



## The limits and opportunities of self-regulation: achieving international sport federations' compliance with good governance standards

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# The limits and opportunities of self-regulation: achieving international sport federations' compliance with good governance standards

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## ABSTRACT

**Research question:** This article explores whether self-regulation has the potential to achieve the universal adoption of good governance by international sport federations (IFs). It introduces a framework on the basis of compliance theory to analyse IFs' recent self-regulation initiatives, namely the Basic Universal Principles of Good Governance of the Olympic and Sports Movement (PGG) and the Key Governance Principles and Basic Indicators (KGP).

**Research methods:** The analysis relies primarily on an extensive document analysis. In addition, 7 semi-structured interviews with officials who participate in relevant policy processes were conducted. The data were coded on the basis of the six compliance mechanisms identified in the theoretical framework.

**Results and findings:** The empirical analysis demonstrates that the PGG's system includes only general persuasion and social learning stimulation while the KGP's system includes mechanisms that promote knowledge transfer, rule specification, persuasion, and social learning. These mechanisms constitute a necessary step towards truly achieving a common governance standard in IFs. However, because the KGP's system lacks fully independent external monitoring of minimum criteria and because non-compliant federations do not face sanctions, this system is not likely to achieve the universal adoption of good governance by IFs.

**Implications:** The universal implementation of good governance standards in IFs requires either co-regulation, where self-regulation's persuasion and management mechanisms are supplemented by sanctions implemented by public and/or civil society actors, or meta-regulation, which entails that public actors impose a minimum standard for self-regulation that includes robust monitoring and sanctioning mechanisms.

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## Introduction

In the past few decades, international sports governance has come under increased scrutiny following a series of 'high profile difficulties' including performance enhancing drugs use, match-fixing, and fraud and bribery (Henry & Lee, 2004, p. 26; Parliamentary

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Assembly Council of Europe, 2018). Sports governance scholars argue that the governance structures of international sport federations (IFs), i.e. associations that monopolise the regulation of organised sports on an international level, are not equipped to deal effectively with these difficulties (Forster, 2016; Henry & Lee, 2004; Katwala, 2000; Pieth, 2014). A recent report validates these claims empirically, demonstrating that the majority of the 35 Olympic IFs have significant deficiencies in terms of transparency, democracy, and accountability (Geeraert, 2015).

In a response to increasingly vociferous calls for better governance in IFs following ‘cases of corruption and mismanagement’, the Association of Summer Olympic International Federations (ASOIF), an association of the 28 IFs that are part of the Summer Olympic Programme, introduced the ‘Key Governance Principles and Basic Indicators’ (KGP) in 2016 (ASOIF, 2016a, p. 1). The KGP constitute an example of self-regulation, that is, the adoption of rules of good conduct by private actors without government participation (Isailovic & Pattberg, 2016; King & Lenox, 2000). According to ASOIF, ‘the Sports Movement is [...] in the best position to enact the key governance principles and indicators all international federations must abide by’ (ASOIF, 2016a, p. 3). IFs’ predilection for self-regulation is self-evident. The Sports Movement traditionally seeks to preserve its decision-making autonomy (Chappelet, 2010). Sceptics argue, however, that self-regulation ‘privilege[s] business-as-usual practices’ (Isailovic & Pattberg, 2016, p. 472) and often functions as a ‘public relations ploy designed to ward off government regulation’ (Hauffer, 2001, p. 1).

Sports governance scholars echo these claims, generally assuming that IFs are unlikely to significantly improve their governance by themselves (Katwala, 2000; Pielke, 2013; Pieth, 2014). Previous experiences with self-regulation by the Sports Movement appear to justify this pessimism. In 2009, IFs approved the ‘Basic Universal Principles of Good Governance of the Olympic and Sports Movement’ (PGG) introduced by the International Olympic Committee (IOC) (IOC, 2008a, 2009, point 41). Since the PGG failed to establish a universal adoption of good governance practices by IFs, the KGP have been met with scepticism. The Parliamentary Assembly of the Council of Europe (PACE), for instance, argues that they are ‘far from being a sufficient basis for achieving long-term goals of good governance in sport’ (Parliamentary Assembly Council of Europe, 2018, point 10). Accordingly, both scholars and public bodies propose different forms of increased external oversight as effective solutions to IFs’ governance deficits. According to Pieth (2014), IFs’ host states should determine and enforce minimum standards of good governance. Chappelet (2017) calls for an independent government-supported auditing body for IFs. Similarly, the PACE advocates the establishment of an ‘independent sports ethics rating system’ (Parliamentary Assembly Council of Europe, 2018, point 12).

Does self-regulation have the potential to achieve the universal adoption of good governance by IFs or is public oversight necessary to achieve this goal? Further, how and why can the KGP succeed where the PGG have failed? Because self-regulation is underdeveloped in the sports governance literature, these crucial questions about effective solutions for IFs’ governance deficits have thus far not been answered in a theoretically informed way. The present article aims to fill this gap by introducing a framework on the basis of compliance theory. The added value of compliance theory consists of its theorising about the sources of non-compliance as well as the mechanisms necessary to address these issues (Raustiala & Slaughter, 2002). The article engages in a comparative analysis

of the PGG and KGP to improve understanding of the limits and opportunities of IFs' self-regulation. It aims to provide both a theoretical and empirical contribution to relevant debates and to offer practical advice in that regard.

