4-20-2017

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A LONG-AWAITED REBOOT: THE FIFA SCANDAL AND ITS REPERCUSSIONS FOR FOOTBALL’S GOVERNING BODY

MATTHEW B. DIENSO*

Abstract: On May 21, 2015, Swiss authorities raided the annual congressional meeting of the Fédération Internationale de Football Association, ultimately arresting seven FIFA executives on charges of corruption. The product of a three-year Federal Bureau of Investigation case, the Swiss raid and accompanying Department of Justice indictment was the first step in addressing what authorities describe as enduring and systemic corruption within football’s governing body. In addition to casting a shadow over the world’s most beloved sport, the FIFA scandal highlighted the international organization’s lack of accountability and, most notably, its dire need for change. Although the February 2016 reform package addressed many of FIFA’s problems, more must be done to ensure that history does not repeat itself.

INTRODUCTION

Marco Tardelli’s goal and electric celebration in the 69th minute. Croatia’s stunning defeat of Germany in ’98. Pele’s six goals and Brazil’s first ever championship in ‘58. The battle of East and West Germany in ’74. Diego Armando Maradona’s magical goal against England in ’86. ¹

For the average American, these words likely have little meaning or sentimental value.² That is because a mere six percent of Americans list football as their favorite sport.³ For the rest of the world, however, these historic dates represent only a few of the most iconic moments in football’s biggest spectacle—the World Cup.⁴

Unfortunately for football fans, while the sport itself undoubtedly boasts a storied and celebrated history, its governing body, the Fédération

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² See Ian Bremmer, These Are the 5 Facts That Explain the FIFA Scandal, TIME (June 4, 2015), http://time.com/3910054/fifa-scandal-sepp-blatter/ [https://perma.cc/8FSB-3L95].

³ Id.

⁴ See Kahn, supra note 1.
Internationale de Football Association (FIFA), has a history of its own—a history of corruption.\(^5\) A three-year case by the Federal Bureau of Investigation (FBI) culminated in May 2015 when Swiss authorities arrested top FIFA officers at the behest of U.S. officials.\(^6\) According to former Attorney General Loretta Lynch, the U.S. indictment alleges “rampant, systemic and deep-rooted” corruption spanning “at least two generations of soccer officials.”\(^7\) Specifically, the indictment states that FIFA officials rigged bids for the World Cup and accepted bribes in exchange for marketing and broadcast contracts.\(^8\)

Because football is a global sport, the FIFA scandal has the potential to ignite a geopolitical fire.\(^9\) In response to the arrests of FIFA officials in May, Russia, the host of the 2018 World Cup, accused the United States of illegally exercising extraterritorial jurisdiction.\(^10\) A statement by the Russian Foreign Ministry called on the United States to “stop attempts to make justice far beyond its borders” and to comply with international legal procedure.\(^11\)

In addition to impacting foreign relations, the FIFA scandal could have tremendous financial implications.\(^12\) The FIFA World Cup, a tournament held every four years, is consistently the most-watched sporting event in the world, surpassing even the Olympics in viewers.\(^13\) In fact, the 1998 World Cup had an astounding cumulative audience of 37 billion people.\(^14\) Unsurprisingly, the World Cup generates huge sums of money for both FIFA and the host country.\(^15\) Although the payoff of the World Cup can be substantial, hosting the event is a massive, and sometimes risky, investment for which-


\(^7\) Id. (quoting Loretta Lynch).


\(^9\) See Bremmer, supra note 2.


\(^11\) Id.

\(^12\) See Bremmer, supra note 2.


\(^14\) Tharoor, supra note 5.

\(^15\) See Bremmer, supra note 2; Fifa Corruption Crisis: Key Questions Answered, supra note 13.
ever country secures the bid. For example, although host South Africa spent $4.6 billion in preparations, the 2010 World Cup brought in just $500 million. Qatar, host of the 2022 World Cup, is expected to spend nearly $200 billion over twelve years preparing its infrastructure. Charges of rigged bidding for the tournament could have serious consequences for nations like Russia and Qatar, even potentially placing their significant investments at risk.

Part I of this Note provides background on the formation, organization, and structure of FIFA. It also outlines the turbulent history of the organization’s leaders and discusses the charges of corruption brought against top officials. Part II discusses the legal basis for American jurisdiction and outlines why jurisdiction is justifiable. Part III situates FIFA within the sphere of international law and suggests mechanisms to improve the accountability of the organization and its members.

I. BACKGROUND

In the early hours of May 27, 2015, Swiss authorities quietly entered the Baur Au Lac hotel in Zurich, Switzerland, the site of FIFA’s annual congressional meeting. When all was said and done, seven FIFA executives were arrested on charges of corruption. The initial Department of Justice (DOJ) indictment, which stemmed from an FBI case, named fourteen people, including current and former football officials and sports-marketing executives. The U.S.-led corruption case expanded in December 2015, when federal prosecutors announced charges against sixteen additional FIFA officials, two of whom were arrested by Swiss authorities that same day. These subsequent charges cited further instances of alleged bribes and kickbacks, including payments linked to past tournaments and future World Cup qualifiers.

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16 See Bremmer, supra note 2.
17 Id.
18 Id.
19 See id.
21 Fifa Corruption Crisis: Key Questions Answered, supra note 13.
22 Id.; Apuzzo et al., supra note 20.
Although it may be difficult to imagine otherwise, FIFA was not always the multi-billion dollar household name that it is today. Football’s governing body was founded in 1904 by Frenchmen whose goal was to create an umbrella organization that could unite the sport’s numerous national entities. The organization’s principal mission was to support football’s global development and arrange international matches. The World Cup—FIFA’s crown jewel—debuted in 1930 and was hosted by Uruguay. In stark contrast to the modern World Cup, the first tournament was invitation only and limited in size. In fact, as Washington Post journalist Ishaan Tharoor describes, FIFA “was initially a European club and slowly expanded to other corners of the globe.” Nearly ninety years later, the World Cup is now the most-watched sporting event in the world and brings in billions of dollars in revenue. Alongside the growth of its main event, FIFA itself has grown drastically, now resembling an organization akin to the United Nations.

