

HOST CITY SELECTION: REFORMS TO THE SELECTION PROCESS

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I. INTRODUCTION

In December 1998, stories of corruption and bribery among members of the International Olympic Committee (IOC) emerged in relation to the selection of Salt Lake City as host of the 2002 Winter Games.¹ There were a number of investigations into these allegations² which led to the expulsion of six IOC members. The scandal also prompted an investigation by the Sydney Organising Committee for the Olympic Games into the bid by Sydney for the 2000 Olympic Games. As a result of these investigations, the process for selecting a host city has come under close scrutiny for the first time.

This article outlines the process of selecting a host city and the rules and laws which govern this process, as it existed until March 1999. The article also reviews the position the IOC takes in relation to sport and the Olympics generally, and in relation to host city selection. Problems with the selection process, both in terms of the way it is regulated and inherent problems are analysed. The article concludes with a discussion of the reforms already made and proposed to be made by the IOC and a possible alternative method of host city selection is put forward.

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1 Board of Ethics of the Salt Lake Organising Committee for the Winter Olympic Games of 2002, "Findings of Fact", *Salt Lake Tribune*, 7 February 1999 www.sltrib.com/Specials/Olympics2002/SLOCReport.

2 For example, the IOC ad hoc Commission to Investigate the Conduct of Certain IOC Members and to Consider Possible Changes in the Procedures for the Allocation of the Games of the Olympics and the Olympic Winter Games, 24 January 1999 and *Report of the Special Bid Oversight Commission*, chaired by Senator George Mitchell, 1 March 1999.

II. THE SELECTION PROCESS

A city begins its preparation to host the Olympic Games often three or more years prior to the time when the IOC will vote to select the host city. Since this election takes place seven years prior to the year of the Olympic Games themselves, it is not uncommon for a host city to have prepared for ten years to hold the Olympic Games.

Hosting the Olympic Games is a highly sought after privilege, which brings with it international recognition and, more recently, such lucrative sponsorship and tourism opportunities that it has been described as a “multi-billion dollar enterprise” by United States Senator George Mitchell in his Report of the Special Bid Oversight Commission.³ This has given rise to fierce competition among rival candidate cities.

Currently, any city can be put forward by the relevant National Olympic Committee (NOC) as a candidate to host an Olympic Games. Such declarations are generally made at gatherings of sporting bodies or the IOC, where large numbers of the international Olympic community are present. This marks the commencement of an intensive marketing and campaigning process.

There are generally three formal aspects of the campaign. Each candidate city must prepare a “Bid Book”, which is an informative and factual presentation of the city. The Bid Book includes information about the facilities of a candidate city, in terms of athlete comfort and competition. It also includes detailed information about the candidate city and country itself, management and organisational capabilities, and plans for further development in the lead up to the Olympic Games.

The second formal stage is evaluation of the candidate city by the IOC. Two evaluation commissions for candidate cities are appointed by the IOC President.⁴ They are composed of members representing the International Federations, the NOC, the IOC, the Athletes’ Commission and any specialists whose advice may be helpful. The chairperson of each evaluation commission (who must be an IOC member) studies the candidatures, visits each candidate city to inspect the sites and submits a written report on all candidatures to the IOC not later than two months before the opening date of the meeting of the IOC which elects the host city.

The Evaluation Commission assesses a candidate city’s bid on its ability to host an Olympic Games, and uses the visit to obtain further details and information on the issues raised in the Bid Book. The Evaluation Committee also assesses preparation for the Games to date, the likelihood of future developments taking place (as the Bid Book usually claims that a number of new venues will be designed and constructed for the purposes of holding the Games) and the location of facilities and accommodation.

The third and final formal process is the IOC Session where each member votes for his or her preferred candidate city. In round one, the candidate city

3 Senator George Mitchell, note 2 *supra* at 1.

4 Olympic Charter, By-law to Rule 37.

with the fewest votes is excluded from the next round of voting. Voting rounds continue until only two cities are left. The city with the most votes in this final round is then declared the winner. Votes are by secret ballot and the IOC Session to select the host city does not adjourn until a host city is chosen.

Whilst the Bid Book and the report of the Evaluation Committee is useful in providing further information to IOC members, selection of the host city is ultimately based on which candidate city is the favourite among the majority of IOC members. The key to a candidate city's success therefore, is to win the votes of as many IOC members as possible in all rounds of voting.

