

Email from Emilio Garcia, FIFA Chief Legal and Compliance Officer, 31 October 2024 to Nicholas McGeehan, co-director FairSquare.

Dear Mr. McGeehan,

We refer to your letter dated 7 October 2024, in which you inform us of the key findings of a report that your institution intends to publish regarding various FIFA operations (the Report). We have noticed that the Report was finally published yesterday.

It is clear that Fair Square has spent considerable time in gathering information and preparing the Report. The Report is making numerous, serious and damaging allegations against FIFA and its President – conclusions that Fair Square appears to have reached before thinking to approach FIFA seriously. This is unfortunate as, even in the very general description of the matters to be addressed in the Report provided in your letter, it is clear that Fair Square has misunderstood and mischaracterised many aspects of FIFA's purpose and its organisational and governance structure. You also ask a number of detailed questions and seek the production of a large number of documents.

In the circumstances, a two week response period is unreasonably short (indeed, going against the principles of fairness and transparency that Fair Square espouses). That said, and before enter into the full analysis of your Report – something that we will do in the next days-, we can provide the following preliminary responses and observations to your letter of 7 October 2024.

Information Sources

As a first step, we would like to invite you to consult, in case you are unaware of them or have not made use of them in your work, the various transparency and good governance reports that are periodically published by the *Association of Summer Olympic Federations* (ASOIF <https://www.asoif.com/>). In these reports, different parameters of transparency and good governance are evaluated by independent experts. These reports consider FIFA's work in this area since 2016 and assesses the high grading that FIFA consistently receives.

Other bodies that have undertaken a detailed and critical assessment of FIFA's governance reforms since 2016 include the US Department of Justice (DOJ), which in 2021 awarded the FIFA Foundation remission in the sum of \$201m ([Office of Public Affairs | Justice Department Approves Remission of Over \\$32 Million in Forfeited Funds to Victims in the FIFA Corruption Case | United States Department of Justice](#)). In making the award the DOJ had to be satisfied that FIFA's governance and procedures were fit to be entrusted with the administration of those funds and the award was made acknowledging the oversight and independent audit measures put in place by FIFA to ensure funds were distributed appropriately.

We note that Fair Square has undertaken 100+ interviews in the preparation of the Report, and that your conclusions are based on the views of, amongst others, journalists, researchers, sociologists, lawyers, economists and "experts in governance, corruption and tax". Other sources of helpful and highly relevant information, which Fair Square appears to have ignored

completely, include national member associations of FIFA (FIFA's "shareholders" and the recipients of FIFA's revenues), the continental confederations (which are not members of FIFA but are responsible for the conduct and regulation of football in their respective territories), bodies such as the World Health Organisation (WHO) and other NGOs that collaborate with FIFA in its development initiatives, other key football stakeholders and representatives of FIFA itself.

Independent Committees

Since 2016 FIFA has had a Governance, Audit, and Compliance Committee composed of independent professionals in all these key fields. It is disheartening that you have characterized the election of a new Chairman of that Committee, Justice Mukul Mudgal – a distinguished judge of the Indian High Court and regional Chief Justice - as the "effective sacking" of Mr Miguel Maduro.

Mr Maduro's appointment and mandate were essentially for one year, with the FIFA Congress—comprising 211 member associations—being the body responsible for appointing (and/or reappointing) the members of this Committee. The FIFA President and the FIFA administration do not have a vote in the Congress. It is a blatant mischaracterisation to refer to the "effective sacking" of Mr Maduro when his departure was in fact a result of the expiry of his mandate. This decision to appoint Justice Mudgal was made democratically by the 211 national associations exercising their democratic right to nominate the members of the independent committees for the period 2017-2021.

As regards Fair Square's criticism of the expansion of the standing committees from 7 to 35, it is not clear why this should be a matter for such censure. Indeed, principles of good governance and transparency are better served by having more committees with oversight, developing accountability and involvement in FIFA's decision-making processes. The new FIFA committees will offer greater participation to FIFA's members, in an organisation that has made it its goal to be more global than ever in the last eight years. We do not see how, for example, giving a voice to football fans, or offering specific development committees in various aspects of women's football, contradicts good governance and transparency.

FIFA's Governance Structures

Certain matters raised in your letter display a fundamental misunderstanding of FIFA's governance structure, the so-called "executive powers" of the FIFA President and the operation of the Bureau of the FIFA Council. Your clear errors here cast doubt on the quality of the overall content of the Report. We encourage you to review FIFA's Statutes and Governance Regulations—which are published along with numerous additional materials on our website (legal.fifa.com). The manner in which certain decisions are taken is very clearly set out in those documents.

The Bureau of the Council is a collegiate body that makes its decisions by majority vote. At no point does the President unilaterally make decisions on behalf of FIFA or override the decision making power of the FIFA Council or the Bureau of the FIFA Council. The Bureau exists in

order to assess urgent matters and any decisions of this body must subsequently be ratified by the FIFA Council at its next plenary meeting.