Technically a nonprofit, and therefore paying little in taxes, FIFA is currently made up of 211 member-nations. These 211 members are organized into six confederations: the Asian Football Conference; the Confederation of African Football; the Confederation of North, Central American, and Caribbean Association Football (CONCACAF); the South American Football Association (CONMEBOL); the Oceania Football Conference; and the Union of European Football Associations (UEFA). In order to address

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25 See Tharoor, supra note 5.
27 Tharoor, supra note 5.
28 Id.
29 Id.
30 Id.
31 Fifa Corruption Crisis: Key Questions Answered, supra note 13.
32 Tharoor, supra note 5.
34 Map of the World with the Six FIFA Confederations, CHARTSBIN, http://chartsbin.com/view/owq [http://perma.cc/8J3R-AQ3A]. The six confederations essentially align with the continents: the Asian Football Conference in Asia, the Confederation of African Football in Africa, the
problems brought to light by the recent corruption scandal, the FIFA Congress approved an extensive reform package in February 2016, substantially altering the historical structure of the international organization. Although its headquarters will remain in Zurich, Switzerland, FIFA is now run by a president, as well as a Congress, a FIFA Council, a General Secretariat and several committees. Holding the highest office, FIFA’s president is elected every four years by the member associations of the Congress. The president sits as a member of the FIFA Council and holds the tiebreaking vote. FIFA’s supreme body, the Congress, is made up of delegates from the 211 member-nations and is tasked with approving the annual report and electing the president. The Congress holds the power to amend the organization’s statutes if necessary. The FIFA Council, a body composed of thirty-six members and the FIFA President, is responsible for crafting the strategic direction of FIFA. Because the FIFA Council was designed to replace the Executive Committee, which was formerly the primary decision-making body of FIFA in the intervals between congressional meetings, members of the now-extinct Executive Committee will serve on the Council until the end of their existing terms. While the FIFA Council is in charge of setting the overall strategy, the General Secretariat is entrusted with overseeing the actions necessary to implement that strategy.

Within FIFA’s system, each of the 211 members of the Congress is bestowed with equal voting power. That is, regardless of population size or

Confederation of North, Central American, and Caribbean Association Football (CONCACAF) in North and Central America and the Caribbean, the Confederación Sudamericana de Fútbol in South America, the Oceania Football Conference in New Zealand and the Pacific islands, and the Union of European Football Associations in Europe. Associations, supra note 33.


How FIFA Works, supra note 36.

Id.


Balser, supra note 39.


Balser, supra note 39; The Reform Process, supra note 35; Statutory Reforms FAQ—Extraordinary FIFA Congress, FIFA (Jan. 27, 2016), http://resources.fifa.com/mm/document/affederation/bodies/02/74/76/54/reformsfaq_en_neutral.pdf [https://perma.cc/KBH3-XKZW].

The Reform Process, supra note 35.

Bialik, supra note 33; Associations, supra note 33; How FIFA Works, supra note 36.
football prowess, each member is entitled to an equal voice. Further, voting within FIFA is secret, making accountability nearly impossible. In 2011, FIFA changed its rules in favor of a “one member, one vote” system to select World Cup hosts. Prior to this change, however, the now-dissolved Executive Committee decided the World Cup host. In 2010, the Committee chose Russia to host the Cup in 2018, and, controversially, Qatar to host the Cup in 2022. Critics of Qatar have pointed to perceived problems including the country’s average summer temperatures of 105 degrees, strict no-alcohol policy, and less than stellar record of worker rights and safety. In fact, Switzerland announced its own separate criminal investigation into the awarding of the 2018 and 2022 World Cups to Russia and Qatar, respectively. In order to ward off concerns that arose from the Executive Committee’s 2010 decision, the FIFA Council recently agreed on a new four-phase bidding process for the 2026 World Cup. This process, consisting of a yearlong consultation period followed by three years of “bid preparation” and “bid evaluation,” will effectively postpone the vote until 2020.

In addition to the FIFA Council, another important body within FIFA is the Ethics Committee. This independent unit, which predates the February 2016 reforms, serves as a watchdog for the global football community and

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45 Bialik, supra note 33.
47 Bialik, supra note 33.
48 Id.
50 Bialik, supra note 33; Bremmer, supra note 2. Investigations conducted by the Guardian revealed serious human rights concerns regarding the treatment of migrant workers developing the infrastructure for the 2022 World Cup in Qatar. See Pete Pattisson, Revealed: Qatar’s World Cup ‘Slaves,’ THE GUARDIAN (Sept. 25, 2013, 12:46 PM), https://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves [http://perma.cc/XQ5L-EMVK]. The investigations brought to light a wide array of abuses, including high death rates of workers, forced labor, withholding of payment, and confiscation of passports. Id. According to the investigation, migrant workers were dying at a rate of almost one a day during the summer of 2013, likely a result of extreme heat and deprivation of drinking water. See id. Among other things, Qatar’s strict anti-gay laws and dearth of any World Cup-ready stadiums have sparked additional controversy. Manfred, supra note 49.
51 Bialik, supra note 33.
54 See How FIFA Works, supra note 36.
aims to combat proscribed activities including illegal betting and bribery.\textsuperscript{55} On December 21, 2015, amidst the U.S. charges and Swiss arrests, the Ethics Committee announced that FIFA president Sepp Blatter would be banned from all football-related activities for eight years.\textsuperscript{56} Michel Platini, president of the UEFA, was also handed an eight-year ban.\textsuperscript{57} These sanctions were in response to Blatter’s alleged payment of millions of dollars to Platini.\textsuperscript{58}

Unfortunately for FIFA and football fans, what the FIFA Ethics Committee views as an “abusive execution” by Blatter and Platini appears to be just one instance among a disturbing trend of executive abuse.\textsuperscript{59} The three-year FBI investigation was originally launched in response to the bidding process for the 2018 and 2022 World Cups, but was eventually expanded to encompass FIFA dealings spanning two decades.\textsuperscript{60} U.S. authorities have charged more than a dozen high-ranking FIFA executives with racketeering, wire fraud, and money laundering.\textsuperscript{61} According to Charles Blazer, cooperating witness and former CONCACAF general secretary, these corrupt dealings include accepting bribes in exchange for the 2010 South African World Cup bid, as well as distributing broadcasting rights to major tournaments in exchange for cash.\textsuperscript{62} The list of executives allegedly involved is fraught with football juggernauts, ranging from FIFA’s vice president to leaders of football powerhouses like Brazil.\textsuperscript{63} While the U.S. investigation focuses primarily on past corruption, the FBI and Swiss authorities are committed to delving deeper into the bidding process behind the Russia and Qatar World Cups.\textsuperscript{64}

In June 2016, Swiss authorities commenced a second raid, this time at FIFA’s headquarters in Zurich.\textsuperscript{65} The search resulted in the seizure of data and

\textsuperscript{55} Id.; Independent Ethics Committee, FIFA, \url{http://www.fifa.com/about-fifa/committees/committee=1882034/index.html} [https://perma.cc/RTM9-GB4G].