It is this aspect of the selection process, along with the increasing popularity of hosting the Olympic Games which has led to the development of a new culture in the selection process and the IOC in general. In 1977, Los Angeles was the only candidate seeking to host the Olympic Games. Following the success of the 1984 Olympic Games, there have been, on average, six candidates for each Olympic (Summer and Winter) Games. This has meant that candidate cities have, especially in the last decade, sought to aggressively win the support of each individual IOC member.

Candidate cities which have been most successful have had highly developed strategy plans. A primary focus of such a strategy is, obviously, to win the vote of each and every IOC member. The preferred method of achieving this aim appears to have been to establish and maintain close personal relationships between an official, or a person affiliated with a candidate city, and each IOC member and usually their partner. Forming the basis of such strategies, candidate cities have developed portfolios of as many IOC members as possible. These portfolios contain very detailed information on each IOC member including details of that member's family, profession or career, interests, personal likes and dislikes, opinions on aggressive promotion by candidate cities, vulnerability to incentives, and the like. To develop these portfolios, candidate cities have employed the assistance of professional 'consultants' in various parts of the world on the basis that these consultants are in a better position to properly ascertain the true personality of certain IOC members. For example, the Sydney bid team which succeeded in winning the right to host the 2000 Olympic Games, employed consultants in the Middle East and Eastern Europe because these people had special knowledge of the culture and background of the IOC members in these regions.⁵

Further in the effort to win favour of an IOC member, candidate cities have invited IOC members to visit the proposed location of the next Olympic Games and to enjoy the hospitality which that city and its candidate committee had to offer. Until 1985, IOC members were prohibited from visiting a candidate city. From 1985, such visits were permitted, and from 1991, these visits were encouraged.⁶ The rationale for allowing IOC members to visit the candidate cities was to permit IOC members to fully appreciate any alleged benefits that

5 Report by the Independent Examiner, *Review of the Records of Sydney Olympic 2000 Bid Limited*, March 1999 at 35.

6 Intermediary Report of the IOC 2000 Commission, 2 June 1999, <www.olympic.org/loc/e/news/reforms>.

one city had over another. These visits were opportunities for officials and people associated with a candidate city to establish and enhance individual personal relationships with IOC members.

It has been stated by members of the Sydney bid team that, if they had not developed relationships with IOC members to the extent that they did and used the strategies employed (which are further discussed in Pt III of this article), Sydney would have been at a significant disadvantage to other candidate cities and would most likely have been unsuccessful in its bid to host the 2000 Olympic Games.

III. CONDUCT OF THE INTERNATIONAL OLYMPIC COMMITTEE AND ITS MEMBERS

Throughout all of its operations, the IOC presents itself as the moral guardian of sport and, in particular, the Olympic Games.

The IOC is a private association whose conduct is generally self-governed by the Olympic Charter.⁷ The Olympic Charter deals more specifically with conduct of IOC members than conduct of candidate cities. It is the codification of a set of rules which have been adopted by the IOC. The Olympic Charter governs the organisation and operation of the Olympic Movement and stipulates the conditions for the celebration of the Olympic Games.

The IOC chooses and elects its members from among persons it considers qualified who are nationals of a country in which there is an NOC recognised by the IOC.⁸ Members are admitted at an IOC ceremony during which the members agree to fulfil their obligations by taking the following oath:

Granted the honour of becoming a member of the International Olympic Committee and of representing it in my country...and declaring myself aware of my responsibilities in such capacity, I undertake to serve the Olympic Committee to the very best of my ability, to respect and ensure the respect of all the provisions of the Olympic Charter and the decisions of the IOC, which I consider as not subject to appeal on my part, *to keep myself free from any political or commercial influence and from any racial or religious consideration, and to defend in all circumstances the interests of the IOC and those of the Olympic Movement.*

Despite making this oath, the investigation into bids by Salt Lake City, Sydney and Atlanta have revealed that "votes were for sale"¹⁰ and in some cases IOC members expected or demanded gifts and favours. Expulsion of IOC members guilty of breaking this oath, or otherwise acting against the interests of the IOC, is allowed for in the Olympic Charter which states:

7 The IOC is also under the jurisdiction of Swiss law, however the provisions of Swiss law are not relevant for the purposes of this article.

