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Governance challenges in esports: a best practice framework for addressing integrity and wellbeing issues

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ABSTRACT

The exponential growth of esports gives rise to a number of regulatory and governance issues which expose a number of different stakeholders, including vulnerable, young participants, to potential harms. This paper examines critical challenges which currently exist in the esports ecosystem, namely integrity and participant wellbeing, with the aim of addressing the knowledge deficit in relation to best practice governance and policy process aimed at protecting relevant stakeholders in esports. Using a corporate governance framework previously developed by Burger and Goslin, this paper also generates governance reform options in relation to the identified critical issues whilst having regard to the inherently commercial and networked nature of the sector. The paper proposes an integrated policy process model to address the practicality of developing and implementing a robust, dynamic governance system with a focus upon close engagement with stakeholders to influence legitimacy of protectionist policy. This paper builds upon earlier literature on governance and policy process in sport and proposes a research agenda to address the need for governance in this burgeoning landscape.

Esports is one of the world's fastest growing sport and entertainment activities. The exponential growth and increasing commercialisation of esports signals a mainstream, global phenomenon, which has demonstrated phenomenal popularity in filling the live sports void produced by the COVID-19 pandemic (Fakazli 2020, Gu 2020, López-Cabarcos et al. 2020, McCaskill 2020). Esports leverages its digital product by engaging typically young audiences and players through a combination of live events in stadia and streamed games and tournaments through popular platforms such as YouTube and Twitch, which are now overtaking other forms of entertainment as the most popular content among next generation consumers (Jang et al. 2021). Hence, esports is arguably positioned as a hybrid of the uncertainty, competition and high performance of sport and engaging content, consumed for longer and more frequently than traditional forms of entertainment (Jang et al. 2021). The commercial opportunities presented by the growth of the esports sector are accompanied by a number of regulatory challenges such as welfare (Rippel-Szabó 2019), consumer protection (Derrington et al. 2021), and integrity (Brickell 2017, Peng et al. 2020). These challenges are amplified by the lack of governance and regulation within the sector, the uniquely commercially driven foundation of the sector, and the youth-filled consumer base.

The rise of esports has enormous implications for the nature of sports consumption, in addition to broader implications for media and entertainment (Holden *et al.* 2017). It is increasingly accepted, including by the International Olympic Committee (IOC), that esports could be classified as a sporting activity (Taylor 2017) and the IOC is even evaluating ways to capitalise on the young esports market by considering its inclusion in the Olympic Games (International Olympic Committee 2018, Morgan 2019, Tjønndal and Skauge 2021). In addition, many traditional sports have diversified into esports, either in the form of simulated sports or ownership of teams, tournaments, and events, viewing the two as synergistic in terms of structure, revenue generation, high performance, and governance. Examples include Formula One's diversification into e-racing, the FIFA World Cup branded online game and the FIBA international esports tournament. However, despite the rapid growth of esports and the ongoing challenges faced within the esports ecosystem, no unified governance structure exists. Yet, in traditional sports, principles of good governance have been developed into widely accepted principles over time (Chappelet 2018). It is therefore appropriate to consider whether it would be beneficial to view the regulatory and governance challenges of esports through the lens of traditional sports governance frameworks and practices.

This paper aims to address the knowledge deficit of esports governance and policy development among corporate and traditional sporting decision makers, who must learn to engage with the elusive younger consumer markets and embrace this burgeoning sport. We provide a brief overview of the esports ecosystem and key trends pertaining to its rapid evolution. Adopting a multi-theoretical analysis incorporating stakeholder, agency, legitimacy, and actor-network theories, we then identify critical regulatory and governance issues in esports and propose governance and policy reform designed to address these challenges. Given a large proportion of the esports consumer base is comprised of minors, we focus on those regulatory and governance challenges which relate to child protection and youth wellbeing. Indeed, it has been argued that youth may be particularly vulnerable to the negative impacts of online gaming and esports, given the links between addiction and gaming (World Health Organization 2018, Derrington *et al.* 2021), gaming and gambling (Gainsbury *et al.* 2016b, Greer *et al.* 2019, Derrington *et al.* 2021) and the potential exposure to toxic behaviour such as cyberbullying, abuse, racism, and discrimination (McInroy and Mishna 2017, Adinolf and Turkay 2018, Holden *et al.* 2020, Singh 2020). By focussing on these consumer-focused challenges faced by the esports industry, we also demonstrate the application of the aforementioned theories to the esports context. We also review relevant governance and policy frameworks and propose an integrated policy model for esports, along with adoption of a universal governance approach reflecting the Burger and Goslin (2005) framework previously applied to the broader sports industry. Our proposed reform to this complex and evolving problem draws on universal principles of corporate governance and seeks to provide for the establishment of a mix of appropriate norms and values and codes, along with regulation within the esports sector, and the balancing of the competing interests and agency of relevant stakeholders (Henry and Lee 2004). The implementation of this approach is then considered from a holistic systems perspective, integrating all stakeholders and the importance of agency and legitimacy in effecting policy development and behavioural change in the esports ecosystem. Finally, in light of our analysis, we set out a future research agenda.