\textsuperscript{57} Id.

\textsuperscript{58} Id.

\textsuperscript{59} See Fifa Corruption Crisis: Key Questions Answered, supra note 13. Former CONCACAF general secretary and cooperating witness Charles Blazer revealed that bribes were accepted in connection with both a Moroccan bid for the 1998 World Cup and broadcasting rights to the CONCACAF Gold Cup in 1996, 1998, 2000, 2002, and 2003. Id.

\textsuperscript{60} Id.

\textsuperscript{61} Id.

\textsuperscript{62} Id.

\textsuperscript{63} See id. Brazil—a five-time champion—is the only country that has participated in every World Cup. FIFA World Cup, FIFA, \url{http://www.fifa.com/aboutfifa/worldcup/}.

\textsuperscript{64} Fifa Corruption Crisis: Key Questions Answered, supra note 13.

\textsuperscript{65} Fifa Headquarters Raided: Swiss Investigators Seize Documents and Electronic Data in Criminal Probe, INDEPENDENT (June 3, 2016), \url{http://www.independent.co.uk/sport/football/news-...
physical documents that authorities hope will both confirm past findings and lead to new information. In addition to the investigations carried out by the DOJ, FBI, and Swiss authorities, global law firm Quinn Emanuel Urquhart & Sullivan, LLP—hired by FIFA after the May and December arrests—launched an internal review of football’s governing body. The resulting report, released in June 2016, highlighted even more instances of corruption.

According to the internal investigation, a trio of FIFA’s former top executives—Sepp Blatter, Jérôme Valcke, and Markus Kattner—took part in a “coordinated effort” to supplement their incomes by raising their salaries, taking bonuses, and modifying the termination clauses of their contracts with FIFA. To make matters worse, Gianni Infantino, FIFA’s newly elected president, is facing allegations that he interfered with FIFA’s independent auditor and ordered the deletion of recordings of a FIFA Council meeting.

II. DISCUSSION

*It looks very strange . . . . They are accused of corruption—who is? International officials . . . it’s got nothing to do with the USA. Those officials are not US citizens. If something happened it was not in the US and it’s nothing to do with them . . . . It’s another clear attempt by the USA to spread its jurisdiction to other states.*

Because Russia was chosen to host the 2018 World Cup, Russian President Vladimir Putin’s criticism of the United States should be viewed warily. All things considered, President Putin, and Russia as a whole, have a significant stake in the outcome of the U.S.-led investigation. Biased as they may be, however, Putin’s comments raise a valid concern. After all,
FIFA is a Swiss entity. Moreover, the allegations of corruption involve mostly foreign nationals and their conduct relating to events outside of the United States. Based on these facts, has the United States overstepped its boundaries? Is the DOJ indictment indeed an illegal exercise of extraterritorial jurisdiction?

A. The Legality of U.S. Jurisdiction

The legality of the action taken by the United States is based in the fundamental concept of jurisdiction. Jurisdiction is divided into three distinct categories: jurisdiction to prescribe, jurisdiction to adjudicate, and jurisdiction to enforce. Jurisdiction to prescribe encompasses the ability of a country to make its law applicable to persons, conduct, and relations, whereas jurisdiction to adjudicate describes the ability to subject persons to the court and administrative process. Jurisdiction to enforce is defined as the ability to compel compliance, and punish noncompliance, with a country’s laws.

In this instance of investigation and charges, jurisdiction to prescribe is the applicable legal standard. In the sphere of international law, there are several recognized and agreed upon bases for asserting prescriptive jurisdiction. The five bases of prescriptive jurisdiction are the protective princi-

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75 See Who We Are, supra note 36.
77 See Cryer, supra note 71.
78 See id.
80 See RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 401 (AM. LAW INST. 1987); Am. Soc’y of Int’l Law, supra note 79.
81 RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 401(a), (b) (AM. LAW INST. 1987) (“[J]urisdiction to prescribe, i.e., to make its law applicable to the activities, relations, or status of persons, or the interests of persons in things, whether by legislation, by executive act or order, by administrative rule or regulation, or by determination of a court . . . . [J]urisdiction to adjudicate, i.e., to subject persons or things to the process of its courts or administrative tribunals, whether in civil or in criminal proceedings, whether or not the state is a party to the proceedings . . . .”); Am. Soc’y of Int’l Law, supra note 79.
82 RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 401(c) (AM. LAW INST. 1987) (“[J]urisdiction to enforce, i.e., to induce or compel compliance or to punish noncompliance with its laws or regulations, whether through the courts or by use of executive, administrative, police, or other nonjudicial action.”); Am. Soc’y of Int’l Law, supra note 79.
83 Rose, supra note 76.
84 Roger O’Keefe, Universal Jurisdiction: Clarifying the Basic Concept, 2 J. Int’l CRIM. JUST. 735, 738–40 (2004); Am. Soc’y of Int’l Law, supra note 79.
ple, active personality, passive personality, universality, and territoriality.\textsuperscript{85} Under the protective principle, jurisdiction may be exercised if the conduct at bar falls within a certain class of offenses aimed at a state’s security or interests, including but not limited to espionage and conspiracies to violate immigration laws.\textsuperscript{86} Active personality is based on the idea that a state should be able to regulate the conduct of its own nationals regardless of location.\textsuperscript{87} Thus, as the name suggests, the relevant jurisdictional inquiry is the nationality of the actor or defendant.\textsuperscript{88} Jurisdiction supported by passive personality also hinges on who in particular is involved in the conduct.\textsuperscript{89} While active personality depends on the nationality of the defendant, passive personality is based on the nationality of the person subject to the conduct.\textsuperscript{90} The penultimate basis of jurisdiction, universality, is crime-specific.\textsuperscript{91} Encapsulating the idea that some crimes, such as slavery, genocide, and torture, are so reprehensible to the international community as a whole, the principle of universality allows prosecution of such offenders by any state.\textsuperscript{92}

