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PLACING ATHLETE RIGHTS AT THE HEART OF GOOD GOVERNANCE IN SPORT: LEVERAGING IDEATIONAL POWER, DEMOCRATISING GOVERNANCE

MAXIMILIAN SELTMANN*
LORENZ FIEGE**

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Abstract


“Good governance” and “athlete rights” are two central ideas in today’s governance of sport. A multitude of actors from different horizontal and vertical governance levels shape the discourse surrounding these ideas. Following Vivien Schmidt’s seminal work on discursive institutionalism, we analyse the ideational power of the two ideas and the characteristics of their underlying discourses within the context of international sport governance. Our analysis highlights that several similarities between the ideas and their related discourses prevail. Yet, the two discourses exist, for most parts, separately with no systematic conceptual connection between the two ideas. Informed by an analysis of academic literature and policy documents within and beyond the area of sport governance, we argue that this is a conceptual shortcoming, which fails to capitalise on the power resting in each idea and, more importantly, in their combination. We suggest that a systematic merger of the two discourses in terms of the adoption of a rights-based approach to good governance may not only democratise the good governance discourse and better justify its widespread normative notion, but that it may also enhance the ideational power of athlete rights and, in practice, become a key to rights implementation for the benefit of athletes.

Keywords: Athlete rights; Good governance; Discursive institutionalism; Democratic governance; Sport policy

1. INTRODUCTION

Against the backdrop of several revelations of corruption, ethical misconduct, and increased public scrutiny of the practices of private organisations, good governance has “assumed

* Maximilian Seltmann, Research Associate at the Institute of European Sport Development and Leisure Studies, German Sport University Cologne, Germany.  0000-0001-5111-2772. ✉ m.seltmann@dshs-koeln.de.

** Lorenz Fiege, Research Associate at the Institute of European Sport Development and Leisure Studies at the German Sport University Cologne, Germany and Scholarship Holder with the Friedrich-Ebert-Stiftung.  0009-0008-1295-1897. ✉ l.fiege@dshs-koeln.de.

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the status of a mantra in the world of sport.”¹ Despite the relative recency of the concept’s application to sport, discourses revolving around better governance in sport have led to the formulation of a plethora of good governance codices and guidelines. These non-binding documents aim to serve as benchmarks for private Sport Governing Bodies (SGBs) at an international and national level against which their internal structures, rules, and practices can be (self-)assessed. The enshrined principles and indicators, furthermore, offer practical guidance for organisational reform. Recent academic research highlights the diversity of approaches to good governance in sport, resulting from different philosophical paradigms, conceptualisations, and operationalisations.²

A more recent trend in the governance of international sport is the phenomenon of politically active athletes and a call for improvements around athlete rights and welfare. In parts stemming from the notion of amateurism, athletes have for long been side-lined in the governance of sport.³ While, historically, individual athletes may have used their platform to raise their voice for social causes and to express their political protest, today, athletes make collective efforts to increase their power and to enforce their rights in the governance of sport. Such efforts have led, and potentially will lead, to institutional changes in the governance of sport at multiple levels.⁴ The *Athletes’ Rights and Responsibilities Declaration*, published by the International Olympic Committee (IOC) in 2018, currently serves as a foundational framework for the recognition of athlete rights in global sport governance.⁵ Yet, athletes’ associations⁶ and academics⁷ worldwide urge for greater awareness, promotion, and enforcement of athlete rights in sport governance.