The article continues as follows. The next section places the PGG and KGP within the context of the broader literature on self-regulation. The subsequent section lays out the analytical framework. Next, the empirical approach used for the analysis is explained, which is presented in the subsequent section. The final section discusses the main findings and explores the way forward.

## Background

Self-regulation is under-researched in the sports governance literature. Notable exceptions are Walters and Tacon (2018), who demonstrate how a national sport federation voluntarily adopted a good governance code in order to create external legitimacy. Their findings mirror the consensus in the governance literature that self-regulation occurs when private actors signal their commitment to governance improvements to minimise both public interventions and reputation costs imposed by civil society actors (Isailovic & Pattberg, 2016; Vogel, 2006). Following a similar rationale, the IOC introduced the PGG in response to increased regulatory threats by the European Union (Chappelet, 2016) and ASOIF issued the KGP 'to maintain and build trust and legitimacy in IFs' (ASOIF, 2016a, p. 1).

IFs, in turn, have signalled their commitment to improving their governance by formally approving the PGG and KGP. The PGG were formally adopted by the 2009 Olympic Congress in Copenhagen, which brought together representatives of the Olympic IFs and other Olympic Movement constituents (IOC, 2008b, 2009, point 41). The PGG are applicable to all Olympic Movement organisations, including the seven Winter Olympic IFs and the 28 Summer Olympic IFs. The KGP have been approved by the ASOIF General Assembly, which is comprised of the 28 Summer Olympic IFs (ASOIF, 2016a). The KGP were developed specifically for the Summer Olympic IFs, but the Winter Olympic IFs have recently engaged in ASOIF's self-assessment process, which is detailed below (ASOIF, 2018a).

Importantly, the formal adoption of a good governance code does not necessarily imply the actual implementation of the standards put forward, especially when compliance is voluntary (Cuomo, Mallin, & Zattoni, 2016; Wymeersch, 2006). In this regard, both the PGG and KGP share self-regulation's typical characteristics: legally non-binding obligations are administered by a third-party that has not been delegated far-reaching implementation authority (Conzelmann & Wolf, 2007; Haufler, 2001; Vogel, 2006). Regarding legal status, compliance with both, the PGG and KGP is (de facto) voluntary. The PGG are in principle mandatory for the (Olympic) IFs because they have been incorporated into the IOC Code of Ethics, which forms an 'integral part' of the Olympic Charter (IOC, 2016a, rule 22). The Code, however, only applies to IFs 'in all their relations with the IOC' (IOC, 2016b, p. 12), which softens the legal status of the PGG for IFs.

Regarding implementation authority, the IOC confirms that it has no (de facto) authority to force the PGG upon Olympic IFs (Avison, 2014) and ASOIF stresses that '[e]ach IF owns its evaluation and monitoring system' (ASOIF, 2016a, p. 3). Indeed, IFs have no rational incentive to delegate enforcement of the PGG and KGP. IFs seek to retain control

over their internal workings (Chappelet, 2010, 2016). Moreover, one IF does not benefit from reliable expectations about other IFs' compliance. Hence, none are incentivised to delegate enforcement powers to the IOC or ASOIF to ensure credible commitments (Abbott & Snidal, 2000).

Self-regulation's soft legal nature should not preclude achieving compliance. Organisational change occurs for many reasons other than legal enforcement (Raustiala & Slaughter, 2002; Vogel, 2006). Indeed, most of the corporate governance and sports management literature on organisational change is preoccupied with exploring different institutional pressures that lead organisations to adopt altered common governance practices (Aguilera & Cuervo-Cazurra, 2004; Nagel, Schlesinger, Bayle, & Giauque, 2015). In a similar vein, institutionalists argue that achieving broad compliance requires establishing a compliance system, that is, the institutional mechanisms that induce conformity with adopted standards (King & Lenox, 2000, p. 201).

Assessing a compliance system, however, requires attentiveness to the character and extent of sources of non-compliance (Börzel, 2003; Tallberg, 2002). In this regard, international relations (IR) compliance theory benefits from nearly three decades of scholarly debate about the sources of countries' non-compliance with international agreements (Raustiala & Slaughter, 2002). The resulting rich theoretical insights have also proven relevant for discussing compliance systems within the context of self-regulation (Conzelmann & Wolf, 2007) and public-private regimes (Houlihan, 2002, 2014), albeit rarely on the basis of a holistic framework. Within the field of sports governance, Houlihan (2002, 2014) demonstrates the relevance of compliance theory for assessing the challenges in achieving compliance with the World Anti-Doping Code. Thus far, however, compliance theory has not been applied to analyse sport federations' compliance with good governance standards.

## **Theoretical framework**

This section first explores the potential sources of IFs' non-compliance with good governance standards. Subsequently, it lays out the specific mechanisms that address these sources of non-compliance to provide a holistic framework for empirical analysis in the subsequent section (see Table 1).

### ***Potential sources of non-compliance***

In IR compliance theory, different schools of thought have advanced differential epistemological arguments about the causes of non-compliance and, consequently, recommend different mechanisms for inducing rule-conformity (Chayes & Handler Chayes, 1995; Checkel, 2001; Downs, Rocke, & Barsoon, 1996). Three main schools stand out: enforcement, persuasion, and management (Hartlapp, 2007; Raustiala & Slaughter, 2002).