8 Olympic Charter, Rule 20.1.1.

9 *Ibid*, Rule 20.1.4 (emphasis added).

10 Report to US Congress of former Attorney General Griffin Bell, 16 September 1999.

An IOC member or honorary member may be expelled by decision of the IOC Session if he (sic) has betrayed his oath or if the Session considers that such member has neglected or knowingly jeopardized the interests of the IOC or has acted in a way which is unworthy of the IOC.¹¹

Decisions to expel an IOC member or honorary member are taken by a majority of two-thirds of the members present at the Session on the proposal of the Executive Board. The member concerned shall have the possibility to state his case and appear personally to such effect before the IOC Session.¹²

It was under this provision of the Olympic Charter that six IOC members were expelled at the 108th Extraordinary Session.¹³ However, these were the first expulsions of this kind, and there is strong evidence that the type of behaviour which took place during Salt Lake City's bid had been established as common practice well before this time.¹⁴ Whilst the IOC had the power to control and discipline its members with respect to their conduct during its city selection, the IOC in the past had failed to do so, and instead had allowed a broad culture of "influencing IOC members in the selection process by improperly providing them with things of value".¹⁵ This failure has been a major weakness in the selection process.

The high standards of conduct expected from IOC members, especially in relation to selection of a host city, were amplified in the report of the IOC Ad Hoc Commission to Investigate the Conduct of Certain IOC members (the "Ad Hoc Report") which was presented to the IOC Executive Board on 24 January 1999. The Ad Hoc Commission was set up, following the allegations against Salt Lake City in early 1999, to undertake a preliminary investigation into the selection of Salt Lake City as host of the 2002 Winter Games.

For the purposes of its report, the Ad Hoc Committee developed a description of conduct which it considered to be incompatible with the status of an IOC member. Most of this conduct is not clearly prohibited by the Olympic Charter, but was considered to be against the 'spirit' of the IOC. The Ad Hoc Report stated:

Actions which are incompatible with the status of a member of the IOC in relation to candidate cities are those which are, or may reasonably be perceived to be, an abuse of the power, position or influence of an IOC member, including requests, directly or indirectly, for assistance or intervention of any nature that may be perceived as such, or any actions which lead a candidate city to believe that it may be to its advantage to act in a particular manner, or that it may be to its disadvantage not to act in such a manner. Such inappropriate actions include the following:

1. Accepting any of the following material benefits:
 - (a) money,
 - (b) goods or services having no relation to the candidacy,

11 Olympic Charter, Rule 20.3.4.

12 *Ibid*, Rule 20.3.5.

13 IOC, "International Olympic Committee Expels Six Members at Session", Media Release, 18 March 1999.

14 *Report of the Special Bid Oversight Commission*, note 2 *supra*, Executive Summary.

15 *Ibid*.

- (c) non-emergency medical services,
 - (d) gifts which are patently out of the range of customary exchanges;
2. Accepting or permitting the acceptance of material benefits for family members or relatives, including scholarships, living expenses, medical services and employment;
 3. Accepting or directing benefits to third parties (except arm's-length sports or Olympic-related programs the terms of which are public knowledge and where the publicly-expressed criteria are implemented); and
 4. Accepting excessive hospitality from a candidate city, in particular, multiple visits or bringing more than one accompanying person.

The culture surrounding the selection of the host city has been described as a "culture of corruption"¹⁶ where the giving of gifts and benefits is condoned. The types of gifts and benefits referred to included offers of college scholarships and jobs, medical care and training for athletes from other countries. Accepting these benefits, as many IOC members did,¹⁷ was clearly "incompatible with the status of an IOC Member". However, it is not clear whether the behavioural requirements outlined in the Ad Hoc Report are intended to be binding in nature, and whether a breach of these requirements will be a cause for expulsion. This causes greater confusion for both IOC members and candidate cities trying to adhere to the rules, as it is not clear what these are rules are.

IV. RULES AND LAW GOVERNING CANDIDATE CITY BEHAVIOUR

Although the conduct of the IOC members is generally governed by the Olympic Charter, rules have been developed to regulate the conduct of both IOC members and candidate cities during their campaign. These rules are found in the IOC guidelines, and any relevant legislation applicable to each candidate city.