- 1 Arnout, Geeraert, “Introduction”, in *Good Governance in Sport*, ed. by Arnout Geeraert and Frank van Eekeren (London: Routledge, 2022), 1.
- 2 See Jean-Loup Chappelet and Michaël Mrkonjic, “Existing Governance Principles in Sport: A Review of Published Literature”, in *Research Handbook on Sport Governance*, ed. Mathieu Winand and Christos Anagnostopoulos, Research handbooks in business and management (Cheltenham, UK, Northampton, MA, USA: Edward Elgar Publishing, 2019); Arnout Geeraert, “Introduction”, in Geeraert; van Eekeren, *Good Governance in Sport*; Ashley Thompson et al., “A Systematic Review of Governance Principles in Sport”, *European Sport Management Quarterly*, 2022, <https://doi.org/10.1080/16184742.2022.2077795>.
- 3 Jean-Loup Chappelet, “The Unstoppable Rise of Athlete Power in the Olympic System”, *Sport in Society* 23, no. 5 (2020): 795–809, <https://doi.org/10.1080/17430437.2020.1748817>.
- 4 Maximilian Seltmann, “Disrupting Institutional Reproduction? How Olympic Athletes Challenge the Stability of the Olympic Movement”, *Sport und Gesellschaft* 18, no. 1 (2021):9–37, <https://doi.org/10.1515/sug-2021-0002>.
- 5 International Olympic Committee, “Athletes’ Rights and Responsibilities Declaration” (2018).
- 6 See EU Athletes, “Common Position Paper”, accessed November 4, 2024, <https://euathletes.org/project/common-position-paper/>.; Cheri Bradish, Rob Koehler, and Andrew Bailey, “Olympic Commercialization and Player Compensation: A Review of Olympic Financial Reports” (2019), <https://static1.squarespace.com/static/5c8a203ac46f6d6629eac1f4/t/5ea0788e6944957714622d5f/1587574929736/2020.04.22+Olympic+Commercialization+and+Player+Compensation+FINAL.pdf>.
- 7 See, for example, Ian Henry, “Athlete Development, Athlete Rights and Athlete Welfare: A European Union Perspective,” *The International Journal of the History of Sport* 30, no. 4 (2013):356–373, <https://doi.org/10.1080/09523367.2013.765721>; Johann Koss, “Athletes’ Rights and Olympic Reform: A Discussion with Johann Koss, Ann Peel and Alexandra Orlando”, *Sport in Society* 14, no. 3 (2011): 309–318, <https://doi.org/10.1080/17430437.2011.557267>; Jürgen Mittag et al., *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe: Understanding - Evaluating - Improving* (Rijeka: University of Rijeka, Faculty of Law, 2022), <https://repository.pravri.uniri.hr/en/islandora/object/pravri%3A3107>; Yetsa A. Tuakli-Wosornu et al., “Knowing We Have These Rights Does Not Always Mean We Feel Free to Use Them: Athletes’ Perceptions of Their Human Rights in Sport”, *BMJ open sport & exercise medicine* 8, no. 3 (2022), <https://doi.org/10.1136/bmjsem-2022-001406>; Brendan Schwab, “Embedding the Human Rights of Players in World Sport”, *The International Sports Law Journal* 17, 3–4 (2018): 214–232, <https://doi.org/10.1007/s40318-018-0128-9>.

The aim of this article is twofold: firstly, based on theoretical accounts of discursive institutionalism, the current discourses revolving around the topics of good governance and athlete rights are sketched and analysed from current literature and policy documents. By conceptualising good governance codices and athlete rights charters as important tools in the discursive governance of international sport, their potential for institutional stability and change is examined. Secondly, we propose a new concept for good governance in sport. Adopting a rights-based lens, we argue that good governance in sport should, at its core, revolve around the respect, promotion, and fulfilment of the rights of athletes. Such re-orientation of the concept of good governance not only addresses pressing questions related to the normative justification of specific good governance principles, but also widens the scope of actors tasked with ensuring “good” governance of sport. Furthermore, our approach may provide a powerful discursive resource for athlete activists and representatives, and those working towards a more democratic and human rights-centred governance of sport.

2. ANALYTICAL FRAMEWORK: TOWARDS A DISCURSIVE GOVERNANCE OF SPORT

Sport governance denotes a complex social phenomenon with a multitude of actors involved at different vertical levels and from the public and private sphere. Different academic disciplines (among others, sport management, sport sociology, sport politics) have developed a variety of conceptual and theoretical approaches to the governance of sport. Still, institutional thinking plays a crucial role within this socio-scientific literature on sport. In a recent scoping review, Robertson and colleagues identify 188 studies which utilise different elements of institutional theory for analyses of various issues in the field of sport.⁸ Institutional theory, Dowling et al. assert, is not “a singular theoretical perspective [... but...] can be more accurately described as a research tradition, with several key concepts that can be employed and are particularly relevant to understand and explain the changing nature of sport.”⁹ While studies in sport management research usually adopt concepts of institutionalism in organisational studies¹⁰, the political variants of the new institutionalisms¹¹ have found their way into sport-related studies, too. Here, case studies analysing sport governance in national and transnational contexts have relied on concepts like path dependence¹², epistemic communities¹³, veto

8 Jonathan Robertson et al., “Institutional Theory in Sport: A Scoping Review”, *Journal of Sport Management* 36, no. 5 (2022): 459-472, <https://doi.org/10.1123/jsm.2021-0179>.