The final element of prescriptive jurisdiction is the principle of territoriality.\textsuperscript{93} Perhaps the most universally accepted basis of jurisdiction, the territoriality principle allows a state to exercise jurisdiction over conduct that takes place within its borders.\textsuperscript{94} Additionally, territoriality typically encompasses what is known as the effects doctrine.\textsuperscript{95} This principle allows a state to assert jurisdiction on an actor whose outside conduct has actual or intended effects within the state.\textsuperscript{96} It is this basis of jurisdiction that provides an answer to the concerns addressed by President Putin and the Russian Foreign Ministry.\textsuperscript{97} The United States, based on the widely recognized principle of territoriality, is well within its rights to exercise jurisdiction over the

\textsuperscript{85} O’Keefe, supra note 84, at 738–40; Am. Soc’y of Int’l Law, supra note 79.
\textsuperscript{86} O’Keefe, supra note 84, at 739; Am. Soc’y of Int’l Law, supra note 79.
\textsuperscript{87} Id.
\textsuperscript{88} Id.; O’Keefe, supra note 84, at 739.
\textsuperscript{89} Id.; O’Keefe, supra note 84, at 739–40.
\textsuperscript{90} Id.
\textsuperscript{91} Id.; RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 402 (1)(a) & cmt. c (AM. LAW INST. 1987); Hannah L. Buxbaum, Territory, Territoriality, and the Resolution of Jurisdictional Conflict, 57 AM. J. COMP. L. 631, 636 (2009); O’Keefe, supra note 84, at 739–40.
\textsuperscript{92} RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 402 cmt. d (AM. LAW INST. 1987); Buxbaum, supra note 94; Am. Soc’y of Int’l Law, supra note 79.
\textsuperscript{93} See Cryer, supra note 71.
conduct of FIFA officials. The key to the exercise of jurisdiction by the United States in this case is the role played by American banks.

The DOJ indictment demonstrates that U.S. authorities are focusing solely on conduct that took place within national borders. According to the indictment, the FIFA officials and sports marketing executives who have been charged relied on the U.S. financial system to perpetuate their schemes. Actively as part of a conspiracy, FIFA officials made use of U.S. financial institutions and wire services. The conspirators’ reliance on the U.S. financial system “was significant and sustained and was one of the central methods and means through which they promoted and concealed their schemes.” Specifically, the indictment alleges that FIFA used U.S. branches of foreign banks to wire billions of dollars from accounts at Swiss banks into beneficiary accounts at U.S. banks. CONCACAF and CONMEBOL, two of FIFA’s six confederations, allegedly conducted business at Florida and New York branches of major U.S. and Swiss banks. The indictment also describes similar conduct involving personal accounts of FIFA executives at California branches of major U.S. and Swiss financial institutions. In addition to the use of U.S. financial institutions and wire facilities, the conspirators depended on the overall stability of the U.S. financial system and utilized access to private equity markets. The role of U.S. banks in facilitating the exchange of bribes and kickbacks therefore provides the basis for the exercise of jurisdiction and subsequent prosecution of FIFA officials in the United States.

99 See Rose, supra note 76.
100 See id.
102 See id. at 41.
103 Id. at 40.
104 See id.
105 See id.; Balser, supra note 39.
106 See Indictment, supra note 101, at 41.
107 See id.
108 Rose, supra note 76.
B. Beyond International Law

While international law certainly supports the United States’ actions, domestic law is also applicable. In addition to U.S. prosecutors’ reliance on domestic financial institutions, another aspect of the indictment is worth noting. Although significant portions of the allegations focus on the acceptance of bribes for lucrative broadcasting rights, the charge of bribery is noticeably absent from the DOJ’s indictment. Rather than poor craftsmanship on the part of the prosecutors, this absence is explained by the scope of federal law currently in place. Although classified as a crime in other countries, federal law does not presently criminalize the type of bribery committed by those indicted. If the football officials charged were public officials, their crimes would be punishable under the Foreign Corrupt Practices Act (FCPA), which covers bribery of both foreign and domestic public officials. But, because FIFA and its confederations are private entities, the alleged bribery between football officials and marketing executives is classified as private-to-private bribery and is therefore outside the bounds of the FCPA. State law, rather than federal law, currently governs commercial bribery or bribery limited to the private sector.

In place of bribery, the DOJ indictment charges FIFA officials with forty-seven counts of criminal behavior including racketeering conspiracy, wire fraud conspiracy, wire fraud, money laundering conspiracy, money laundering, aiding and assisting in the preparation of false and fraudulent tax returns, and obstruction of justice. These allegations arise under the Racketeer Influenced and Corrupt Organizations Act (RICO). In order to proceed under RICO, the DOJ alleges that, due to decades of systemic corruption, FIFA has transformed from a sports federation into a criminal enterprise. Devised to combat and prevent criminal organizations from infiltrating legitimate businesses, RICO essentially requires proof of two ele-

110 See Indictment, supra note 101, at 113–51; Rose, supra note 76.
111 See Indictment, supra note 101, at 113–51.
112 See Rose, supra note 76.
113 See id.
114 See id.
115 Id.
116 Id.
117 See Indictment, supra note 101, at 113–51.
119 Feldman, supra note 118.
ments: first, that a defendant was a part of a criminal organization or enterprise and second, that a defendant committed two predicate criminal acts, which include bribery, wire fraud, and money laundering.120 If this burden of proof is met, the defendant is guilty of racketeering and is eligible for stricter sentencing as well as seizure of assets.121

The involvement of U.S. banks, in addition to providing bases for the territoriality principle and certain predicate crimes required by RICO, also activates the Foreign Commerce Clause of the U.S. Constitution.122 Article I provides Congress with the power to “regulate Commerce with foreign Nations.”123 This power is not absolute.124 It would not, for instance, reach corruption that is unrelated or unconnected to the United States.125 Again, the crucial link is the use of U.S. banks, wire services, and avenues of U.S. commerce.126 Specifically, the use of U.S. financial institutions qualifies the alleged corruption as involving both foreign nations and the United States, which satisfies the text of the Constitution.127

On a larger scale, the indictment of FIFA officials from across the globe appears to be just one application of a “growing body of law that allows the United States to prosecute foreign citizens.”128 This emerging trend stems from terrorism cases and actions taken in 2004 to broaden the use of extraterritorial jurisdiction to combat terrorism.129 With regard to these cases, broader laws, the diffusion of terrorist organizations, and less reliance on military detention has “led the United States to bring more foreigners onto its soil, some with only a tenuous link to the United States.”130 The federal prosecutor credited with working tirelessly to expand this international scope is former Attorney General and Brooklyn U.S. Attorney Loretta Lynch.131 Although it remains unclear how government prosecutions will change under recently-confirmed Attorney General Jeff Sessions, Lynch’s