A. IOC Guidelines

Rule 37 of the Olympic Charter (which is dealt with in more detail in Pt II of this article) provides that cities applying for the organisation of the Olympic Games must undertake in writing to respect the conditions prescribed for candidate cities issued by the IOC Executive Board. The main body of rules governing host city conduct were implemented by Marc Hodler, the Swiss IOC member, in 1991. These guidelines apply equally to all candidate cities and are set out in Pt II of the *IOC Manual for Cities Bidding for the Olympic Games* under the heading "Instructions to IOC members and to cities bidding to host the Olympic Games on limitation of expenditure" (the IOC Guidelines).

16 Congressman Fred Upton as quoted in "Culture of Corruption: House Chairman will push IOC to clean up its act", 21 September 1999, CNN Website <www.cnn.com/olympics/news>.

17 *Report of the Independent Examiner*, Annexure G.

The IOC Guidelines identify a number of types of conduct which both IOC members and candidate cities are instructed to refrain from engaging in. These types of conduct can be summarised as follows:

- **Conduct at Olympic meetings:** the IOC Guidelines limit the number of official delegates permitted at an Olympic meeting (which includes meetings of international sporting bodies, the whole or part of the IOC and all meetings held on the occasion of the Olympic Games). Candidate cities are not to organise any exhibitions or events promoting their bid during Olympic meetings. Candidate cities are not to organise or take part in IOC receptions (parties, and so on) at Olympic meetings. The single exception is any reception organised jointly by all candidate cities. An unusual rule is that discussion of bids is not to take place outside the hotel where the IOC members are staying during an Olympic meeting.
- **Visits by candidate cities to IOC members:** candidate cities are not to send representatives to visit IOC members in the IOC member's country except for a single visit of no more than two people to a voting member of the IOC who does not visit the candidate city. The IOC member must have informed the IOC of their agreement to receive the visit and the candidate city must inform the IOC of any such visits. When the Bid Book is presented to an IOC member by diplomatic or consular representatives, such a presentation must not be combined with a reception.
- **Visits by Olympic officials (including IOC members, leaders and delegates of NOCs and International Federations, staff and other consultants of such an official) to candidate cities:** an Olympic official can only be invited to visit a candidate city once and the IOC must be advised of this visit. During this visit, the candidate city can only pay for the travel and accommodation costs of the Olympic official and a single companion for a three day visit (which can be extended to five days if required for the health and rest of the official). The tickets themselves must be non-refundable to the recipient, they may be first-class. Where visits to more than one candidate city are combined in one trip, the IOC will fix the share of the travel costs to be borne by each candidate city. Should an Olympic official visit a candidate city on further occasions for other reasons, the candidate city must not bear the travel and accommodation expenses associated with such a visit nor must third parties acting on the city's behalf bear such costs.
- **Presents, liberalities or other benefits to IOC members:** a candidate city (including any third party acting on its behalf) must not give IOC members, their relatives by blood or marriage, nor their guests or companions, presents, liberalities or direct or indirect benefits other than souvenirs or small presents of a total value which must not exceed US\$200 per person (excluding the costs of candidature files and accompanying documents, reception expenses and travel and accommodation costs).

- Agreements, transactions or contracts with IOC members: a candidate city (including any third party acting on its behalf) must not enter into agreements, contracts or transactions with any IOC members, their relatives by blood or marriage, their guests or companions or any legal person represented by such persons or in which such persons have an interest.

Whilst these rules are referred to as “guidelines”, they are intended to be binding and both candidate cities and the IOC members are expected to strictly adhere to the IOC Guidelines.

Despite the IOC rules and guidelines, investigations into Salt Lake City, Atlanta and Sydney have established that conduct which appears to be outside the IOC Guidelines has been undertaken¹⁸. This conduct has included:

- assisting family members and friends of IOC members to relocate, find employment and further their education and training;
- generous donations, scholarships and grants to musical and sporting bodies with which an IOC member had a relationship;
- inviting IOC members to various sporting events around the World including Wimbledon and the French Open;
- paying for medical treatment (including cosmetic surgery) and hospital care;
- lavishing hospitality on IOC members and their partners at as many functions and gatherings of the IOC and sporting associations as possible (for example, the Olympic Games which were held during the campaign period, IOC meetings, meetings of federations of the International Athletics and Soccer Associations); and
- giving personal gifts to IOC members, and basing them on the personal information gathered about the IOC members.¹⁹