The enforcement approach is rooted in rational choice theory, which assumes that actors follow a logic of consequences and, thus, engage in instrumental decision-making according to a rational cost-benefit analysis (March & Olsen, 1989). Consequently, when the costs of compliance outweigh the benefits, non-compliance is expected (Downs et al., 1996). Achieving compliance is therefore more difficult when agreements are demanding and the costs involved are more significant (Raustiala & Slaughter, 2002).

**Table 1.** Compliance mechanisms in the self-regulation of good governance in international sport federations.

Compliance school	Theoretical assumptions of actor behaviour	Sources of non-compliance	Compliance mechanisms	PGG compliance mechanisms	KGP compliance mechanisms
Enforcement	Rationalist (cost-benefit driven action)	Voluntary (logic of consequences): rational utility maximising behaviour	Monitoring Sanctioning	Centralised monitoring absent Costly sanctions are not credible	Self-assessment, reviewed by independent consultant Absent, possible introduction of compliance certification system
Persuasion	Constructivist (norm-driven action)	Voluntary (logic of appropriateness): negative perceptions of norm legitimacy	Persuasion	The implementation of good governance as a means to enhance IFs' autonomy is used as an argument	The implementation of good governance as a means to enhance IFs' autonomy is used as an argument Self-assessment questionnaire aims to persuade IFs in order to achieve higher scores on the individual indicators Continued intensive dialogue and individual meetings with identified contact points to convince the federations to achieve higher scores Potential voluntary and confidential corrective action reports in which federations receive a phased plan to improve certain elements of their governance
Management	Rationalist and constructivist	Involuntary: financial, administrative and technical capacity limitations	Transfer of knowledge and resources	Engaging IFs with governance deficits in a public discourse about the inappropriateness of their conduct Absent	Dispersing best practice examples from a diverse range of federations Workshops allowing federations to share experiences and ideas Informing IFs how their scores on the assessment rank in relation to each other Regular on-demand advice to federations on offer Dispersing best practice examples from a diverse range of federations Potential facilitation of the pooling of resources Potential voluntary and confidential corrective action reports which offer technical assistance on the implementation of certain elements of good governance
		Involuntary: rule ambiguity	Rule interpretation/ specification	Absent	Ensuring consistency in the adjustment of the federations' self-assessment scores via an authoritative body (The Governance Task Force) Individual meetings with all the federations to explain scores and to indicate how the federations can improve their scores Distribution of best practices gives federations a practical example that is easy to implement Regular on-demand advice on the implementation of principles Potential voluntary and confidential corrective action reports, which assist the implementation of certain principles

Source: Adapted from Börzel (2003); Chayes and Handler Chayes (1995); Checkel (2001); Downs et al. (1996); Raustiala and Slaughter (2002); Tallberg (2002); own analysis.

The persuasion school adheres to a constructivist explanation of action (Checkel, 2001). In this view, actors make decisions based on a logic of appropriateness, following internalised norms of appropriate behaviour without or in spite of rational calculations of costs and benefits (March & Olsen, 1989). Non-compliance with good governance standards then occurs, whenever actors do not accept a particular element as standard for appropriate conduct (Börzel, 2003, p. 201; Checkel, 2001).

The management school, assumes both rationalist and constructivist bases of action, starting from the premise that actors have both instrumental and normative motives to comply. Non-compliance is explained by financial, technical, and administrative obstacles relating to actors' (organisational) capacity (Chayes & Handler Chayes, 1995). Thus, in contrast to the first two schools, this school regards non-compliance as involuntary (Tallberg, 2002).

The more recent consensus holds that sources of non-compliance are mixed and combine elements from the three compliance schools (Börzel, 2003; Hartlapp, 2007; Tallberg, 2002). Similarly, a broad reading of the (sports) governance literature indicates that both a logic of consequences and appropriateness, as well as capacity limitations constitute potential sources of IFs' non-compliance with good governance standards. Regarding a logic of consequences, two particular types of high costs are associated with implementing good governance: transaction costs and uncertainty costs (Hawkins & Jacoby, 2006; Pierson, 2004). Regarding transaction costs, implementing good governance requires searching for, bargaining over, and establishing internal procedures, practices, and bodies such as ethics and audit committees (Geeraert, 2015). Regarding uncertainty costs, it is difficult to predict how elements of good governance will function in practice, what their effects will be on established equilibria, and whether and how they might benefit or hurt decision-makers (Hawkins & Jacoby, 2006; Pierson, 2004; Pieth, 2014). Indeed, implementing good governance may severely restrict the leeway of decision-makers or potentially even result in their dismissal.

A logic of appropriateness is an important potential cause of IFs' non-compliance because they might not accept particular elements of good governance standard for appropriate conduct. Whereas IFs house officials from highly diverse cultural backgrounds, elements of good governance are typically found in OECD countries (Hyden, Court, & Mease, 2004). In addition, IFs are embedded in a sport governance culture in which practices associated with 'bad governance' have been considered the normal way of conducting business (Henry & Lee, 2004; Katwala, 2000; Pieth, 2014).