9 Mathew Dowling et al., “Agency and Institutions in Sport”, *European Sport Management Quarterly* 24, no. 1 (2024), <https://doi.org/10.1080/16184742.2023.2292102>.

10 E.g., Walter W. Powell and Paul DiMaggio, *The New Institutionalism in Organizational Analysis* (Chicago, London: The University of Chicago Press, 1991).

11 See B. Guy Peters, *Institutional Theory in Political Science: The New Institutionalism*, Fourth edition (Cheltenham, UK: Edward Elgar Publishing, 2019).

12 Mick Green and Shane Collins, “Policy, Politics and Path Dependency: Sport Development in Australia and Finland”, *Sport Management Review* 11, no. 3 (2008): 225-251, [https://doi.org/10.1016/S1441-3523\(08\)70111-6](https://doi.org/10.1016/S1441-3523(08)70111-6).

13 Mathew Dowling and Marvin Washington, “Epistemic Communities and Knowledge-Based Professional Networks in Sport Policy and Governance: A Case Study of the Canadian Sport for Life Leadership Team”, *Journal of Sport Management* 31, no. 2 (2017): 133-147, <https://doi.org/10.1123/jsm.2016-0071>.

players¹⁴, or network structure¹⁵ to explain institutionalisation, institutional stability, and change. Other authors import institutional approaches from the field of international relations, like transnational regimes, into the area of sport to assess power, stability, and change in international sport.¹⁶

We base the theoretical framework of this study on, arguably, the youngest – and so far, largely neglected – member in the family of neo-institutional theories in political science, that is *discursive institutionalism* (DI). DI offers an interpretative lens to the study of institutions and institutional change. Different from the “older” new institutionalisms (i.e., rational choice institutionalism, historical institutionalism, and sociological institutionalism), the main explanatory variable in DI is ideas and discourses.¹⁷ As Risse-Kappen reminds us, “ideas do not float freely,” but need to be communicated by agents through language.¹⁸ Therefore, ideas are endogenous to institutions, as they are themselves the “products of interaction among the members” of the institution.¹⁹ This highlights the centrality of agency in institutionalisation and institutional change, and positions DI closer to policy compared to other variants of institutionalist reasoning. Due to the centrality of language, social interaction, and meaning-making, DI strongly resembles the constructivist strand of thinking in international relations.

2.1. Ideas and Ideational Power in Institutionalism

In her seminal text, Vivien Schmidt explains that ideas operate at three conceptual *levels of generality*: On the first level, ideas relate to specific policy solutions that actors propose to solve specific problems. The second level encompasses “more general programs,” which are paradigms reflecting assumptions that policies are based on. Such programmes fulfil important purposes for policy as they define problems, goals, norms, methods, and instruments, as well as “the ideals that frame the more immediate policy ideas proposed to solve any given problem.” The third and most fundamental level of ideas are worldviews that offer underlying values and “principles of knowledge and society.”²⁰ These latter ideas usually operate in the background – and are most of the time taken for granted –, whereas ideas located at the policy and programmatic levels are discussed and shaped in the foreground of political debates.

14 Henk E. Meier and Borja García, “Abandoning Hopes for Veto Power: Institutional Options for Sport Governing Bodies in the European Union”, *International Journal of Sport Policy and Politics* 5, no. 3 (2013): 421-433, <https://doi.org/10.1080/19406940.2012.656678>.

15 Jarmo Mäkinen, Jari Lämsä, and Kati Lehtonen, “The Analysis of Structural Changes in Finnish Sport Policy Network from 1989 to 2017”, *International Journal of Sport Policy and Politics* 11, no. 4 (2019): 561-583, <https://doi.org/10.1080/19406940.2019.1583680>.