This paper advances recent literature relating to the governance of esports, including that by Johri (2020), Funk *et al.* (2018) and Cunningham *et al.* (2018), by examining key player welfare and integrity issues in detail, and generating governance reform premised upon an existing and proven governance framework for sport. The challenges and complexity of governance in contemporary sports organisations have been acknowledged by several recent authors (e.g., Geeraert 2015, Association of Summer Olympic International Federations 2016, Westberg et al. 2017, Hoye *et al.* 2019, Andon and Free 2019, McLeod 2019) and esports is no exception, despite the fact that different governance-related issues may exist (Chao 2017, Peng *et al.* 2020). Indeed, the challenges faced by the esports ecosystem are arguably even more complex given the rapid growth of the industry and the fact that the lack of an identifiable governance structure has led to the increase in integrity related issues within esports (Peng *et al.* 2020). As a result of the complexity of sports governance, we

have witnessed a proliferation of sport governance frameworks in recent years (Chappelet and Mrkonjic 2019). However, the mere existence of governance principles or guidelines is insufficient without consideration of the practical application and evaluation of such frameworks in specific sporting contexts (Chappelet 2018). As such, a second key contribution is our examination of policy development and implementation in the complex, multi-stakeholder, digital environment of esports, by integrating policy frameworks relating to legitimacy, agency, and network analysis. Without effective governance reform, esports (similar to traditional sports) are likely to suffer a trust and legitimacy deficit among key stakeholders (Martinelli 2019, Bafna 2020), as well as an increased threat of integrity issues as the rapid rise of esports continues (Brickell 2017, Murray *et al.* 2020). As such, our proposed reform is a useful guide for esports stakeholders when considering how to address critical issues which, if left unaddressed, stand to hinder the growth and reputation of the sector and for policy makers, when considering how best to address risks posed by the esports sector to the community and its own stakeholders. Indeed, Peng *et al.* (2020, p. 11) have argued that 'the rising power of (emerging) stakeholders in the network seeking to address integrity issues has caused fragmentation of the esports governance framework' and our proposed reform agenda aims to guide stakeholders towards shaping effective governance institutions within the esports ecosystem.

The Esports Audience

It is generally accepted that the term 'esports' refers to competitive video gaming on any device. Wagner (2006, p. 438) defines esports as 'an area of sport activities in which people develop and train mental or physical abilities in the use of information and communication technologies' whilst Hamari and Sjöblom (2017, p. 211) define the term as 'a form of sports where the primary aspects of the sport are facilitated by electronic systems; the input of players and teams as well as the output of the esports system are mediated by human-computer interfaces.' The esports sector is poised to be worth approximately US $200 billion by 2023 with the number of players expected to exceed three billion in the same year (Wijman 2020).

The business model of esports can be contrasted to traditional sports in a number of respects. Most notably, 'consumers actualise and sustain the esports phenomenon through their engagement with the interconnected nexuses of playing, watching, and governing of esports' (Seo and Jung 2016, p. 637). That is, unlike traditional sports, esports players and fans can engage in real-time via live streaming, which creates a stronger social and community basis (Hilvert-Bruce *et al.* 2018). Concerningly, however, a further differentiator between esports and traditional sports is the lack of governance and policy application in esports, something which experts suggest should be embraced given the sector's standing as a major platform for competitive intensity with an extensive young audience (Funk *et al.* 2018).

Regulatory and governance challenges

To date, legal and governance challenges in esports have predominantly related to unregulated gambling, underage participants, and integrity, issues which some commentators suggest may be aggravated by the lack of central governance within the sector (Brickell 2017). Integrity issues such as match-fixing, doping, and cyber-attacks are common because the high stakes within the sector 'have attracted . . . individuals who employ dishonest or outright illegal means for monetary gain' (Stivers 2017, p. 265). A final area of concern within the sector is player welfare, including the physical and mental health and well-being of young participants. While there is a plethora of governance and policy-related issues to explore in the context of esports, we focus upon those most relevant to protection of youth wellbeing, given the universal principles of their welfare protection embodied in the UN and EU frameworks (Chaskin *et al.* 2018) and the rise of esports as a significant cultural and social influence. From a policy perspective, engagement of youth in policy development has been

particularly embraced since the adoption of the United Nations Convention of the Rights of the Child (UNCRC). Emphasis has also been placed on recognising young people's potential for agency and contribution to society, as well as their right to participate, engage, and influence policy process (Chaskin *et al*. 2018). In this vein, policy research now conceptualises childhood as a status in itself in which young people are active contributors to their socialisation and to the world (James and Prout 1997, Archard and Macleod 2004, Wyness *et al*. 2012).

As discussed, however, the esports ecosystem is comprised of a plethora of actors and stakeholders, of which children and young people are only one group. The number of actors and complexity of interactions within the esports ecosystem bring a diversity of perspectives to policy making, which itself must respond to the tensions that arise because of competing, and often conflicting, stakeholder interests. A number of theoretical frameworks both explain the existence of governance and regulatory challenges in esports and can be used to inform policy development aimed at addressing those challenges. The most relevant of those theories, namely stakeholder, agency, legitimacy, and actor-network theory, are summarised in Table 1, which also describes some of the particular regulatory and governance challenges in esports which can be explained by those theories.