120 18 U.S.C. §§ 1961(1), (4)–(5), 1962; Rose, supra note 76; see Feldman, supra note 118.
121 Feldman, supra note 118.
122 See id.; Am. Soc’y of Int’l Law, supra note 79.
123 U.S. CONST. art. I, § 8, cl. 3.
124 See Anthony J. Colangelo, The Foreign Commerce Clause, 96 VA. L. REV. 949, 970–83 (2010); Colangelo, Yes, the U.S. Prosecution of FIFA Is Legal, supra note 109.
125 See Colangelo, The Foreign Commerce Clause, supra note 124, at 970; Colangelo, Yes, the U.S. Prosecution of FIFA Is Legal, supra note 109.
126 See id.
129 Clifford, supra note 128; see 118 Stat. 3638.
130 See Clifford, supra note 128.
involvement in the FIFA scandal could signal a shift towards aggressive pursuit of overseas cases at the DOJ.\footnote{See id; Eric Lichtblau, Jeff Sessions, as Attorney General, Could Overhaul Department He’s Skewered, N.Y. TIMES (Nov. 18, 2016), http://www.nytimes.com/2016/11/19/us/politics/jeff-sessions-donald-trump-attorney-general.html [https://perma.cc/AN8S-KVEW].}

III. ANALYSIS

\textit{FIFA’s mission is develop football everywhere and for all, to touch the world through its inspiring tournaments and to build a better future through the power of the game.}\footnote{About FIFA, FIFA, http://www.fifa.com/about-fifa/index.html [https://perma.cc/Y9KY-KZ6P].}

Although its brief and lighthearted mission statement might suggest otherwise, the power of FIFA extends far beyond mere inspiration.\footnote{See id.; Roger Pielke Jr., How Can FIFA Be Held Accountable?, 16 SPORT MGMT. REV. 255, 258 (2013).} The sport of football is a significant player in the global economy, as evidenced by the impact of football-related decisions on the world of big business.\footnote{See Pielke, supra note 134, at 258.} Countries that are chosen to host the FIFA World Cup spend billions investing in development of their domestic infrastructure.\footnote{See Bremmer, supra note 2.} The lucrative broadcasting rights for the World Cup and other tournaments are fiercely contested for, with executives resorting to bribes to acquire them.\footnote{See Ruiz et al., supra note 8.} Considering its ability to substantially stir economic waters, the legal status of FIFA as a nonprofit association might seem surprising.\footnote{See Pielke, supra note 134, at 258.} Perhaps even more surprising is the fact that FIFA generated almost $6 billion for itself in the last four years.\footnote{Bremmer, supra note 2.} As a major economic player with ties to nearly every part of the world, achieving accountability within the organization and among its leaders is critical for FIFA.\footnote{See Indictment, supra note 101, at 39–40; Simon Bradley, ‘Lex FIFA’ Gets Thumbs Up, SWI (Sept. 10, 2015, 6:58 PM), http://www.swissinfo.ch/eng/lex-fifa_u2018lex-fifa_u2019-gets-the-thumbs-up/-41654166 [https://perma.cc/Q75M-RABB]; Owen Gibson, \textit{Fifa’s Existence at Risk if Reforms Are Rejected, Warns Issa Hayatou}, THE GUARDIAN (Feb. 25, 2016, 4:30 PM), http://www.theguardian.com/football/2016/feb/25/fifa-reforms-issa-hayatou [https://perma.cc/98B2-S5T4].} A combination of legislative adjustments in Switzerland, active prosecution by U.S. authorities, and internal reform may prove to be a winning formula for lasting change.\footnote{See Pielke, supra note 134, at 258; Associations, supra note 33.}
A. The Legal Status of Football’s Governing Body

Headquartered in Zurich, FIFA is one of many international sporting institutions organized under Swiss law.142 With dozens of international and European organizations calling the country home, Switzerland has become a hub of international sports federations.143 Like many non-governmental organizations in Switzerland, FIFA is structured as a nonprofit association.144 Governed generally by Articles 60 though 79 of the Swiss Civil Code, nonprofit associations—although their name might suggest otherwise—are not prohibited from generating profit.145 These associations are prohibited, however, from distributing any profits to members.146 Any revenue generated must be used in furtherance of the association’s nonprofit aim or mission.147 Moreover, Swiss law classifies these types of associations as bodies in their own right.148 Associations like FIFA, therefore, are legally allowed to employ a staff and execute agreements.149 Additionally, Swiss law requires FIFA and other associations to abide by certain formalities.150 For example, associations are required to file articles of association and establish voting rights.151 Significantly, the Swiss Civil Code explicitly states that “[a]ssociations with a political, religious, scientific, cultural, charitable, social or other non-commercial purpose acquire legal personality as soon as their intention to exist as a corporate body is apparent from their articles of association.”152

FIFA’s structure as an association under Swiss law is not without its benefits.153 This legal status allows FIFA to avoid practices that regular businesses must abide by.154 For example, FIFA is not required to publish its

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145 See Practical Guide for NGOs, supra note 144.
146 See id.
147 See id.
148 See id.
149 See id.
150 See SCHWEIZERISCHES Zivilgesetzbuch [ZGB], CODE CIVIL [CC], CODICE CIVILE [CC] [CIVIL CODE] Dec. 10, 1907, SR 210, arts. 60–79 (Switz.).
151 See id.
152 Id. art. 60.
153 See Bachmann, supra note 142.
154 See id.
financial accounts, enjoys exemption from domestic anti-corruption laws, and is given substantial freedom to administer its own affairs. Additionally, FIFA does not pay taxes in Switzerland on the substantial revenue it generates from its quadrennial World Cup. To provide some perspective, the 2010 World Cup in South Africa was responsible for nearly ninety percent of FIFA’s total revenue during that particular financial cycle. In dollars, that translates to roughly $3.5 billion—tax free. Moreover, FIFA manages to acquire very favorable tax concessions from each World Cup host country. In the words of a FIFA spokesman, “Any host country requires a comprehensive tax exemption to be given to FIFA and further parties involved in the hosting and staging of an event.”

Although FIFA generally requires the details of a country’s bid document to remain confidential, Holland and Belgium published their joint bid for the 2018 and 2022 World Cups publicly. The bid, published on the official website of the Dutch government, provides a tax exemption encompassing all revenue generated by FIFA and its subsidiaries. Perhaps unsurprisingly, this setup has drawn extensive criticism. With huge sums of taxpayer money used to prepare for the World Cup, and FIFA bringing in billions in untaxed profits, the scales seem far from balanced. In fact, scholars have noted a “degree of suspicion in the minds of many people of global organisations who extract extensive concessions from the host government.”