16 See, for example, Scott R. Jedlicka, “Sport Governance as Global Governance: Theoretical Perspectives on Sport in the International System”, *International Journal of Sport Policy and Politics* 10, no. 2 (2018): 287-304, <https://doi.org/10.1080/19406940.2017.1406974>.; Seltmann, “Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement”; Volker Rittberger and Henning Boekle, “Das Internationale Olympische Komitee — Eine Weltregierung Des Sports?”, *Die Friedens-Warte* 71, no. 2 (1996): 155-188.

17 Vivien A. Schmidt, “Taking Ideas and Discourse Seriously: Explaining Change Through Discursive Institutionalism as the Fourth ‘New Institutionalism’”, *European Political Science Review* 2, no. 01 (2010): 1-25, <https://doi.org/10.1017/S175577390999021X>.

18 Thomas Risse-Kappen, “Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War,” *International Organization* 48, no. 2 (1994): 185-214.

19 Peters, *Institutional theory in political science*.

20 Vivien A. Schmidt, “Discursive Institutionalism: The Explanatory Power of Ideas and Discourse”, *Annual Review of Political Science* 11, no. 1 (2008): 303-326, <https://doi.org/10.1146/annurev.polisci.11.060606.135342>.

Schmidt furthermore distinguishes between cognitive and normative *types* of ideas. "Cognitive ideas elucidate 'what is and what to do,' whereas normative ideas indicate 'what is good or bad about what is' in light of 'what one ought to do.'"²¹ Cognitive ideas, on the one hand, are used to explain and justify how policies (first level) solve the identified problems, how programmes (second level) define and delineate the problem and identify the methods to solve it, and how the principles and norms of a worldview (third level) provide a suitable basis for policy action. DI has been criticised for not being attentive to interests as the key variable in political sciences.²² However, the cognitive conception of ideas highlights how ideas may reflect – or even be a direct result of – the interests of the actors involved in the process of institutionalisation. Therefore, Schmidt asserts that ideas can be seen as "switches for interests" or "strategic weapons in the battle for control."²³ Similarly, agents can, through an ideas-based communication strategy, aim to change discourses in line with their interests.²⁴ On the other hand, normative ideas "attach values to political action and serve to legitimate the policies in a program through reference to their appropriateness."²⁵ Normative ideas communicate how concrete policies (first level) resonate with the aims and values of the general public and society. They also illustrate how policies and programmes (second level) connect to the "deeper core of (third level) principles and norms of public life."

Carstensen and Schmidt systematically connect ideas to power, leading to three analytical variants of *ideational power*, which they define "as the capacity of actors (whether individual or collective) to influence other actors' normative and cognitive beliefs through the use of ideational elements."²⁶ Ideational power *over* ideas is demonstrated by actors' capacity to control and shape the meaning of ideas, either directly through coercion or indirectly through methods like shaming opponents or resisting alternative interpretations. Power *in* ideas is evident when specific ideas hold authority in shaping thought or institutionalising certain notions, often to the detriment of competing ideas. Power *through* ideas involves actors persuading others about the cognitive validity and normative value of their views through ideational elements.

2.2. Discourse in Institutionalism

Institutionalisation and institutional change, Schmidt argues, are a result of (changing) ideas of sentient actors, represented in political discourses. Schmidt defines discourse as "the representation or embodiment of ideas [and] the interactive processes by and through which ideas are generated and communicated."²⁷ In conveying ideas, a particular discourse can be utilised to express various *levels* of ideas, as well as *types* of ideas (cognitive and normative).

21 Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse".

22 See Peters, *Institutional theory in political science*.

23 Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse".

24 Nelson Phillips, Thomas B. Lawrence, and Cynthia Hardy, "Discourse and Institutions", *Academy of Management Review* 29, no. 4 (2004): 635-652.

25 Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse".

26 Martin B. Carstensen and Vivien A. Schmidt, "Power Through, over and in Ideas: Conceptualizing Ideational Power in Discursive Institutionalism", *Journal of European Public Policy* 23, no. 3 (2016): 318-337, <https://doi.org/10.1080/13501763.2015.1115534>.

27 Vivien A. Schmidt, "Speaking of Change: Why Discourse Is Key to the Dynamics of Policy Transformation", *Critical Policy Studies* 5, no. 2 (2011): 106-126, <https://doi.org/10.1080/19460171.2011.576520>.