Legitimacy theory views the sport policy process as an interlinked chain of legitimating acts that occur as an iterative process, with consequences in one phase having implications for other phases in the policy process (Li *et al*. 2018). Application of this framework implies identifying the organisation seeking legitimacy in the subject(s) of the legitimating act, the legitimating source, the legitimating strategy used, the base of legitimating invoked and the context in which the act takes place (Li *et al*. 2018). In this regard, a particular concern in the current esports ecosystem is the lack of a central governing body with its own legitimacy. Whilst good arguments may be made in support of the creation of a central governing body, such a step seems unlikely in the current climate. Accordingly, individual bodies, some of which are governing bodies of certain aspects of esports, must implement their own governance strategies and seek to legitimise those strategies in the eyes of relevant stakeholders. In terms of understanding the actors affected by legitimate inputs and outputs of process, stakeholder theory provides a well-established lens and assists with developing a holistic, inclusive understanding of policy process across the complex esports ecosystem (Jones *et al*. 2018).

Stakeholder theory dictates that corporate governance and management should take account of the interests of all of the groups potentially affected by the actions and decisions of an organisation or industry (Friedman *et al*. 2004, Westberg *et al*. 2017). Unlike in traditional corporate governance, stakeholder theory does away with the assumption of shareholder primacy and the sports industry provides a good example of this as profits are often a secondary consideration behind winning (e.g., Terrien *et al*. 2017). In the specific esports context, stakeholder theory provides that corporate governance should not simply seek to maximise the financial performance of developers and clubs. Rather, any corporate governance framework should take into consideration the interests of all stakeholders, such as commercial entities, players, children, and parents. Whilst financial returns may not therefore be the paramount goal of a corporate governance framework designed in light of stakeholder theory, evidence suggests that stakeholder focused governance generally leads to increased financial and non-financial support from stakeholders (Esteve *et al*. 2011). When viewed from the perspective of different stakeholders, this is perhaps unsurprising. For example, parents who are aware that a particular developer has implemented anti-gambling or child protection mechanisms into its games would seem more likely to allow a child to play games produced by that developer than games produced by a developer who is clearly only profit focussed (see, e.g., Derrington *et al*. 2021). This is a very important point in terms of implementation (which is discussed further below).

Agency theory is also relevant in assessing the role, agenda and motivation of actors or stakeholders within the esports ecosystem (Mason and Slack 2005). Despite the absence of formal agency agreements, each stakeholder group in the esports sector can be viewed as a principal or agent of

Table 1.

Theory	Relevant literature	Description of theory	Application to esports policy
Legitimacy theory	Li *et al.* (2018) Sam and Ronglan (2018)	Legitimacy theory considers good corporate governance as an interlinked chain of legitimating acts that occur as an iterative process, with consequences in one phase having implications for other phases in the policy process.	In the esports context, legitimacy theory would promote a corporate governance framework through which regulation or governance of one type of entity (e.g., developers) results in the protection or advancement of interests of individuals/stakeholders who may or may not directly engage with the first entity (e.g., adolescents, parents).
Stakeholder theory	Friedman *et al.* (2004) Esteve *et al.* (2011) Westberg *et al.* (2017)	Stakeholder theory contemplates corporate governance mechanisms that balance the rights and needs of different constituencies and groups affected by the relevant organisations and industries.	Regulation of esports should balance the competing interests of developers, adult players, and children (among others). A particular issue in esports is the potential for unregulated and underage gambling which can occur through in-game features which are not easily identifiable as gambling devices (e.g., loot boxes) (Gainsbury *et al.* 2016a, Hamari and Keronen 2017). There is a clear tension between the commercial endeavours of developers and the need to protect children from the serious risks associated with gambling, including the likelihood of long-term addiction and the ability to unwilling lose enormous amounts of money (Gainsbury *et al.* 2016a, Hymas and Dodds 2018).
Agency theory	Mason and Slack (2005)	Agency theory arises in situations where one party (the agent) makes decisions or acts on behalf of another party (the principal). From a corporate governance perspective, the theory promotes the use of governance mechanisms which diminish the loss of value (monetary or otherwise) caused by the agent not acting in the best interests of the principal. It is important to note that the concept of agency theory is applicable even in the absence of a formal agency agreement or relationship.	There is an informational asymmetry between developers and players (particularly children) about the long-term risks of addiction and the mechanisms built into games to exploit those risks. This is also a moral hazard issue. Contracted players are subject to the directions, rules, and pressure of their teams. This may not always be in the players' best interests. For example, rigorous and lengthy practice regimes may result in physical injury or mental health issues (Winkie 2015, DiFrancisco-Donoghue *et al.* 2019). These concerns are compounded by the pressure felt by professional players to practice on their own because of a lack of job security (Hollist 2015). Additionally, players may not always act in the best interests of their team (e.g., if they cheat, engage in corrupt activities, do not follow rules). In tournaments, limited supervision of players means that exploitation of opportunities to cheat is likely (Turton 2017). For example, a member of OpTic India's *Counter-Strike: Global Offensive* team was caught during the eXTREMESLAND 2018 tournament using a hack which automatically aligns players' aim with targets so that missing shots is impossible (Star and Bakshi 2019). Match-fixing and collusion, which is said to arise due to the lack of transparency in unregulated markets and an absence of player identification (Godfrey 2018) also undermines the integrity of esports events to the detriment of tournament organisers and other competitors.