This illustrates a further weakness in the selection process. The IOC made no attempt to monitor or enforce compliance with its own rules as they related to candidate cities. Interpreting the IOC Guidelines in a literal and strict manner, a great deal of the conduct which candidate cities performed was in breach of the IOC Guidelines. The most simple example is given by the rule regarding gift-giving: an IOC member is not to be given presents which exceed US\$200 in total. The Report by the Independent Examiner into Sydney’s bid established that all IOC members received gifts in excess of the stipulated value.²⁰ The failure by the IOC to penalise candidate cities for breaching the IOC Guidelines led to prohibited conduct becoming standard practice among candidate cities, to the extent it “has become widespread, notorious, continuous, unchecked and ingrained in the way Olympic business is done”.²¹

18 Note 2 *supra*.

19 Note 5 *supra*.

20 *Ibid* at 28.

21 Senator Mitchell Report, note 2 *supra* at 38.

B. Relevant Legislation Applicable to a Candidate City

Further inconsistencies in the selection process arise due to the fact that each candidate city may also be restricted by legislation which has jurisdiction over its actions. As discussed previously, conduct which Sydney was involved in included: visiting IOC members in their home countries; inviting IOC members to visit the candidate city; giving financial assistance to relatives and associates of IOC members for education and sports training; assisting associates and relatives of IOC members to immigrate and find employment; and, giving gifts to IOC members and their families. It is possible this type of conduct may amount to a breach of the *Crimes Act* 1900 (NSW) (the *Crimes Act*) and the *Independent Commission Against Corruption Act* 1988 (the *ICAC Act*).

Part 4A of the *Crimes Act* is entitled "Corruptly Receiving Commissions and other Corrupt Practices". This Part makes it an offence, punishable by a maximum of seven years imprisonment, for an agent to corruptly receive or solicit a benefit (whether for themselves or someone else) as a reward or inducement to do or not do something in relation to the affairs and business of their principal. An agent is deemed to have received or solicited a benefit where someone else receives or solicits it with the consent or at the request of the agent.²²

It is also an offence to aid, abet, counsel or procure in NSW the commission of an offence under Part 4A, whether or not the offence takes place within NSW provided it would be an offence punishable under the provisions of a law in force in the place where it occurs which "corresponds" to a provision of Part 4A.²³

It is not a defence that the receiving, soliciting, giving or offering of any benefit is customary in any "trade, business, profession or calling".²⁴

If a person who fell within the jurisdiction of NSW legislation had undertaken any of the conduct referred to earlier and been in a principal and agent relationship with the Bid Company, such actions may fall within s 249D(1), and amount to criminal conduct under the *Crimes Act*.

Conduct of candidate cities, or more specifically of members of bidding teams could amount to corrupt conduct under the *ICAC Act*. Section 13 of the *ICAC Act* provides that one of ICAC's principal functions is to investigate corrupt conduct, conduct liable to allow, encourage or cause the occurrence of corrupt conduct or conduct connected with corrupt conduct. Corrupt conduct is generally conduct of any person that adversely affects, or could adversely affect, the honest or impartial exercise of official functions by any public official or public authority,²⁵ or conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions,²⁶ a breach of

22 *Crimes Act*, s 249B(1).

23 *Ibid*, s 249F.

24 *Ibid*, s 249J.

25 *ICAC Act*, s 8(1)(a).

26 *Ibid*, s 8(1)(b).

public trust,²⁷ or the misuse of information acquired in the course of official functions.²⁸

Section 9 of the *ICAC Act* provides that:

despite s 8, conduct does not amount to corrupt conduct unless it could constitute or involve: (a) a criminal offence, or (b) a disciplinary offence, or (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or (d) in the case of conduct of a Minister of the Crown or member of a House of Parliament a substantial breach of an applicable code of conduct.

For conduct to be considered corrupt, it must fall within s 8 of the *ICAC Act* and not be excluded by s 9(1).²⁹

In the case of the Sydney bid, as well as most bids made by other candidate cities, members of the bidding team have included public servants, members of local, federal and state governments and other public officials. Accordingly, there exists a theoretical possibility, that these public officials engaged in conduct which may amount to corrupt conduct.

The Independent Examination³⁰ of the files of Sydney Olympic Bid 2000 Limited, the company formed to organise the Sydney efforts, found that in winning the right to host the 2000 Olympic Games for Sydney, the Bid Company and any individuals associated with the Bid Company did not engage in any conduct which was considered by the Examiner to be likely to be found to be in breach of NSW legislation.