Furthermore, it can encompass various forms of ideas, such as narratives, myths, frames, collective memories, stories, scripts, scenarios, images, and beyond. Phillips et al. specifically highlight the importance of *text* as a medium in a discursive approach to institutions: rather than direct actions of agents that derive from ideas, texts “allow for the multiple readings by multiple individuals that are necessary if ideas for organizing are to be transmitted across space and time.”²⁸

In political practice, discourses take two distinct yet overlapping *forms*: The coordinative discourse involves individuals and groups centrally engaged in policy construction. These policy actors play a vital role in crafting, expanding, and providing justification for both policy and programmatic ideas. Such coordinative discourse can manifest in realms where actors in transnational settings are only loosely affiliated in epistemic communities or where actors have closer ties, sharing both ideas and access to the policy-making process.²⁹ The communicative discourse encompasses a diverse array of political actors responsible for presenting the ideas cultivated within the coordinative discourse to the public, facilitating deliberation, and seeking legitimation. These include, among others, political leaders engaging in public persuasion before elections, for example through public debates or election programs, as well as civil society actors or the media “engaged in [...] bottom-up discursive interactions.”³⁰

2.3. Institutional Dynamics and Analytical Elements

Discursive institutionalism goes beyond simply discussing ideas or texts; it focuses on how ideas are shaped and shared within institutional contexts. Unlike earlier forms of institutionalism, which emphasise external rules and constraints – such as rational incentives, historical paths, or cultural norms – discursive institutionalism views institutions as both limiting frameworks and enabling systems of meaning. Institutions are internalised by individuals, whose background beliefs and worldviews build and maintain institutions. At the same time, their ability to engage in critical discussion allows them to challenge, change, or uphold these institutions. Overall, through emphasis on the relevance of ideas and discourses, the application of DI to the field of sport governance offers a conceptual alternative to the more established analytical frameworks provided by the other forms of neo-institutional theory. The analytical elements of discursive institutionalism (see Table 1) provide a holistic framework to assess the characteristics and effects of the current discourses of good governance and athlete rights on institutional stability and change in international sport. As the agentic approach of discursive institutionalism suggests, the analysis of current discourses requires a close inspection of the circulating ideas and of the actors in the discursive sphere who negotiate and adopt related texts. Therefore, following Phillips and colleagues’ assertion about the importance of written text in discursive institutionalism, various types of documents framing the current discourses are examined along the lines of the above-described analytical elements, highlighting their role in processes of institutionalisation and institutional change.³¹

28 Phillips, Lawrence and Hardy, “Discourse and Institutions”.

29 Schmidt, “Taking ideas and discourse seriously: explaining change through discursive institutionalism as the fourth ‘new institutionalism’”.

30 Loc. cit.

31 Phillips, Lawrence and Hardy, “Discourse and Institutions”.

Table 1: Analytical elements of Discursive Institutionalism.

Analytical Element	Components	Source
Level of generality of ideas	Policy idea Programmatic idea Worldview	Schmidt, 2008
Types of ideas	Cognitive idea Normative idea	Schmidt, 2008
Ideational power	Power over idea Power through idea Power in idea	Carstensen & Schmidt, 2016
Discourses in policy practice	Coordinative Communicative	Schmidt, 2010, 2011

3. ANALYSIS OF CURRENT DISCOURSES IN SPORT GOVERNANCE

3.1. Good Governance

While still a fairly young research field, academic work on good governance in sport has “transcended childhood.”³² As such, the body of literature on the topic has increased significantly over the last two decades, including a number of review articles and studies analysing the current state of knowledge. To date, the field is marked by a notable level of heterogeneity, and there is currently no uniform definition of the term or the concept in academia and practice.³³ However, a widely accepted core of what the idea of good governance denotes exists: “‘Good’ governance, then, refers to a normative framework that allows for judging structures, processes and/or policy content and outcomes.”³⁴

The addresses of good governance standards and frameworks usually are private sport organisations, such as national or international federations,³⁵ but also local sport clubs.³⁶ In recent years, other organisational forms, most notably national anti-doping organisations, in which public authorities commonly play a more central role, have also been subject to scrutiny under good governance terms.³⁷ Walters and Tacon illustrate that good governance in sport is strongly characterised by an increasing level of codification.³⁸ Therefore, “good” structures,

32 Frank van Eekeren, “Research on Good Governance: From Puberty to Adulthood”, in Geeraert; van Eekeren, *Good Governance in Sport*.