(Continued)

Table 1. (Continued).

Theory	Relevant literature	Description of theory	Application to esports policy
Actor-Network theory	Latour (2013) Witkowski (2012) Shim and Shin (2016) Marques et al. (2020)	Actor-Network Theory postulates that everything exists at some place within an everchanging network of relationships and that corporate governance mechanisms must account for the dynamic nature of all relationships.	Stakeholders in the esports sector are involved in many changing relationships. For examples, players contract with different teams, developers, and tournament organisers. As technology continues to develop, there will also be new relationships between players and machines/non-human actors which nevertheless require regulatory oversight and governance.

other stakeholder groups or a party affected by the actions of an agent on behalf of a principal. As shown in Table 1, both categories of agency costs, being informational asymmetries and moral hazard problems, are rife within the esports sector and good corporate governance should seek to minimise those costs (Jensen and Meckling 1976, Mason and Slack 2005). The uniquely digital and commercial nature of esports warrants integration of the dynamics of a technology-driven sector into any policy making strategy, and the actor-network theory, based in science and technology research (Witkowski 2012, Latour 2013, Shim and Shin 2016) is a useful framework that could be used to understand how participants interact in a networked system like esports. For example, any policy formulation and implementation must apply practically to networked systems, including between a player and a machine, multiple players, and multiple technologies and nonhuman and social and technical aspects (Witkowski 2012).

Governance and Proposed Reform of Esports

Traditional sports are usually governed by self-regulatory bodies that create and administer rules relating to the commerce of the sport, employment relationships, drug use, player behaviour, licencing of playing facilities, sponsorship arrangements, the control of safety standards, and on-field gameplay. As yet, no such body exists in the esports sector despite a number of attempts to establish a central governing body (The Legal Forecast 2017). For example, the Esports Integrity Commission aims to be the recognised guardian of esports integrity (The Legal Forecast 2017) and is focused on eliminating match-fixing, betting fraud, and other integrity issues (Croft 2017). The World Esports Association was established by the ESL as the first pro-gamer union, combining the eight largest pro-gamer teams, and has adopted the World Anti-Doping Agency ('WADA') Prohibited List (Tach 2015, Electronic Sports League 2015, 2017). The International eSports Federation (IeSF) publishes standards for certification, referees, competitions, and player management (IeSF 2020) and is also an official WADA signatory (World Anti-Doping Agency 2020). None of these organisations, however, enjoy the cooperation or recognition of all or most publishers, teams, or other stakeholders. The resulting lack of a central governing body within the sector presents a real challenge to its effective regulation (The Legal Forecast 2017), something which is already difficult due to the jurisdictional complexities arising from the international and online nature of the sector. As discussed, agency, stakeholder, legitimacy and actor-network theories all demonstrate that notwithstanding these challenges, an effective governance framework has the potential to reduce many of the risks faced by esports participants and other stakeholders whilst also promoting the long-term success of the sector.

Given the increasing commercialisation and legal complexity of sporting federations, scholars and policy makers have increasingly acknowledged the need for clear governance frameworks and best practice guidelines in traditional sporting contexts (e.g., Geeraert 2015, Chappelet and Mrkonjic 2019). In fact, there are currently almost 50 'sport governance frameworks' in existence (Chappelet and Mrkonjic 2019) drafted by a variety of stakeholders, from academics, governments and international sporting federations. Among these, Burger and Goslin (2005) governance approach has been widely cited (Chappelet and Mrkonjic 2013, Lakshman and Akhter 2013, King 2016) and posits that

a best practice governance framework in sport should address accountability, responsibility, transparency, social responsibility, independence, fairness, and discipline. Governance frameworks developed by sports commissions and government entities include similar components (e.g., Australian Sports Commission 2012, Sport England and UK Sport 2016, European Parliament (of the European Union) 2017). Similarly, Geeraert (2015) sets out four pillars of sports governance which institutions ought to comply with to ensure best practice in governance. These pillars include transparency and public communication, democratic processes, checks and balances, and solidarity.

Most governance frameworks are best practice recommendations or voluntary codes (Hoye and Cuskelly 2007, Chappelet and Mrkonjic 2019). Accordingly, there is rarely an emphasis on evaluating compliance with frameworks that rely on self-regulation. However, Geeraert (2019) notes that there are obvious limitations of relying on self-regulation without any public oversight to achieve compliance with good governance norms. Despite the current reliance on self-regulation in sports governance, Geeraert (2019, p. 534) notes that '[d]ifferent types of actors can play different roles in ensuring that the necessary compliance mechanisms are implemented'. This is consistent with the stakeholder theory of governance. At a practical level, public and private stakeholders can play an important role in monitoring, evaluating and ensuring compliance of sporting governance bodies. Even though most governance frameworks are non-mandatory, compliance with best practices can enhance the legitimacy of the sporting institutions and the sport generally.