In addition to being classified as a nonprofit and enjoying an extremely favorable tax status, FIFA is also categorically a non-governmental organi-

155 Id.
156 See Erb, supra note 33; Tharoor, supra note 5.
157 See Erb, supra note 33.
158 See id.
159 See Pollock, supra note 33.
160 Id.
161 Id.
162 Id. The joint bid, published on the official website of the Dutch government, characterized FIFA’s taxation status as follows:

The exemption stated in this section shall encompass all revenues, profits, income, expenses, costs, investments and any and all kind of payments, in cash or otherwise, including through (i) the delivery of goods or services, (ii) accounting credits, (iii) other deliveries, (iv) applications, or (v) remittances, made by or to FIFA and/or FIFA subsidiaries.

Id.; Letter from the Netherlands to Joseph S. Blatter, FIFA President (Apr. 26, 2010), https://zoek.officielebekendmakingen.nl/blg-63037.pdf [https://perma.cc/V6CH-JLRU].

163 See Erb, supra note 33; Pollock, supra note 33.
164 See Erb, supra note 33; Pollock, supra note 33.
165 See Pollock, supra note 33.
This status essentially means that, with the exception of Switzerland, no domestic governments have the power to subject FIFA to formal state authority. Therefore, notwithstanding FIFA’s omnipresence around the globe, domestic governments have very few, if any, tools at their disposal regarding accountability of the organization. Despite wielding this albeit-limited power, Switzerland has stuck to its neutral roots and taken a laissez-faire approach regarding FIFA. Inaction on behalf of Swiss authorities, coupled with the relative flexibility of Switzerland’s association law, has arguably paved the way for FIFA to slip into corruption. With deep pockets, unparalleled bargaining power, and little oversight, it is unsurprising that FIFA officials have pushed the boundaries of legality.

B. A Structure That Fosters Corruption?

Scholars have suggested that FIFA officials have been able to evade repercussions because football has historically been perceived as separate from politics. These scholars contend, however, that major events like the World Cup should be considered a matter of politics and public debate because they provide a rare chance for humanity to act as a global community. Taking into account the organization’s significant power in the economic sphere, as well as football’s unifying nature, one would expect FIFA to operate transparently and democratically.

Unfortunately, in light of the recent U.S. indictments, these expectations seem to reflect an idealistic sentiment rather than reality. Continued investigation, some suggest, could reveal that football’s structural framework itself is the problem. FIFA’s current structure favors its smaller, more easily corruptible member-states, placing these countries in a dispo-

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166 See Pielke, supra note 134, at 257–58; supra text accompanying notes 156, 159.
167 See Pielke, supra note 134, at 257.
168 See Pielke, supra note 134, at 257; Map of the World with the Six FIFA Confederations, supra note 34.
169 See Bachmann, supra note 142.
170 See id.
171 See id.; Pielke, supra note 134, at 257; Pollock, supra note 33.
172 See Pielke, supra note 134, at 256, 258; Goldblatt, supra note 46.
173 See Pielke, supra note 134, at 258; Goldblatt, supra note 46.
174 See Pielke, supra note 134, at 258; Goldblatt, supra note 46.
portionately powerful position. Currently, FIFA implements a “one member, one vote” system in its Congress. Much like the U.S. Senate, this system, which grants the smallest member-states as much voting power as the largest member-states, is intended to maintain fairness and equal protection. It must be noted, however, that the analogy to the legislative branch is imperfect. Unlike the U.S. system, there is no body comparable to the House of Representatives within FIFA. Without population-based representation, the outcome of FIFA’s structure is imbalanced democracy. To illustrate this concept, although China’s population is 250,000 times the size of Montserrat’s, both countries are equipped with equal voting power under FIFA’s current system.

For FIFA, promoting democracy while avoiding abuse has proved to be a difficult balancing act. The issue is twofold: the concentration of power within smaller member-states and the effects of funding. First, football power within smaller countries naturally rests in the hands of a select few. The smaller the group in which power is vested, the more susceptible a country’s votes are to corruption and bribery. The U.S. indictment lends credence to this theory. Jeffrey Webb, for instance, is one of the many FIFA officials indicted. Webb is the president of the football association in the Cayman Islands, a nation with a population of less than 60,000. Second, even legitimate funding from FIFA has the potential to influence the votes of smaller member-states. Not only does a relatively small amount of funding go a long way in smaller nations, but money that is

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177 See Bialik, supra note 33; Chi, supra note 176; Mahler, supra note 176.
178 See Bialik, supra note 33.
180 See Bialik, supra note 33; The House Explained—Representatives, UNITED STATES HOUSE OF REPRESENTATIVES, http://www.house.gov/content/learn/ [https://perma.cc/XF39-CJHB]; Senate Legislative Process, supra note 179.
181 See Bialik, supra note 33; The House Explained—Representatives, supra note 180.
182 See Bialik, supra note 33; Chi, supra note 176; Mahler, supra note 176.
183 Bialik, supra note 33.
184 See id.; Chi, supra note 176; Mahler, supra note 176.
185 See Bialik, supra note 33; Mahler, supra note 176.
186 See Bialik, supra note 33; Mahler, supra note 176.
187 See Bialik, supra note 33; Mahler, supra note 176.
188 See Indictment, supra note 101, at 39–40; Bialik, supra note 33.
189 See Indictment, supra note 101, at 39–40; Bialik, supra note 33.
190 See Indictment, supra note 101.
 earmarked for development projects can easily be allocated elsewhere, including the pockets of football officials.192

C. Efforts Aimed at Accountability

Examining FIFA’s turbulent history logically raises the question of how the international organization can be held accountable.193 With allegations of FIFA’s corruption now spanning decades, the body of scholarly discourse regarding a proper remedy continues to grow.194 Despite deep-rooted and enduring accusations of misconduct, FIFA has, until very recently, made few changes.195 For example, the organization’s former president, Sepp Blatter, enjoyed a long tenure amidst these allegations.196 Scholars have set forth a laundry list of factors that make greater accountability especially challenging.197 In particular, FIFA’s structure and organization make it immune to various accountability mechanisms.198 Although FIFA’s most recent reform effort has somewhat curbed the power of the president, the organization has historically lacked hierarchical accountability.199 Supervisory accountability is limited by FIFA’s statutes, which discourage oversight from national governments by allowing FIFA to suspend national football associations for any

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192 See Bialik, supra note 33; Chi, supra note 176. Funding for development projects is not the only source of money allegedly lining the pockets of football officials. Claire Phipps, Fifa’s Jack Warner Accused of Diverting Funds Intended for Haiti Earthquake Victims, THE GUARDIAN (June 9, 2015, 2:55 AM), https://www.theguardian.com/football/2015/jun/09/fifa-jack-warner-accused-funds-haiti-earthquake-victims [https://perma.cc/BZ9H-QTNA]. In June 2015, allegations surfaced that former FIFA vice president Jack Warner had diverted donations made by FIFA and the Korean Football Association that were intended to aid victims of the 2010 earthquake in Haiti. Id. It is alleged that the money was diverted to accounts controlled by Warner for his “personal use.” Id.