As referenced above, Fair Square needs also to understand that the continental Confederations are *not* members of FIFA. Again, we refer you to the FIFA Statutes available on [fifa.com](https://www.fifa.com). The autonomy of the Confederations is guaranteed by their respective statutes. FIFA cannot impose its rules or views on matters such as presidential terms at the regional level. Had you spoken to the Confederations, or their members, it would have easily clarified this point.

Women's Football and the Role of Women in Football Administration

Women's football and the increased participation of women in our sport has been, and continues to be, internationally recognized. FIFA is at the very forefront of the strides being taken to develop the women's game around the world. Even the most cursory research would have demonstrated FIFA's unwavering and continued commitment to develop the women's game, most recently in the publication of FIFA's latest strategy for the Women's game (see [Inside FIFA](#)) and in 2023 President Infantino's fight for fair TV deals for the Women's World Cup. The increase in programs for the development of women's football worldwide during the last years speaks for itself ([Fifa threatens Women's World Cup broadcast blackout in Europe | Women's World Cup 2023 | The Guardian](#)).

FIFA is the first governing body in sport to introduce mandatory safeguards and rights for women players in relation to, amongst other things, maternity leave (an example commentary here: [FIFPRO's perspective on new FIFA women's football labour conditions regulations - FIFPRO World Players' Union](#)). In addition, we encourage you to take into account the latest statutory changes and the recent FIFA circulars regarding, among others, the requirement to propose women for the new FIFA Standing Committees. You can find all of this once again at legal.fifa.com, as well as in our annual reports published in full on our official website.

Fair Square's comments regarding the representation of women within the FIFA leadership and administration are also completely unjustified. It should not be necessary to mention the presence of women on FIFA's Management Board and the fact that the FIFA administration was led, with pride and very successfully, by a female Secretary General from 2016-2023.

There is no other international sports federation with these records in the field of women's sport. Your characterisation of FIFA's position in this way is extremely disappointing and inaccurate.

Safe Sport

FIFA takes the safety and welfare of all participants in football as its number one priority. Therefore it is equally disappointing to note Fair Square's negative portrayal (albeit in very summary form) of FIFA's work in protecting victims of sexual or psychological abuse in our sport. If there is any international sports federation that has been as active in investigating and sanctioning these behaviors globally, it is FIFA.

Once again, we invite you to visit our official website—legal.fifa.com—to review the work carried out in this field by FIFA's independent Ethics Committee, which has issued countless decisions on the matter, decisions that FIFA has subsequently defended before the Court of Arbitration for Sport.

It is also important for you to be informed of the extensive work that FIFA has been doing for several years through its Safeguarding and Child Protection Department, all of which is transparently published on our website. It is grossly unfair for you to make a blanket assertion regarding FIFA's so-called "inaction" solely on the basis that the Global Safe Sports Entity is in the process of being established. I encourage you to contact the IOC to learn about the work being done here, and FIFA's reasons for moving forward with this project in a way that is more exclusively focused on football.

Human Rights

Focusing now on the group of allegations regarding human rights, it is worth mentioning that FIFA and the tournament organisers in Qatar implemented far-reaching measures to ensure protection for migrant workers involved in the preparation and delivery of the FIFA World Cup Qatar 2022, which have been recognised by multiple independent organisations, such as the UN, the ILO and international unions who inspected these sites on a regular basis.

In addition, it is widely recognised that the FIFA World Cup in Qatar served as a catalyst for labour reforms that enhanced protections for hundreds of thousands of workers in the country (see ILO report here [What has changed for migrant workers in Qatar? - InfoStories \(ilo.org\)](#)).

Bidding processes for the FIFA World Cup™ 2030 and 2034

The foundation for the 2030 and 2034 bidding processes was the unanimous approval by the FIFA Council – with representatives of all confederations - of a consolidated proposal that covers both editions. In line with the principle of confederation rotation, the bidding process for the 2034 edition was open to the member associations of the AFC and the OFC. This means that hosting the FIFA World Cup™ is made available to every eligible confederation over an eight-year period, specifically Concacaf in 2026, CAF, CONMEBOL and UEFA in 2030, and the AFC and the OFC in 2034.

FIFA is implementing thorough and robust bidding processes for the 2030 and 2034 editions of the FIFA World Cup™, with the same approach as previously for the selection of hosts for the FIFA Women's World Cup™ 2023 in Australia and New Zealand, the FIFA World Cup™ 2026 in the United States, Mexico and Canada and the FIFA Women's World Cup™ 2027 in Brazil. All relevant reports, including the independent human rights context assessments and the human rights strategies of all bidders for the 2030 and 2034 editions, are available on our website. .

The bid evaluation reports for the 2030 and 2034 FIFA World Cup will be published ahead of the Extraordinary FIFA Congress on 11 December 2024.

Conclusion

As we mentioned at the beginning of this email, the way your institution attempts to portray FIFA's position in a number of areas is not objective, properly researched or fair. There is extensive publicly available information available addressing the issues that the Report purports to cover but which Fair Square has deliberately avoided including in its assessment.

We hope that you take this additional information seriously and reconsider your approach in the Report in the next days. In the meantime and now that the Report has been published, we reserve all our rights in the context of this publication.

Yours sincerely,

Emilio