While there has been a proliferation of governance frameworks from scholars and lawmakers in recent years, many have common tenets which they recommend that sports governing bodies adhere too. As McLeod et al. (2020, p. 1) assert, 'transparency, democracy, accountability, and societal responsibility are now widely considered to be important sport governance principles to uphold' (see also, Chappelet and Mrkonjic 2019). For instance, Burger and Goslin (2005) establish seven pillars of good governance in sport, focused on: accountability, responsibility, transparency, social responsibility, independence, fairness, discipline. Other scholars and policy makers have relied on similar tenets such as: transparency, integrity, democracy, sports development and solidarity, and control mechanisms (Association of Summer Olympic International Federations 2016, Geeraert 2019). Given the similarities in the central tenets of many of these frameworks, what is important in the first instance is that esports stakeholders engage with an accepted framework so that governance reform can be guided by commonly accepted governance principles. Empirical research and evaluation of these governance frameworks within the context of esports is important and should form part of a future research agenda. The Burger and Goslin (2005) governance framework reflects universal governance principles also embodied in other frameworks, and it has been widely supported as a valuable framework in a sports context (Chappelet and Mrkonjic 2013, Lakshman and Akhter 2013, King 2016). Accordingly, the seven pillars recommended by Burger and Goslin (2005) framework provide a useful lens through which to assess the areas of potential governance reform in esports and from which to develop specific targeted protectionist policy.

It has been argued that for the purposes of legitimacy, consistency, and enforceability, esports ideally would be governed by a single international federation of which national federations are members (Martinelli 2019). Further, given the inherently international nature of esports, the establishment of a single international federation would provide the industry with a unique opportunity to become a significant player in international relations and politics (Jedlicka 2018). In light of the serious commercial and reputational risks which emanate from player welfare issues, doping, and integrity scandals, and the potential liability of games publishers in relation to such issues (Funk *et al*. 2018), an argument may be made as to why publishers should submit to an international or national federation. Indeed, as commercial businesses with their own shareholders, it may be said that publishers in fact have an obligation to take steps to prevent reputational harm occurring and have a corporate social responsibility to stop instances of such conduct. Similar arguments may be made in respect of teams, leagues, and individual players, all of whom need to maintain their reputations in order to enjoy continued financial support from sponsors.

On the other hand, however, publishers and players may not voluntarily agree to becoming members of a federation if doing so reduces their levels of control over games and tournaments or the commerciality of the sector. Esports are unique in the sense that they are derived from commercial endeavours, as opposed to traditional sports which have become commercialised over time. It is therefore imperative that any proposed governance framework preserves the commerciality of esports if it is to have any prospect of sector support. Further, given the integrity issues which have plagued a number of international sports federations, publishers may consider that ceding control to a model with a poor track record for integrity is in fact at odds with their responsibilities to shareholders and broader corporate social responsibility obligations.

That said, there are a number of examples of sports in which competitions, teams, and clubs are privately owned though subject to an external governance framework. For example, in both Motor Sport and the Indian Premier League, clubs and teams are privately owned, generally by large commercial companies or very high wealth individuals (e.g., Bhargav 2019), but, through various means, are subject to the governance frameworks, including the rules and regulations, of international federations. Further, the English Premier League, like many other leagues around the world, 'is a private company wholly owned by its 20 Member Clubs who make up the League at any one time' (Premier League 2020). Through this model, each independent club holds shareholder voting rights in the Premier League, thereby retaining at least some level of control over the competition in which they play, in addition to having a financial interest in the League. Given the commercial interests of the major stakeholders in esports, it is suggested that a governance framework which provides for publishers and teams to have voting and ownership rights is perhaps the most likely to garner sector support (though the failure of the IeSF to obtain sector-wide support demonstrates that this will not be without its challenges).

In addition to stakeholder engagement procedures for framing of governance policies, mechanisms for evaluating and monitoring compliance need to be put in place. At a practical level, Chappelet (2018) notes that there are four scenarios for monitoring implementation of sports governance principles, including (i) internal monitoring of a range of activities by the sport organisation, (ii) monitoring and evaluation by specialists outside each sport organisation, (iii) the establishment of an overarching specialist entity with the responsibility of monitoring governance for all international sport organisations, and (iv) the creation of procedures for auditing sport organisations for compliance with governance principles. The participation of stakeholders other than publishers in esports to ensure compliance with governance principles is likely to increase legitimacy within the esports ecosystem and encourage transparent oversight with respect to good governance practices.