193 See Pielke, supra note 134, at 260.


196 See Moyer, supra note 56.

197 See Pielke, supra note 134, at 260–63; Transparency International: Fifa Member Federations Are Too Secretive, supra note 194; Pieth, supra note 194, at 5–6.


199 See Grant & Keohane, supra note 198, at 36; Pielke, supra note 134, at 260; The Reform Process, supra note 35.
interference.\textsuperscript{200} Moreover, due to the fact that FIFA is not required under Swiss law to publish its financial accounts, fiscal accountability is nearly impossible.\textsuperscript{201} Market accountability, or the impact of financial backers and consumers on decision-making, has proven to be ineffective as well.\textsuperscript{202} Although FIFA is affiliated with corporate giants like Coca-Cola, McDonald’s, Visa, and Adidas, none seem willing to do more than issue public-friendly statements of concern.\textsuperscript{203} Additionally, the immense global popularity of football makes public reputational accountability unlikely, as fans “care about what happens on the pitch, and not in the smoky back rooms of football governance.”\textsuperscript{204}

\section*{D. A Formula for Lasting Change}

1. Enhanced Swiss Legislation

In the end, the best mechanism for holding FIFA responsible is legal accountability.\textsuperscript{205} The respective investigations launched by the United States and Switzerland are undoubtedly steps in the right direction.\textsuperscript{206} In fact, recent actions taken by Swiss lawmakers suggest the country’s historically hands-off approach to FIFA may be a thing of the past.\textsuperscript{207} Approved by the Swiss Parliament in September 2015, a new law, aptly named “Lex FIFA” or “the FIFA law,” enhances existing corruption laws by making the offer or acceptance of a bribe an automatic criminal offense.\textsuperscript{208} The punishment is a maximum three-year jail sentence and the new law gives Swiss

\begin{footnotes}
\item[200] Pielke, supra note 134, at 260; see Grant & Keohane, supra note 198, at 36.
\item[201] See Grant & Keohane, supra note 198, at 36; Pielke, supra note 134, at 261; Bachmann, supra note 142.
\item[202] See Grant & Keohane, supra note 198, at 37; Pielke, supra note 134, at 259, 262.
\item[204] See Pielke, supra note 134, at 263.
\item[205] See Grant & Keohane, supra note 198, at 36–37; Pielke, supra note 134, at 259, 262–63. Legal accountability is the “requirement that international bodies and their employees must abide by the laws of relevant jurisdictions in which those laws are applicable.” Pielke, supra note 134, at 259.
\item[206] See Pielke, supra note 134, at 262; Fifa Corruption Crisis: Key Questions Answered, supra note 13.
\item[207] See Bachmann, supra note 142; Bradley, supra note 141. In an interview with the Swiss Broadcasting Corporation, Swiss legislator Roland Büchel expressed his opinion that Switzerland should have addressed allegations of corruption within FIFA long ago. See Bachmann, supra note 142.
\item[208] See Bradley, supra note 141; Joshua Franklin & Hugh Lawson, Swiss Lawmakers Pave Way for ‘Lex FIFA’ Anti-corruption Law, REUTERS (Sept. 11, 2015, 6:39 AM), http://www.reuters.com/article/us-soccer-fifa-swiss-lawmaking-idUSKCN0RB13720150911 [https://perma.cc/F2FN-NGQT]. Although very closely associated with FIFA, the Lex FIFA legislation applies to all sporting bodies based in Switzerland. See Franklin & Lawson, supra.
\end{footnotes}
authorities the power to sanction sports federations specifically.\footnote{209} Roland Büchel, a Swiss legislator and notoriously fierce critic of FIFA, is optimistic about the efficacy of Lex FIFA, characterizing the law as “strong enough to sanction corruption in sports federations like FIFA in the future.”\footnote{210} Prior to the enactment of this new law, Swiss investigations into private corruption could only be initiated if an individual within the organization filed a complaint.\footnote{211}

The most recent change to Swiss law builds upon a set of legal measures designed to improve overall supervision of sports federations.\footnote{212} A law passed by the Swiss parliament in December 2014 increased the level of scrutiny that can be applied to the bank accounts of sports officials.\footnote{213} The leaders of sports organizations, including FIFA’s president, are now classified as “politically exposed persons” subject to corruption investigations.\footnote{214} Although scholars agree that the recent Swiss legislation is an important progression, most contend that more is needed, namely increasing the resources of the Swiss Federal Prosecutor’s Office, establishing laws that protect whistleblowers, and reworking Swiss association law.\footnote{215}

2. U.S. Prosecution Through RICO and Anti-Bribery Legislation

While Switzerland is the most logical place for a shift towards more oversight to take its roots, other countries where FIFA has a presence should follow suit.\footnote{216} In addition to prosecution of FIFA officials under RICO, implementation of anti-bribery legislation could bolster U.S. efforts and establish more effective avenues to tackle corruption in the future.\footnote{217} Scholars suggest that the passage of a federal law criminalizing commercial, or private-to-private bribery could “further enhance the ability of prosecutors to target this type of conduct, particularly if Congress gave the law an extraterritorial scope.”\footnote{218} From a public reputation standpoint, charging FIFA officials with bribery would likely draw more social contempt than a charge of wire fraud.\footnote{219} Additionally, the United States and other countries where

\footnote{209} Bradley, supra note 141.
\footnote{210} Id.
\footnote{211} Id.
\footnote{212} See id.
\footnote{214} Id.
\footnote{215} See Bradley, supra note 141.
\footnote{216} See Rose, supra note 76; Who We Are, supra note 36.
\footnote{217} See Rose, supra note 76.
\footnote{218} Id.
\footnote{219} See id.
FIFA has a presence could enact legislation restricting or even prohibiting domestic corporations from providing financial support to FIFA. Threatened use of this tactic proved effective in combating a corruption scandal within the International Olympic Committee (IOC) in the late 1990s and could provide countries other than Switzerland with some degree of governmental authority over FIFA. 