As a further example of how specific jurisdictions may be covered by further 'rules', the United States Congress is considering amending the *Foreign Corrupt Practices Act*, which presently exempts the IOC, as a possible method of preventing gift-giving to IOC Members to influence selection of candidate cities.³¹

V. FLAWS IN THE SELECTION PROCESS

The previously discussed revelations relating to the campaigns of Salt Lake City and Sydney alone indicate that the selection process is not governable by the IOC Guidelines. As discussed, the IOC Guidelines are not strictly enforced and candidate cities face no consequences for breaching the IOC Guidelines. The selection process itself (where a vote of each member is required and candidate cities do what they can to get this vote), appears most inconsistent with the moral high ground exhibited in the Olympic Charter and taken by the IOC in all of its operations. The selection process does not seem to acknowledge the principles of the Olympic Charter in any way. In particular, if the Olympic Charter was strictly adhered to and formed the environment of host city selection, there would not be any need for the IOC Guidelines. The environment and the behaviour of candidate cities would be governed by the IOC members themselves only

27 *Ibid*, s 8(1)(c).

28 *Ibid*, s 8(1)(d).

29 *Greiner v Independent Commission Against Corruption* (1992) 28 NSWLR 125.

30 T Sheridan, *The Review of the Independent Examiner*, March 1999.

31 Note 16 *supra*.

permitting that type of behaviour which was consistent with being an IOC member.

The selection process also fails to recognise that IOC members come from many different countries, each with a different culture and background and widely varying levels of wealth. For IOC members in poorer countries and countries where sport does not have the same level of importance as in Australia, using the opportunity to promote and progress their country's sporting ability and to enhance their country's sporting future may be a valid and honourable act within their country, regardless of the fact that it may be against the rules of the IOC. Another example, is an IOC member in an unliberated and unsafe country where that member has the opportunity, by reason of their membership to the IOC, to give their family the opportunity for a more secure and happy life. That IOC member may validly think that the safety and happiness of their family is at least as important if not more important than the policies and procedures of the IOC.

From the candidate's point of view, it is impossible to see how, if a candidate city is to be successful in winning the bid to host an Olympic Games, that candidate city can adhere to the high standards imposed. A comparison of the IOC Guidelines and the Olympic Charter provides some inconsistencies in defining appropriate and inappropriate behaviour. The Olympic Charter clearly disapproves of the winning of votes by incentives and friendship, and would prefer each IOC member to vote based on his or her opinion of the candidate best suited to hosting the Olympic Games. The IOC Guidelines however appear to consider that incentives to IOC members are inevitable and attempt to limit and control the level of these incentives. Also, it is evident from the reports into the bids by both Salt Lake City and Sydney, that the environment of bidding to host the Olympic Games may be inconsistent with the rules which both candidate cities and IOC members are expected to adhere to, and the very high standards which these parties are expected to maintain.

VI. REFORMS TO THE SELECTION PROCESS

While the selection process remains as it is, the flaws previously outlined will continue to exist and will continue to divide the IOC in its assessment in what is right and what is wrong. The IOC holds the rights to the largest sporting event in the world. It is not, and should not be a judge of human belief or behaviour.

Selection of a city to host the Olympic Games should surely be based solely upon which city out of all those candidates is the most suitable to host the Olympic Games. If a number of host cities are equally suitable, the obvious next question is which of those cities would host the best games for the athletes. Such a selection would increase the emphasis on the Bid Book and the Evaluation Committee visit and report and this may, in itself, produce further and different problems. However, at least the focus of this selection would be upon the candidate city and its abilities and its opportunities to further the Olympic movement.

The selection process should also be open with a clear and transparent system of assessment. For example, the IOC could develop a standard evaluation report and methodology, not dissimilar to the methodology used for a tender evaluation, which could specify criteria, allow the Evaluation Committee (or some such equivalent) to make an assessment of that criteria in a manner which allows bids to be compared, and allocate a number of points to that particular criteria (to allow its importance to be weighted relative to other criteria): Strict adherence to a well thought out and approved evaluation method would remove doubts about why a city was selected and justify the decision. The detailed results of the selection process should be made public to show that of all the candidate cities who campaigned to host an Olympic Games, the city that was chosen was clearly the best based upon the assessment of factors which are truly important when it comes to hosting an Olympic Games.