Proposed governance model

In light of the aforementioned regulatory and governance challenges, promoting best practice governance in esports is of increasing importance. Given the range of governance frameworks that have been widely applied and implemented in traditional sports, it is proposed that an existing governance framework should be used as a starting point for a governance model in esports. Indeed, the universal principles embodied within many of these accepted frameworks provide the consensus needed to promote regulation and the protection of vulnerable stakeholders. However, it is acknowledged that given the complex ecosystem of esports may mean that the adoption of a universal governance model will be challenging in practice, and the implementation of one central governance model through an international federation might not be possible. Nevertheless, the principles within the proposed governance framework are equally applicable to national federations, teams, leagues, developers, and a self-regulatory approach to esports governance, and should be adopted as broadly as possible. While it is important to promote good governance in esports through the lens of an agreed framework, it is acknowledged that '[g]ood governance principles must always take account of the specificity of the relevant organization' (Geeraert et al. 2014, p. 284 citing Edwards and Clough 2005) and as such various stakeholders should ultimately play a role in finalising such

a framework and overseeing implementation of governance reform and compliance specifically for the esports ecosystem. This is particularly important given the fragmented nature of esports and the complicated relationship between stakeholders (Brickell 2017, Chao 2017). As such, while universal good governance will assist stakeholders in governance reform, institutional governance structures cannot simply be transplanted from traditional sports into an esports ecosystem. Consequently, the unique nature of esports necessitates a stakeholder-driven approach in institutionalising these key governance principles into practice.

As discussed above, the authors propose a governance framework model consistent with the seven pillars recommended by Burger and Goslin (2005) as they reflect universal governance principles which have been widely applied in sport.

Accountability

As explained by legitimacy theory, an effective governance framework must ensure that the relevant governing body is accountable to the relevant stakeholders (Burger and Goslin 2005) and that stakeholders are accountable to each other. Accountability plays an important role in defining the source of liability for wrongs and losses. For example, depending on the applicable law, an international federation may be liable for harm to participants arising from its failure to implement appropriate policies relating to cyberbullying, diversity and inclusion, or underage gambling. Liability does not need to be limited to an international federation and, through domestic laws and contracts between an international federation and relevant stakeholders, may, in certain circumstances, arise on the part of publishers, teams, players, or even spectators.

A regulating body which is accountable to stakeholders may be able to increase participant wellbeing through the imposition of requirements and polices on its members (see, e.g., the USA Gymnastics (2019) Safe Sport Policy implemented in the wake of the Larry Nassar sexual abuse scandal). A particular concern in the esports sector are the risks posed to children (e.g., the risk of long-term physical and mental health issues caused by addiction to gambling). Accordingly, any entity with which children interact, either directly or indirectly, should be accountable to children and parents. In relation to more general athlete wellbeing concerns, some tournament organisers have already mandated fairness standards for player contracts (British Esports Association 2019) whilst some administrators of esports have suggested that programmes be established akin to those adopted in the NBA which are focused on teaching players how to handle competitive pressure and to manage money and life outside of gaming (Smith 2019).

Responsibility

Burger and Goslin (2005) distinguish responsibility from accountability on the basis that responsibility contemplates actual consequences for a failure to properly exercise management and governance duties whereas accountability relates to 'voluntary justification of actions by board members, two-way communication and engagement with stakeholders and an organisational structure and mechanisms conducive to [these actions]' (p. 8).

Responsibility can be promoted through fiduciary and other director-related duties (Burger and Goslin 2005). The fiduciary and director duties of individual officers of any federation are governed by the law in which the federation is incorporated and the federation's constitution. Likewise, obligations of publishers and individual officers thereof will be governed by the domestic laws of the countries in which they are incorporated and operate whilst the obligations of individuals within teams will be governed by team or tournament contracts which may impose their own obligations in addition to incorporating external rules and regulations, such as those of an international federation. Codes of conduct and other regulations enforced by governing federations and bodies should be drafted such that officers and members can be appropriately held responsible for actions or inactions. In particular, federation members should be obliged not to

bring esports into disrepute and to themselves require athletes whom they employ or engage to do the same. Such clauses would prohibit any conduct which is likely to 'lower the reputation [of esports] in the eyes of ordinary members of the public to a significant extent' (D'Arcy v Australian Olympic Committee 2008 CAS 2008/A/1539 at [7.1]) and would therefore likely capture involvement in the exploitation of athletes, match-fixing, and a failure to administer a proper anti-doping programme (Weightlifting Federation of the Republic of Kazakhstan v International Weightlifting Federation 2016 CAS 2016/A/4701 at [134]).

Transparency

Transparency is particularly important in the context of esports given the commercial background of the sector. Without transparency as to whether esports are entirely profit motivated, attempting to emulate the rules and principles of fair play seen in traditional sports, or both, it will be difficult to overcome issues relating to doping and integrity or to legitimise reform aimed at protecting children. This is because, for example, players who consider esports to be a purely profit motivated activity are unlikely to 'buy in' to the rationale behind anti-doping rules therefore rendering the implementation of such rules ineffective (Engelberg *et al*. 2015). Conversely, commercial sponsors of esports may withdraw essential financial support for players and the sector as a whole if there is doubt as to the sector's position in relation to contentious issues. Moreover, the positive externalities created by increased transparency within an esports governance structure may well extend to positively influencing the behaviour of participants, thereby decreasing instances of poor behaviour such as doping and match-fixing (Hermalin 2014).

Social responsibility

Given the sector's potential contribution to unregulated and underage gambling, social responsibility should be a focus of any esports governance framework. A series of high-profile incidents of harassment have also led to recent calls for publishers to take an active role in community governance to protect players from abuse and promote a more inclusive environment (Busch *et al*. 2016).