Capacity limitations, finally, are a potential source of IFs' non-compliance in three particular ways. First, good governance needs to be tailored to the specific organisational context, taking into account factors such as the number and nature of tasks conducted (Aguilera & Cuervo-Cazurra, 2004; Wymeersch, 2006). Doing so requires specific expertise, which IFs may not have. Second, and related to that, standards of good governance are often subject to interpretation as they are rarely formulated in a strict fashion in order to allow for flexibility (Wymeersch, 2006, p. 137). Consequently, there is a high risk of incorrect interpretation of implementation obligations (Börzel & Risse, 2010, p. 122). This is certainly true for the PGG, which have proven 'difficult to apply' (Chappelet, 2016, p. 23). Third, small organisations may not have the economic resources necessary to establish robust internal procedures and control bodies (cf. Parent & Hoye, 2018; Tallberg, 2002).



## ***Addressing sources of non-compliance***

To be effective, the PGG's and KGP's compliance mechanisms must address the four potential sources of IFs' non-compliance with good governance standards. The different compliance schools advance six relevant mechanisms (see Table 1). They are explored in the following according to the four sources of non-compliance they address.

### ***Monitoring and sanctioning***

When actors opt for non-compliance based on a logic of consequences, a suitable compliance strategy influences their pay-off matrices through monitoring and sanctions, so compliance becomes more attractive (Downs et al., 1996; Tallberg, 2002). Monitoring decreases the likelihood that non-compliance will go unnoticed and consequently increases the likelihood of sanctions. Sanctions take on the shape of a variety of measures that impose costs, including financial repercussions or exclusion from other benefits. These measures do not necessarily relate to legal enforcement. Reputational costs associated with naming and shaming, for instance, may also exert coercive pressure (King & Lenox, 2000). However, to induce compliance, sanctions should be credible and impose a cost that is greater than the benefit of non-compliance. In that case, a high likelihood of sanctions in case of non-compliance 'provides a measure of latent control' (Calvert, McCubbins, & Weingast, 1989, p. 604).

### ***Persuasion and social learning***

When actors do not accept a norm as legitimate, internalisation of that norm through social interaction redefines actors' interests into compliance (Hurd, 1999). Moreover, when actors internalise an external norm, they are expected to do more than simply comply, actively investing resources in implementing the norm (Reus-Smith, 2007, p. 163). Two strategies for achieving internalisation of (good governance) norms are appropriate. First, persuasion uses arguments about the effectiveness and the legitimacy of norms. It is 'a social process of interaction that involves changing attitudes about cause and effect in the absence of overt coercion' (Checkel, 2001, p. 562). In other words, actors are presented with arguments and then left with a choice to agree or not to. Second, social learning occurs, when ideas and experiences are shared between actors (Keen, Brown, & Dyball, 2005, p. 9). Actors experience social disapproval – 'social sanctioning' – when deviating from the norm, which induces internalisation of the norm over time (Checkel, 2001, p. 558).

### ***Transfer of knowledge and resources***

Actors that do not have the financial, administrative, and technical capacity to comply are directly hampered in their compliance efforts (Tallberg, 2002, p. 613). An appropriate problem-solving strategy is then to engage in capacity building via the transfer of knowledge and resources (Börzel, 2003, p. 200; Chayes & Handler Chayes, 1995).

### ***Rule interpretation/ specification***

In order to remedy non-compliance stemming from failures to practically implement (often nebulous) good governance principles, the compliance system needs to provide for both, the authoritative clarification of norms and the specification of implementation



obligations (Börzel, 2003, p. 200). Such a mechanism need not be formalised in an adjudication body but can be informal and non-binding (Tallberg, 2002, p. 614).

## Methods

The empirical part of this article explores whether the compliance systems that come with the PGG and KGP implement the six compliance mechanisms identified in the analytical framework (see Table 1). It is important to stress that an exploration of the standards advanced by the two codes or a substantive evaluation of the impact of the compliance systems falls well beyond the scope of this article. Consequently, the empirical focus is on the implementation of compliance mechanisms rather than (their impact on) the implementation of governance standards (cf. Börzel, 2003; Hartlapp, 2007; Houlihan, 2014).

### Data sources and collection

The analysis uses a data triangulation strategy, which relies on two particular types of data sources. The analysis relies primarily on an extensive document analysis (see Table 2). Official documents detailing governance-related policies and actions were collected via the websites of the IOC and ASOIF, i.e. the organisations that devised and administer the PGG and KGP.

Documents detail formal compliance mechanisms but compliance mechanisms may be informal and organisations' practice does not necessarily follow formal processes (Bowen, 2009; Hartlapp, 2007). Therefore, 7 semi-structured interviews with officials who participate in relevant policy processes constitute the second data source (Wengraf, 2001; see Table 3). Interviews with IOC and ASOIF officials were conducted to confirm and complement the data gathered from document analysis. IF officials, in turn, were interviewed to verify these data. All respondents were assured of confidentiality; thus, no interviewee details are included and the interviews were not recorded. Relevant statements were noted down and transcribed verbatim in a word processor immediately after the interview. The interviews lasted 15 min to one hour.