3. Internal Reform

The ongoing American and Swiss investigations have already accomplished a great deal. After all, it is one thing to implement legislation to regulate powerful international organizations like FIFA, but it is quite another to actively attack corruption and pursue criminal charges. While the DOJ investigation has set its sights on the historical corruption of FIFA, FBI and Swiss authorities plan to delve deeper into the bidding process behind the Russia and Qatar World Cups. Although this application of pressure by the U.S. and Swiss governments will increase the legal accountability of FIFA, the organization itself ultimately possesses the power to bring about the most substantial change. Prior to the approval of reform measures in February 2016, FIFA had utterly failed in this regard. A reform process undertaken by FIFA in 2013 appeared on its face to be a genuine attempt to implement change, but in reality did “little more than polish the veneer on an outdated men’s club.” Similar to efforts employed by the IOC, an Independent Governance Committee (IGC) was established by FIFA. In the end, however, FIFA rejected the Committee’s nominations for key executive positions within the organization. Propositions by the IGC to add independent members to FIFA’s Executive Committee and establish a back-

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220 See Pielke, supra note 134, at 263–64.
221 See id.
222 See Fifa Corruption Crisis: Key Questions Answered, supra note 13; Perez & Prokupecz, supra note 23.
223 See Fifa Corruption Crisis: Key Questions Answered, supra note 13; New Swiss Law Allows More Scrutiny of Fifa and IOC Finances, supra note 213.
224 Fifa Corruption Crisis: Key Questions Answered, supra note 13.
225 See Pielke supra note 134, at 259, 261; Bradley, supra, note 141 (“[T]he responsibility for cleaning up sports federations lies with the organisations themselves, not the authorities.”); Fifa Corruption Crisis: Key Questions Answered, supra note 13.
226 The Reform Process, supra note 35; see Wrage, supra note 195.
227 See id.
228 See id.; Pielke, supra note 134, at 263 (discussing IOC’s establishment of a commission tasked with recommending reforms following its corruption scandal).
ground review process for new candidates for senior positions were also shot down.230 Complete rejection of other IGC recommendations, including disclosure of compensation and term limits for key FIFA positions, suggests that, at the time, FIFA was more interested in the good publicity that a reform effort might bring rather than the actual reform itself.231 Critics initially characterized FIFA’s most recent reform effort as more of the same.232 The reform committee, which was convened in September 2015, was criticized for its membership of “football and Olympic insiders and officials, all of whom have an implicit conflict of interest through their roles as well as a vested interest in maintaining as much of the status quo as they can get away with.”233 Nevertheless, despite the committee’s makeup, it produced a number of substantial and thoughtful recommendations.234 These measures, approved by the FIFA Congress in February 2016, were incorporated into a revised version of the FIFA Statutes.235 First and foremost, the reforms established the FIFA Council as a replacement for the Executive Committee.236 The tandem of the newly formed Council, which will serve as a supervisory, strategic body, and the General Secretariat, which will function in a managerial, executive role, is meant to ensure a true separation of powers.237 Under this new structure, the president will hold less power and will act in a more ambassadorial capacity.238 Significantly, the Council will include a minimum of six female representatives—at least one for each confederation.239 In addition, candidates for the FIFA Council will undergo “comprehensive eligibility and integrity checks conducted by an independent FIFA Review Committee.”240 The reforms also institute term limits for the FIFA President and FIFA Council members—the
maximum incumbency is now twelve years or three terms of four years.\textsuperscript{241} Other notable changes include annual disclosure of salaries of key executives and a “commitment to human rights to be enshrined in the FIFA Statutes.”\textsuperscript{242}

Now that these substantial reforms have been implemented—the changes came into effect sixty days after adoption—FIFA’s focus must shift towards meaningful enforcement.\textsuperscript{243} Additionally, although the reform package is a sign of significant progress for football’s governing body, FIFA would benefit from a change to its current voting process.\textsuperscript{244} FIFA’s current “one member, one vote” system fosters imbalanced democracy by favoring its smaller, more easily corruptible member-states.\textsuperscript{245} Imposing a population-based voting right could correct this imbalance and ensure that smaller countries are no longer disproportionately favored.\textsuperscript{246} While more can always be done, internal changes at FIFA—combined with enhanced Swiss law and active U.S. prosecution—mark a meaningful step forward on what will likely be a long road toward renewing the trust and respect of the global football community.\textsuperscript{247}

CONCLUSION

The recent FIFA scandal is yet another black mark on the governing body of the world’s most beloved sport. As the investigations launched by U.S. and Swiss authorities seek to hold responsible those executives involved, it has never been clearer that FIFA as an organization is in dire need of reform. Although FIFA’s unique orientation within the sphere of international law and its favorable legal status under Swiss law make matters more complicated, accountability of the organization is not implausible. Domestically, recent Swiss legislation has armed authorities with more teeth, putting law enforcement on the offensive. In addition to U.S. prosecution under RICO, implementation of federal anti-bribery legislation would enhance the ability of prosecutors to combat future corruption. In the end, however, FIFA alone has the greatest power to shape its future. Along with continued application of pressure by Switzerland and the United States, meaningful

\textsuperscript{241} Id.; Fifa Reforms Passed, supra note 239. Sepp Blatter, FIFA’s former president, was elected to a fifth term before resigning in the midst of corruption allegations. Fifa Reforms Passed, supra note 239.
\textsuperscript{242} The Reform Process, supra note 35.
\textsuperscript{243} Id.; Statutory Reforms FAQ—Extraordinary FIFA Congress, supra note 42 at 1.
\textsuperscript{244} See Bialik, supra note 33; Chi, supra note 176; Mahler, supra note 176.
\textsuperscript{245} See Bialik, supra note 33; Chi, supra note 176; Mahler, supra note 176.
\textsuperscript{246} See Bialik, supra note 33; Chi, supra note 176; Mahler, supra note 176.
enforcement of the recently adopted reform package—and additional re-
forms going forward—may be enough to set FIFA on the right track. Alt-
hough FIFA’s future is shrouded in uncertainty, one thing is clear: football
fans certainly deserve better.