At a broader level, regulating bodies may be able to address social issues through enacting rules and regulations with which members must comply. Such rules and regulations should not be merely prescriptive but should include educational initiatives aimed at informing esports athletes about the broad consequences of actions such as match-fixing, doping, and social exclusion (Star and Bakshi 2019). The esports sector also has the capacity to use a corporate social responsibility policy to positively influence the behaviours of others, including spectators and business partners, as Manchester United seeks to do through its own corporate social responsibility policy (Valeri 2019).

Independence

Given the many competing interests in the esports sector, a meaningful governance framework will involve some level of independence. Independence should be considered essential at least in relation to auditing and dispute resolution, particularly if an international federation is owned by its members. Independent auditing of clubs, leagues, and publishers and the deferral of dispute resolution to an independent body (such as the Court of Arbitration for Sport (CAS)) will help eliminate instances of institutional involvement in match-fixing and athlete mistreatment and will play an important role in ensuring commercial interests do not undermine attempts to address doping, match-fixing, and athlete wellbeing. Independent bodies, advised by relevant stakeholders, could be tasked with developing and monitoring compliance with minimum standards for player contracts and, as Chao (2017) has explained, could 'oversee the functions of joint-venture and developer-sponsored leagues' (p. 762) to avoid the development of anti-competitive monopolies

and prevent a multiplicity of overlapping competitions, thereby reducing the risk of league or club insolvencies. This is essential for the ongoing sustainability of the sector as well as to player wellbeing and surety of income.

Fairness

In the context of a general corporate governance framework, fairness is said to describe the balancing of the needs of all stakeholders, including those with indirect interests (Burger and Goslin 2005). In esports, fairness thus involves balancing the interests of players, publishers, clubs, competition organisers, commercial sponsors, spectators, and children, among others. Fairness may be assured through the utilisation of independent experts and advisors, including medical and legal experts, in combination with consultation of relevant stakeholders.

The fairness principle in a governance framework is likely to have the most influence in relation to player contracts, particularly in light of the continued growth of publisher-sponsored leagues (Lewis 2014). Professional players, some of whom may be minors, are therefore at a substantial disadvantage as their bargaining power and potential to maximise earnings is minimised (Hollist 2015). There are also reports of contractual terms restricting class actions by players, limiting claims periods to one-year post contract, and assignment of rights to publicity indefinitely to the publisher (Lewis 2014).

Discipline

Although there is some evidence of discipline within the esports sector, the lack of a uniform approach to disciplinary matters undoubtedly contributes to some of the issues plaguing the sector. For example, in an effort to mitigate cyberbullying, game publishers have experimented with community-supported tribunal systems and banned members of the *League of Legends* team Ninjas in Pyjamas from competitive play due to hate speech and aggressive language (LeJacq 2014). Whilst community supported and league or competition specific disciplinary tribunals are useful in their specific contexts, more general deterrence can only come from submission to a permanent body such as the CAS or the domestic courts of a particular country (Martinelli 2019). The power of any regulating body to impose sanctions will act as a deterrent if sanctions have the potential to cause reputational harm to potential perpetrators. The potential for reputational harm is likely to be of great effect in the esports context given the proportion of income players and teams make from corporate sponsorships. Submission to the CAS by regulating bodies would signal a level of intolerance for illegal or inappropriate behaviour and would 'be a great mechanism in reinforcing legitimacy in the esports industry' (Martinelli 2019, p. 520). The need for consistency and proportionality with respect to sanctioning athletes who breach integrity norms is critical to build a system of governance that is fair and certain. While there have been some decisions to suspend or ban athletes for match-fixing, these bans are usually relatively short and specific to the tournament or game. Consistency in terms of both substantive and procedural rights of athletes is important from a governance perspective and is a key area to address in esports.

Recommended policy process

To realistically support the implementation of our proposed esports universal governance model, we have developed a new, integrated policy process framework to ensure actors in the complex esports ecosystem are represented and stakeholder tensions limited. This policy process model can be applied, and should be applied, at both the international and national levels, ensuring active agency from those most affected, being youth esports participants, and industry representatives responsible

for its positive commercialisation and growth. Through adoption of our model, we believe that it is possible to ensure growth of esports in commercially feasible and responsible ways. The core pillars of our process are as follows:

(i) Representation of all stakeholders in the policy development process,

(ii) Engagement of youth as agents with rights,

(iii) Monitoring of stakeholder interactions, policy development, and policy implementation (e.g., an international governing body or governments monitoring national governing bodies),

(iv) Ongoing evaluation of the effectiveness of the policy implementation and dynamic evolution of it, and

(v) Inclusion of fluid and complex, networked interactions among stakeholders.