### Data analysis

The data were coded on the basis of predefined codes that correspond with the six compliance mechanisms identified in the theoretical framework. Practices that raise the cost of non-compliance were categorised as enforcement mechanisms. Deliberate argumentation about the importance of good governance standards and activities aiming at an exchange

**Table 2.** Sources used for document analysis.

Category	Good governance code	Sources
Statutes and internal regulations	PGG	IOC (2008a, 2016a, 2016b)
	KGP	ASOIF (2016c)
Policy documents	PGG	IOC (2008c, 2009, 2012, 2014, 2015a)
	KGP	ASOIF (2016a, 2016b, 2017a, 2017e, 2018a, 2018b)
Press releases	PGG	Bach (2015, 2017), IOC (2008b, 2015b)
	KGP	ASOIF (2017b, 2017d)

**Table 3.** Interviewee position and interview date and method.

Interviewee	Date	Method
ASOIF official	27 March 2017	Skype
ASOIF official	3 November 2017	Phone
ASOIF official	27 November 2017	In-person
IF/ IOC official	31 October 2017	Phone
IF official	15 November 2017	Phone
IF official	21 November 2017	Phone
IF official	28 November 2017	In-person

of ideas or social disapproval of non-compliance were considered persuasion mechanisms. The promotion of knowledge, the provision of financial resource, and the clarification of standards and implementation obligations were all categorised as management mechanisms (Hartlapp, 2007).

## Results

This section discusses the cases side-by-side. The concluding section of the article returns to the comparative level (Campbell, 2010).

### *Monitoring and sanctioning*

#### *PGG*

Monitoring the implementation of the PGG is complicated *a priori* because they do not comprise clear criteria for assessment (Chappelet, 2016, p. 23). Effective monitoring must be carried out on the basis of well-defined standards of assessment (Börzel & Risse, 2010, p. 122; Buchanan & Keohane, 2006, p. 426). Codes of good governance, by contrast, provide leeway for organisations to decide on the practical implementation of provisions. Rigorous monitoring of a good governance code therefore requires the construction of clear criteria for assessment on the basis of the broader principles contained in the code (Wymeersch, 2006). The construction of such criteria facilitates objectively establishing non-compliance and, subsequently, sanctioning (Buchanan & Keohane, 2006, p. 426). The broadly formulated PGG, however, have not been translated into clear criteria for assessment. They are organised around seven themes and 38 sub-themes. Each sub-theme, in turn, contains ‘elements to be considered’ (48 in total), which constitute guidelines for implementation (IOC, 2008a, p. 3). Some are particularly vague: ‘Good internal communication reinforces the efficiency of sporting organizations’ under sub-theme 3.3 and ‘Leadership is above management’ under sub-theme 3.5. Others are more straightforward, yet do not specify criteria for evaluation either.

This reality shows that the IOC never intended to engage in a broad monitoring of the implementation of the PGG. Indeed, the IOC only incorporated a handful of minimum criteria that relate to the PGG in its 2012 and 2015 lists of evaluation criteria for IFs that sought to remain in or to be admitted to the programme of the Summer Olympic Games (IOC, 2012, 2015a). According to an interviewee, ‘You can compare it with the [Universal] Declaration of Human Rights. You adopt it but nobody is actually monitoring it’ (Interview 2). In December 2014, the IOC adopted a set of 40 recommendations named ‘Olympic Agenda 2020’ to serve as a strategic roadmap for the future of the Olympic

Movement (IOC, 2014). Olympic Agenda 2020 recommends that compliance with the PGG 'be monitored and evaluated' but that organisations should be 'responsible for running self-evaluation on a regular basis' and that the IOC should 'be regularly informed of the results of the organizations' self-evaluations' (IOC, 2014, Recommendation 27). Regarding IFs, the IOC prefers the decentralised approach of actively supporting ASOIF's self-evaluation process (Interview 2).

When it comes to sanctions, the IOC does not enforce the PGG, nor does it impose significant costs in response to non-compliance. Indeed, the only time the IOC sanctioned an IF for governance deficits was in 2013, when wrestling was provisionally excluded from (and later added back to) the Olympic programme because its federation 'had no women on its decision-making bodies and no athletes' commission' (Chappelet, 2016, p. 22). The sanction, however, occurred within the context of the IOC's, 2012 review of IFs to decide which sports would remain and be admitted to the programme of the 2020 Olympic Games.

### **KGP**

Even though the KGP are more straightforward than the PGG, they, too, do not put forward clear criteria for evaluation. The KGP comprise 50 principles of good governance, dispersed over five dimensions: transparency, integrity, democracy, sports development and solidarity, and control mechanisms (ASOIF, 2016a). Under the dimension 'Sports development and solidarity', for instance, the principle 'Transparent process to determine allocation of resources in declared non-profit objectives, in particular grassroots activities' does not specify minimum criteria for a transparent process (ASOIF, 2016a, p. 7). With a view to assessing the implementation of the principles, ASOIF devised a self-assessment questionnaire using pre-established criteria that assign scores ranging from 0 ('not fulfilled') to 4 ('totally fulfilled') for each of the 50 principles (ASOIF, 2016b). All 28 Olympic Summer IFs (voluntarily) completed and submitted the filled in tool to ASOIF a first time between November 2016 January 2017 (ASOIF, 2017b) and a second time between November 2017 and January 2018 (ASOIF, 2018a).

