle black, it should be noted that the Senate Select Committee on Ethics has only six members, all Senators, and at Samaranch's December testimony, both Congresswoman Diana DeGette (D-Colorado) and Rep. Fred Upton (R-Michigan) did note, "The U.S. Congress has a self-policing ethics Committee."<sup>26</sup>

Perhaps the tenor of the hearing can be found in the opening statement of Upton, Chairman of the Subcommittee, prior to any statements by the witnesses, including Samaranch. His rather inflammatory remarks included, "The record is riddled with evidence of over a decades worth of blatant abuse which was ignored by those who consistently, arrogantly, unbelievably turned a blind eye to the ugly truth ... I fear that these reforms will be cosmetic and purely mask the aristocratic aura that has formed around the organization ... But I'm afraid that the enforcement program around the reforms enacted this weekend will show that what the IOC passed will simply be window-dressing and business will go on as usual."<sup>26</sup>

However, former U.S. Senator Howard Baker, a member of the Ethics Commission, testified that the group would hire an ethics officer with a staff that would be free "to investigate anything that comes to their attention or they suspect," and Samaranch reiterated that the Ethics Commission could investigate complaints from "everyone." Baker stated under oath, "While I was initially sceptical about

whether the IOC would undertake serious ethical and structural reforms in a fairly short period of time, it is now my distinct impression that the IOC - its leaders and its members - fully recognize the need to restore the Movement's credibility,"<sup>26</sup>

Former Senator George Mitchell did not testify before the House Subcommittee in December, but basically supported the IOC efforts in a statement he submitted, "[The Mitchell Commission] made 15 recommendations to the IOC. They largely fell into three categories: financial transparency, site selection, and IOC structure and accountability. The actions taken by the IOC last weekend represent progress in all three categories. ... In the first two categories - financial transparency and site selection - the IOC's actions were significant. They generally were consistent with the recommendations of our commission. In one important respect, on the matter which sparked this controversy - visits to bidding cities by IOC members - the ban adopted by the IOC goes even further than we recommended. In the third category, structure and accountability, the actions taken by the IOC, while positive, fell short of our recommendations." Mitchell also applauded the IOC for its efforts to have the IOC designated by OECD as a public international organization, as his commission had recommended.<sup>26</sup>

In the United States press, reviews of the IOC reforms were decidedly mixed. It was felt that too many of the current IOC Members were grandfathered in under the: old rules. In addition, the re-election process, which will be done by the IOC Session, was questioned, as the members are effectively voting for themselves. Further, gifts to IOC Members by bid cities were not completely banned, although at the House Subcommittee hearing, Samaranch stated, after being pressed on this matter, "we will ban them."<sup>26</sup>

As of February 2000, this is the basic status and a timeline of what has occurred. Reforms are ongoing, as implementing all of the IOC 2000 Commission recommendations will take several years (this was one of the complaints concerning the recommendations). The FBI investigation into the Salt Lake City Bid Committee continues as of this writing, and it was recently announced that Samaranch will travel to the United States to testify before the FBI committee investigating Salt Lake City.

A number of questions remain, and although I cannot delve into these in detail herein, I will broach them and discuss them briefly.

“While I was initially sceptical about whether the IOC would undertake serious ethical and structural reforms in a fairly short period of time, it is now my distinct impression that the IOC - its leaders and its members - fully recognize the need to restore the Movement's credibility.”

Member of the Ethics Commission, former U.S. Senator Howard Baker

- Why did the Olympic Scandal occur and why did these problems seemingly hit all at once?
- Did the IOC know about and turn its head to its members and its bid cities breaching their guidelines?
- Will the new reforms undertaken by the IOC at its December 1999 session be adequate to address the problems?

Why did the Olympic Scandal occur and why did these problems seemingly hit all at once?

AS has been well documented elsewhere, the IOC was once broke, and it was only in the 1980s that it

began to achieve financial independence. But all this happened quickly, too quickly for the IOC to adjust. And it is unlikely that the problems described here began only with the Salt Lake City bid. There were similar allegations going back to the mid-1980s.

During his testimony before the United States House of Representatives on 14 October 1999, the IOC Director-General, François Carrard, said, “Unfortunately, while the Games evolved, our organizational structure did not keep up with the pace of change. In effect, we did not realize we were going

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through a growth crisis. The result of an old fashioned structure managing modern Games was not corruption, but a situation in which some of the less responsible members - a small minority - showed poor judgment and abused the system. Our problems were caused by weak people, structures, and procedures.<sup>22</sup>

Did the IOC know about and turn its head to its members and its bid cities breaching their guidelines? Certainly the 1991 report produced by the Toronto Bid Committee for the 1996 Olympic Games and sent to the IOC, would imply that the IOC had knowledge of these problems well before 1999.<sup>20a</sup> That report noted, “26 [IOC] Members broke established rules [concerning visits to Toronto]” and that “... at least 18 [IOC] Members and their companions materially benefited from [abuses related to their trips to Toronto].”<sup>20a</sup> The report notes that these abuses may have cost the Toronto Bid Committee \$700,000-800,000.<sup>20a</sup>

The IOC and Samaranch have replied that Toronto did not name names, which is true<sup>20a</sup>, and would not give the IOC enough specifics for them to investigate further.<sup>26</sup> It has been noted by IOC Members that the problem faced by the IOC in this regard is that they do not have policing status and cannot require all bid committees to fully open their records. While this may be true to an extent, the IOC should be able to police its own members. Although it now appears to be doing so in response to the scandal, it seems that the IOC was not aggressive in responding to the allegations in the past. As regards policing their own bid committees, the new recommendations requiring greater financial transparency by the IOC and other members of the Olympic Movement, should obviate this problem.

Will the new reforms undertaken by the IOC at its December 1999 session be adequate to address the problems? The media have been critical of these reforms and sceptical that they will truly solve these problems. They note, among other things, that the IOC may not truly change for 20 years because current members will be grandfathered and not subject to re-election. They have also noted that the re-election procedure will allow the IOC Members to effectively “re-elect themselves.” The ethics commission has been criticized because it contains several IOC Members, but this seems a specious

argument, as initially greater than 50% of the commissions consisted of independent members. The election of Charmaine Crooks (CAN) as an Athletes’ Member of the IOC brings this number to exactly 50%.

Some of these criticisms are valid, but as George Mitchell noted, in many ways the IOC has either enacted all of his Commission’s recommendations, and in some cases, gone even further than they recommended. The IOC seems willing to change and they are doing so. When they were broke, Juan Antonio Samaranch and Dick Pound took steps to alleviate that problem, and the IOC is not blind to the necessity to change in order to adjust and survive. Samaranch recently commented, “The world has changed a great deal in the past two decades and the expectations of the public - especially as the Olympic Movement has become so important in the lives of so many people - [are] to be more open and accessible. We have taken and will continue to take action in order to meet this demand.”<sup>5</sup> The actions taken by the IOC in late 1999, implementing the many recommendations of the IOC 2000 Commission, though probably not the final answer, are at least a step in the right direction to ensure that many of these problems will never occur again. And the IOC knows it must make these efforts if it is to overcome the Olympic Scandal and survive and prosper into the next millennium Perhaps Juan Antonio Samaranch summed it up best when he said, “No revolution has been possible without scandal.”<sup>5</sup>

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