As discussed, close partnering and balancing of power between private ownership of esports (i.e., the publishers) and government will be critical to ensure effective implementation of regulatory and codified mechanisms at the national level, and alignment with existing sports codes, standards, and regulation. Such alignment may practically be supported through the state's formal recognition of esports as a sport within regulatory and codified definitions and therefore captured within sport policy infrastructure at both national and international levels, including through the recognition of national governing bodies and the subjecting of those bodies to regulations applicable to other sports (e.g., anti-gambling legislation). However, the complexity of wellbeing issues linked to esports due to its unique, digital, and transnational context, and largely minor audiences supports the establishment of national and international governance agencies to monitor, sanction and advise in relation to the policy-making processes of subordinate bodies. A governance agency in this context could facilitate alleviation of tensions between government and publishers or tournament owners. Geopolitical complexity also challenges policy implementation in the global esports landscape, with esports potentially being a platform for diplomacy, as has been the case for sport (Pamment 2016, Trunkos and Heere 2017). The US military's use of esports as a recruitment tool highlights this political aspect to esports (Mills 2020), and illustrates the potential state drivers for the growth of the industry, which exist alongside commercial ownership and control. Esports diplomacy showcases the shifting nature of diplomacy in a globalised and complex geopolitical landscape, and the proliferation of actors, agendas, and communication approaches (Jedlicka 2018). The authors acknowledge the potential difficulties in the adoption of this stakeholder-centric approach given the commercial interests of many stakeholders. Such difficulties are not unique to esports, however. Geeraert et al. (2014, p. 301) acknowledge that in traditional sports 'increased pressure to reform from outside is needed in order to achieve improved governance', and, as a result, stakeholders such as fans, sponsors, civil society and lobbying organisations will play an important role in promoting reform. Thus, while our framework and recommended policy process adopts a stakeholder-centric model, they also align with Houlihan's (2014) advocacy for a grassroots 'upstream' approach to policy implementation in sport by centring legitimacy and agency with the most vulnerable stakeholders in the system.

A future research Agenda

Governance and policy-related research in esports is aligned with the World Health Organization (2018) recently listing gaming disorder as a disease, a number of governments labelling gaming and internet addiction as a public health concern (see e.g., Polman 2018), and academic calls for research in this area (e.g., DiFrancisco-Donoghue et al. 2019, Steinkuehler 2020). There has been limited research on the positive impacts of using esports as an educational tool and driver of social change, and as a potential platform to better engage youth in governance and policy. The scope of future research should adopt a sector wide approach and include consideration of how different governance structures may assist with the attainment of social goals, including protecting the welfare of youth engaged in esports (Brunton and Mackintosh 2017, Hennick 2019). Closer examination and insight into the power of state and private actors across the esports ecosystem, including their diverse agendas, communication

modes and geopolitics is needed to drive development and implementation of codes and policy. The emerging role of esports as a promising diplomatic tool is also of interest, particularly in the complex, globalised landscape it spans, uniquely resonating with youth stakeholders. Empirical testing of our proposed governance and policy implementation models is needed, through qualitative research aiming to identify rich insights from key stakeholders across the esports ecosystem and identify further challenges and opportunities to evolve and improve esports governance and policy. In addition, longitudinal evaluation of governance frameworks and policy recently implemented at the national level, through consultation, interviews, observation, and surveys would also be worthwhile. Further research focussed upon mapping the ownership and power structures across esports, its operation across different cultures and jurisdictions, comparative emerging approaches to regulation and govern-ance, interrelationship with traditional sports codes and regulations, and empirical investigation through interviews, surveys and case studies is warranted. Examination of the physical, psychological, and social impacts of esports participation is required amongst different demographics, to monitor and identify emerging and growing welfare issues that may warrant policy activation. Qualitative research is needed to generate richer insights into stakeholders' perceptions of policy-makers' legitimacy, given the lack of research to date. Similar qualitative research which has aimed at understanding the perceptions of legitimacy has been applied in other fields of sport, such as in sports governance (Geeraert *et al*. 2014) and anti-doping (Henning and Dimeo 2018). As esports research is relatively new and under-developed, this type of research presents a unique opportunity to implement new philosophical and methodological approaches to comparative research, as suggested by Dowling *et al*. (2018), which could benefit from policy learning and transfer from a variety of different sports and countries.

Conclusion

Esports are rapidly overtaking traditional sports in viewership and commercialisation and are now central in global youth popular culture. However, having evolved from commercial endeavours, the current landscape is ill-equipped in terms of governance and regulation designed to ensure adequate protection of players and vulnerable audiences, many of which are minors. The digital, commercialised, and international nature of the sector presents major challenges to governance, monitoring, enforcement, and self-organisation of player unions. The pace at which esports is evolving far exceeds the pace at which relevant domestic laws can evolve, particularly as many involved in law-making are unfamiliar with the nature and unique challenges of esports. Similarities with traditional sports and the commercial growth of the sector warrant consideration of traditional sports governance frameworks to the sector, and examination of feasibility of protectionist policy implementation. This paper builds upon existing commentary on the risks and challenges in the sector by proposing a robust governance framework previously applied in traditional sports and importantly, we address the implementation of this model through proposal of an inclusive policy process that engages and enables key stakeholders, including youth and commercial entities most affected. Through youth engagement, it is expected that legitimacy of external policy-makers will be enhanced, in addition to resolving inevitable tensions among stake-holders and jurisdictions. We suggest an agenda for research and reform in the esports sector designed to advance validation of our governance and policy process models and test underpinning assumptions relating to stakeholder engagement in esports. Such measures cannot be effectively taken unless stakeholders work collaboratively to empower a central esports governing body and relevant policy at national level.

Disclosure statement

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