ASOIF's monitoring mechanism has two particular weaknesses in terms of establishing non-compliance. First, self-assessment does not produce a reliable evaluation of compliance. Following a logic of consequences, those who are scrutinised are incentivised to produce reports that reflect favourably upon themselves (Kiewiet & McCubbins, 1991, p. 32). ASOIF aimed to enhance the effectiveness of its monitoring efforts by appointing an independent consultant to review the self-assessment scores and correct them where necessary (ASOIF, 2017a, p. 3). Almost all federations' scores were downgraded as a result of the external assessment (ASOIF, 2017a, p. 7, 2018a, p. 10). Yet the burden of proof for adjusting the scores lies with the consultant, who has to demonstrate why a federation's initial score must be adjusted (Interview 1). The credibility of ASOIF's monitoring could be further enhanced by fully replacing self-evaluation with independent external assessment (Börzel & Risse, 2010, p. 122; Kiewiet & McCubbins, 1991, p. 32).

Second, ordinal indicators preclude a reliable assessment of compliance since they do not put forward strict minimum criteria (Börzel & Risse, 2010, p. 122; Buchanan & Keohane, 2006, p. 426). Indeed, ASOIF acknowledges that the criteria employed in the questionnaire 'lacked clarity in places' (ASOIF, 2017a, p. 7) and 'in many cases there was room for debate' (ASOIF, 2017a, p. 8). Though minor changes were made, the

ordinal scoring system remained in place for the second review ‘to ensure that a degree of comparison would be possible between years’ (ASOIF, 2017e, p. 10).

ASOIF does not impose sanctions on IFs for failing to comply with the KGP. ASOIF is considering the introduction of *positive* sanctions, indicating that it will ‘[e]xplore the creation of a compliance certification system’ in 2018 (ASOIF, 2017a, p. 23). An interviewee commented: ‘the system is in a premature stage. It will depend on whether there is sufficient support among the federations’ (Interview 2). A certification system could increase the benefits of compliance by providing reputation rewards to compliant IFs. It also imposes a reputation cost on non-compliant federations which fail to receive certification.

A fully fledged ‘naming and shaming’ strategy, which entails the full disclosure of data on non-compliance (i.e. ‘naming’) accompanied with some form of disapproval (i.e. ‘shaming’), would increase the costs of non-compliance. Non-compliant federations would face costs in the form of adverse publicity, and increased pressure from third parties (i.e. news media, stakeholders, and international organisations) to reform (Vogel, 2006). Yet thus far, ASOIF has reported on compliance in anonymised and aggregated terms (ASOIF, 2017a, 2018a). An interviewee explained: ‘The ASOIF Council does not want to make the federations’ scores public. They don’t want [the federations] to see [the assessment] as a sanction but stimulate people in a positive way’ (Interview 2).

Even if ASOIF were to publish its self-assessment scores, it is unlikely that this would succeed in fully correcting non-compliance emanating from cost-benefit calculations for three reasons. First, naming and shaming is less effective with small organisations, ‘which may have less of a reputation to be damaged’ (Gouldson et al., 2008, p. 364). Second, the KGPs’ lack of clear criteria for evaluation complicates exposing deficiencies. IFs may thus implement some (i.e. the least costly) governance changes in order to rebuild their image and satisfy stakeholders while leaving other areas of their governance untouched, as happened earlier in the case of FIFA (Pieth, 2014). Third, while naming and shaming must be translated into potent pressure to effectuate change, there have thus far been few actors willing and able to hold IFs to account (Forster, 2016; Geeraert & Driessens, 2015; Pielke, 2013).

## ***Persuasion and social learning***

### ***PGG***

The IOC does not actively stimulate the internalisation of specific principles contained in the PGG. Since the adoption of the PGG, however, the IOC has argued that implementing good governance (in general) strengthens IFs’ autonomy (IOC, 2008b, resolution 5). Recently, for instance, IOC president Thomas Bach, addressing sports and government stakeholders, said ‘[y]ou can only enjoy autonomy when adhering to the principles of good governance’ (Bach, 2017).

Moreover, by publicly calling upon IFs on numerous occasions to improve their governance, the IOC engages those IFs that deal with governance deficits in a public discourse about the inappropriateness of their conduct. For instance, in an editorial in the LA Times, Bach stressed ‘[f]ighting corruption also means that good governance for sporting organizations is essential’. He continued, ‘[w]e have called on and we expect all sports organizations to follow this route’ (Bach, 2015).

### **KGP**

ASOIF echoes the IOC's argumentation for implementing good governance, asserting that 'Without [good governance], autonomy is not deserved, nor is it therefore sustainable as a principle underlying the organization of world sport' (ASOIF, 2016a, p. 4). ASOIF realises, however, that this does not suffice to address cultural problems in IFs. As one interviewee commented: 'There are cultural problems in certain federations. Good governance is based on a Western model. In other parts of the world, people have different ideas about good governance' (Interview 2). ASOIF therefore explicitly aims 'to promote a better culture of governance' within their structures (ASOIF, 2017a, p. 3). To this end, it undertakes targeted efforts at persuasion and social learning.