Following the controversy surrounding the selection of Salt Lake City and to a lesser degree Sydney, the IOC has acknowledged the problems which exist in relation to the selection process and in response reacted with both immediate and long-term goals. A number of immediate changes were made at the 108th Extraordinary Session of the IOC on 17 and 18 March 1999.³² The IOC expelled six members for inappropriate action involving the Salt Lake City Olympic bid. It was also resolved that from that time, visits to candidate cities by IOC members would be strictly prohibited. There was no detail surrounding this new rule, so it is not clear if IOC members can visit cities which are also candidate cities if they have other reasons for doing so, or if the rule is absolute.

The IOC also adopted reforms applicable to selection of the city to host the 2006 Winter Games. The reforms called for the creation of an "election college", comprised of:

- the IOC President;
- IOC Doyen Jean Marie Faustin Godefroid Havelange (BRA);
- eight additional IOC members;
- the Chairperson of the Evaluation Commission;
- a representative of the winter sports International Sports Federations;
- an NOC representative; and
- three athletes elected by the athletes at the XVIII Olympic Winter Games in Nagano.

Parties who could not be involved in the election college include nationals of a country which had put forward a candidate city or members of the IOC Executive Board, except the President, and the President of the Evaluation Commission. The election college selects two finalist candidate cities, and the host city is then selected by the full IOC Session.

This process was adopted at the 109th IOC Session on 19 June 1999, and Turin, Italy, was selected as host of the 2006 Winter Games.³³

32 IOC, "108th Session of the IOC Adjourns Announcing Major Reform and Formation of Two Commissions", Media Release, 19 June 1999.

33 *Ibid.*

To facilitate permanent reform, the IOC created the IOC 2000 Commission.³⁴ This Commission was set up to prepare and to propose to the IOC all recommendations it considers appropriate in relation to modification of the IOC structure, rules and procedures. Three main objectives were stated to be a review, with the focus on possible reforms of the:

- composition, structure and organisation of the IOC;
- role of the IOC; and
- designation of the host of the Olympic Games.

Working groups were established to focus on these three areas. The working group looking at selection of the host of the Olympic Games is being co-ordinated by Anita Defrantz, United States IOC member. This group is reviewing eligibility criteria, the bidding procedure and the election system and shall meet as often as is considered necessary between July and September 1999 to prepare a report. It is anticipated that the conclusions and final recommendations of the IOC 2000 Commission (including all its working groups) will be presented to an Extraordinary Session of the IOC at the end of 1999.

The IOC 2000 Commission released its intermediary report in June 1999.³⁵ This report stated that the Working Group would improve the election procedure by ensuring that the outcome of an election is always positive for the Olympic Movement. Although the report did not make any conclusions, issues raised included:

- who could propose a bid;
- the establishment of a pre-selection process to prevent bids not meeting a minimum level from going forward in the selection process;
- how the Olympic Games should rotate between continents, and whether it should be mandatory or discretionary for this to take place; and
- strict enforcement of a code of conduct for candidate cities.

The Working Group recommended to the IOC Executive Committee that promotion of a bid for the 2008 Olympic Games should not begin until at least February 2000. By this time, the recommendations and reforms of the IOC 2000 Commission ought to be finalised and these would determine the process for selection of the host of the 2008 Olympic Games.

Despite the adoption of various rules and guidelines by the IOC, it has been well established that corruption and vote-selling has played a part in the selection of a host city. The IOC has previously ignored these problems, and by failing to enforce its own rules, has failed to control its members and the candidate cities as it has had the ability to do. This has allowed abuse and ignorance of the rules and guidelines to become standard practice, and has seen candidate cities forced

34 IOC, "Reforms of the IOC: First Meeting of the IOC 2000 Commission", Media Release, 2 June 1999.

35 Intermediary Report of the IOC 2000 Commission, note 6 *supra*.

to compete for host city selection in an environment which has permitted, if not promoted the selection of a host city to be based on something other than which city would provide the best location, venue and homes.

The IOC acknowledged its internal problems in June 1999, and is currently working to address the deficiencies in the selection process (together with general reforms to the organisation and structure of the IOC and the Olympic Movement) through the IOC 2000 Commission.

The IOC prides itself on promoting fair and equal competition and it would seem that the best starting place for this idea would be in the selection of the host city itself.