Regarding persuasion, three particular initiatives present federations with arguments on the effectiveness and legitimacy of the KGP. First, there is ASOIF's self-assessment questionnaire which aims to persuade IFs to achieve higher scores on the individual indicators (ASOIF, 2016b). The questionnaire gives federations an understanding where they are and in which areas they are underachieving. According to an interviewee, 'you understand where you are and where you are weak' (Interview 3).

Second, ASOIF identifies governance contacts within the federations to facilitate dialogue (ASOIF, 2017c). During and after the implementation of the self-assessment questionnaire, there has been an 'intensive dialogue between the federations and ASOIF about the governance principles' (Interview 2). In addition, an ASOIF official and ASOIF's independent consultant met with each of the contact points 'to review their governance assessments', to explain the principles and to convince the federations to achieve higher scores (ASOIF, 2017a, p. 23; Interviews 2, 4).

Third, ASOIF aims to establish a Governance Monitoring Unit (GMU), which will produce voluntary and confidential 'corrective action reports' in which federations receive a phased plan to improve certain elements of their governance such as financial reporting (ASOIF, 2017d; Interviews 4, 6).

With regard to social learning, three particular actions contribute to the sharing of experiences and ideas of what constitutes appropriate conduct. First, ASOIF has identified and distributed best practice examples for each of the indicators in the self-assessment questionnaire after the self-assessment process was completed (ASOIF, 2018b). ASOIF compiled these from a range of different IFs, including Winter Olympic IFs.

Second, ASOIF organised a workshop in September 2017 which brought together the federations' contact points (ASOIF, 2017c). In the workshop, ideas and experiences were shared: a few federations presented (particular aspects of) their reforms and panel discussions were organised between federations on topics that cover the five dimensions of the KGP (Interview 2).

Third, ASOIF informs its member IFs on how they rank in relation to other federations, though the other federations are anonymised (ASOIF, 2017b, 2018a; Interviews 2,4). This competitive element may incentivise certain IFs to perform better. Tellingly, an interviewee commented: 'our federation wants to climb in the ranking' (Interview 7).

### ***Transfer of knowledge and resources***

#### **PGG**

Olympic Agenda 2020 recommends 'Supporting tools and processes can be provided by the IOC in order to help organisations become compliant with the principles of good

governance, if necessary' (IOC, 2014, Recommendation 27). However, the IOC currently does not implement policies aimed at capacity building when it comes to facilitating the implementation of the PGG by IFs.

### **KGP**

ASOIF has expressed its commitment 'to supporting its members in the adoption of standards' (ASOIF, 2016a, p. 3) 'by providing services customised to individual IF needs and budgets in order to optimise the level of good governance within its member organizations' (ASOIF, 2016a, p. 4). Four capacity building initiatives – two of which are not yet implemented – are particularly noteworthy. First, ASOIF is constantly 'at the disposal of each ASOIF member to advise and support the design of individual implementation tools as appropriate and necessary' (ASOIF, 2016a, p. 8). An IF interviewee confirms: 'we can contact [ASOIF] whenever we want' (Interview 2). This means, in practice, that 'once or twice a week' ASOIF answers federations' questions about the KGP (Interview 4). Furthermore, ASOIF's external governance consultant is at the federations' disposal (Interviews 1, 2, 4).

Second, ASOIF has, as already noted, distributed best practice examples and actively refers to them (ASOIF, 2018b; Interviews 2, 3, 4). An interviewee commented: 'It is easy to implement because you have a practical example' (Interview 3).

Third, although it does not provide direct financial assistance, ASOIF is currently contemplating the pooling of resources to set up structures to be shared by the federations on a voluntary basis. One such structure might be an independent integrity unit (Interviews 2, 4). An interviewee explains: 'An organization would provide this service so that there is an independent unit for the federations' (Interview 2). Pooling such costly structures would facilitate the implementation of related principles by smaller federations which do not have the capacity to establish costly structures.

Fourth, the corrective action reports that the GMU aims to produce will provide technical assistance on certain elements of good governance (Interviews 4, 6).

## **Rule interpretation/ specification**

### **PGG**

The IOC does not provide for authoritative clarification of the implementation obligations stemming from the PGG.

### **KGP**

As noted, ASOIF acknowledges that a lack of clear evaluation criteria has complicated both the implementation and assessment of the KGP (ASOIF, 2017a, p. 7). It has implemented four informal mechanisms and aims to implement one additional one. Taken together, they aim to address this issue by providing both authoritative clarification of the KGP and a specification of implementation obligations. None of these mechanisms, however, establish clear minimum requirements for compliance.

First, the ASOIF Governance Task Force (GT)F advises on and supports the implementation of the KGP (ASOIF, 2016a, p. 8, 2017a, p. 7). In fact, the GTF ensured consistency in the adjustment of the federations' self-assessment scores by approving a number of evaluation decisions (ASOIF, 2017a, p. 7).

Second, an ASOIF official and ASOIF's external consultant met with all the federations' contact points in 2017 (ASOIF, 2018a). They explained the federations' scores and the corrections that were made to the federations' self-assessments. They also indicated how the federations could improve their scores (Interviews 2, 4).

Third, the distribution of best practices allows ASOIF to circumvent the often-unclear evaluation criteria by giving clear directions on implementation obligations (ASOIF, 2018b). An interviewee explained: '[ASOIF] could say to the federations: implement this best practice to achieve a higher score' (Interview 4).

Fourth, both ASOIF and ASOIF's external consultant are at the federations' disposal to clarify the principles and self-assessment questionnaire (Interviews 3, 4).

Finally, the GMU is expected to play a role in the clarification of the KGP by means of the corrective action reports it will issue.

## Discussion and conclusion

This article introduces a framework on the basis of compliance theory to analyse IFs' recent self-regulation initiatives. The framework stresses the need to implement a compliance system that addresses the different sources of non-compliance, if IFs are to achieve compliance with standards of good governance. The empirical analysis demonstrates that the KGP's compliance system constitutes a significant improvement from the PGG's system (see Table 1). The PGG's system includes only general persuasion and social learning stimulation and no specification of implementation obligations for the vaguely worded PGG, no capacity building efforts, and no credible enforcement mechanisms. The KGP's system, by contrast, includes mechanisms that promote knowledge transfer, rule specification, persuasion, and social learning. While proposals for increased external oversight of IF's governance tend to focus on monitoring and sanctioning, the theoretical framework suggests that these management and persuasion mechanisms constitute significant, even necessary, steps towards truly achieving IFs' common adoption of good governance standards. Management mechanisms remove technical and knowledge barriers and thus enable willing organisations to comply. Indeed, sanctioning a federation for involuntary non-compliance is 'as misguided as it is costly' (Chayes & Handler Chayes, 1995, p. 22). Persuasion mechanisms change organisations' interests, so that they take responsibility in the implementation process (Reus-Smith, 2007). Organisations consequently implement good governance beyond (minimal) formal requirements, which is often not the case when compliance is achieved through enforcement only (Fairman & Yapp, 2005).

Future research should explore the extent to which the KGP's compliance system effectively addresses relevant sources of non-compliance. This requires paying attention to the individual principles' legitimacy as well as the different types of costs and administrative challenges associated with their implementation.<sup>1</sup> ASOIF's recent report on the second assessment of the implementation of the KGP suggests that the system has a positive effect on IFs' compliance (ASOIF, 2018a). Importantly, however, there is no fully independent external compliance monitoring mechanism and non-compliant federations do not face sanctions. Implementing good governance is associated with high costs, which implies that the likelihood of voluntary non-compliance for instrumental reasons is high (Raustiala & Slaughter, 2002). Given the absence of enforcement mechanisms, those federations that refuse to comply with particular standards for instrumental reasons are not seeing



their incentive structure altered. The KGP are therefore not likely to achieve universal adoption of good governance by IFs. Tellingly, ASOIF's compliance report shows that IFs have thus far made only modest progress regarding the implementation of the costliest governance standards (ASOIF, 2018a, also Geeraert, 2018).

Ideally, compliance with enforceable minimum criteria of good governance established on the basis of the KGP would be monitored independently. Those IFs that opt for non-compliance in spite of management and persuasion mechanisms would subsequently face credible and large sanctions. However, because IFs can simply withdraw from the KGP, ASOIF needs a broad consensus among its constituent IFs before it can implement specific (enforcement) mechanisms. The problem is a lack of rational incentives for IFs to delegate far-reaching enforcement authority to ASOIF or to any other third party. Accepting management and persuasion mechanisms is therefore just about as far as IFs are willing to go with regard to self-regulation. That means that for the time being, the only sanctioning mechanism ASOIF is considering is compliance certification. Such a mechanism focuses on positive sanctions and is not likely to fully correct non-compliance, as it does not impose any cost (or benefit) that will always be greater than the benefit of non-compliance.

Given its limits to achieving compliance, one might argue that IFs' self-regulation should be replaced by public oversight. However, the KGP's opportunities for achieving compliance via management and persuasion mechanisms urge us to transcend the public oversight versus self-regulation debate. Different types of actors can play different roles in ensuring that the necessary compliance mechanisms are implemented. On one hand, compliance could be effectively achieved through co-regulation, where the KGP's management and persuasion mechanisms are supplemented by sanctions implemented by public and/or civil society actors (Vogel, 2006). Civil society actors could impose costs via naming and shaming and IFs' host countries could implement laws and policies that enforce a minimum standard for IFs' governance (Pieth, 2014). On the other hand, the quality and effectiveness of the KGP's compliance system could be enhanced through meta-regulation, which entails that public actors impose a minimum standard for self-regulation including robust monitoring and sanctioning mechanisms (Parker, 2002). While effective public oversight of private self-regulation is difficult to achieve at the global level, both, IFs' host countries and international organisations have the potential to exert coercive pressure on IFs (Conzelmann & Wolf, 2007; Geeraert & Drieskens, 2015). On this note, the PACE has recently called upon ASOIF to publish its self-assessment scores, which could lead to (sub-optimal) naming and shaming sanctions (Parliamentary Assembly Council of Europe, 2018, point 19).

Concluding, IFs have taken an important step toward achieving a common governance standard with the introduction of the KGP. The universal implementation of standards of good governance in IFs, however, depends not only on the positive effects of self-regulation's management and persuasion mechanisms. It also depends on the ability and willingness of external actors to sanction non-compliance or to impose the implementation of enforcement mechanisms.

## Note

1. These administrative challenges may also have a negative impact on organisational performance. On this note, see Parent & Hoye (2018).

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