33 Jürgen Mittag, “Good Governance,” in *Sportverbände: Stand Und Perspektiven Der Forschung*, ed. Lutz Thieme and Torsten Wojciechowski, Beiträge zur Lehre und Forschung im Sport 196 (Schorndorf: Hofmann, 2021).

34 Geeraert, “Introduction”, 3.

35 E.g., Arnout Geeraert, *Sports Governance Observer 2015: The Legitimacy Crisis in International Sport Governance*, 1. edition (Aarhus: Play the Game, 2015); Jens Alm, ed., *Action for Good Governance in International Sports Organisations: Final Report* (Play the Game/Danish Institute for Sports Studies, 2013); Arnout Geeraert, *National Sports Governance Observer: Final Report* ([S.l.]: [s.n.], 2018).

36 E.g., van Slobbe, “Institutional Enforced Board Diversity in Sport Clubs as Trigger of Us–them Divisions”, in Geeraert; van Eekeren, *Good Governance in Sport*.

37 Fiege, Lorenz and Pawel Zembura, “Athletes’ Participation in the National Anti-Doping Organisations of Germany and Poland: Democratic Governance?”, *International Journal of Sport Policy and Politics* 16, no. 1 (2024): 93-115, <https://doi.org/10.1080/19406940.2024.2306331>; Arnout Geeraert, *National Anti-Doping Governance Observer: Final Report*, June 2021 ([S.l.]: [s.n.], 2021).

38 Geoff Walters and Richard Tacon, “The ‘Codification’ of Governance in the Non-Profit Sport Sector in the UK”,

processes, and policies, as well as rules of conduct for decision-makers and staff members are oftentimes explicated and codified in written documents, including codes of ethics or comprehensive good governance codices. Poor consensus on the ideas' definition, scope, and operationalisation, along with the non-binding, largely voluntary nature of its existing codices, results in an ongoing discourse about good governance. This persisting room for deliberation and interpretation is exacerbated by an ever-increasing multitude of actors involved in this discursive sphere (see Table 2).

Table 2: Actors in good governance discourse and document types, the authors' own compilation.³⁹

Actor type	Actor		Document Name (Author, Year)	Document Type	
Public body	National Governments / Public Sport Agencies		Sports Governance Principles (Australian Sports Commission, 2012)	Good Governance Code	
			Code of Good Governance in Flemish Sport Federations (Sport Vlaanderen, 2016)	Good Governance Code	
			Code of Good Governance for the National Sport Federations (Cyprus Sport Organisation, 2018)	Good Governance Code	
			Governance Code for Sport (Sport Ireland, 2019)	Good Governance Code	
			Code of Good Governance for Polish Sport Associations (Polish Ministry of Sport and Tourism, 2018)	Good Governance Code	
			A Code for Sports Governance (Sport England and UK Sport, 2021)	Good Governance Code	
	European Union	Commission	White Paper on Sport (2007)	Political Declaration	
			Communication Developing the European Dimension in Sport (2011)	Political Declaration	
			Expert Group "Good Governance" Principles of Good Governance in Sport (2013)	Good Governance Code	
			Expert Group on Good Governance: Promotion of Existing Good Governance Principles (2016)	Study	
		Council	Resolution on the Key Features of a European Sport Model (2021)	Political Declaration	
			Resolution on the Work Plan for Sport (2011; 2014; 2017; 2020; 2024)	Political Declaration	
		Parliament	Resolution: An Integrated Approach to Sport Policy: Good Governance, Accessibility and Integrity (2017)	Political Declaration	
			Resolution: EU Sports Policy: Assessment and Possible Ways Forward (2021)	Political Declaration	
		Council of Europe	Resolution: Good Governance and Ethics in Sport (2012)		Political Declaration
			Resolution: Towards a Framework for Modern Sports Governance (2018)		Political Declaration
	Recommendation: Promotion of Good Governance in Sport (2018)		Political Declaration		
	Recommendation on the Revised European Sports Charter (2021)		Political Declaration		
	Declaration on Sport Integrity (2023)		Political Declaration		
	UNESCO	Guidelines on Sport Integrity (2023)		Political Declaration	

39 Sources: Botwina, Grzegorz, Mathieu Winand, Vassos Koutsioundas, Jakub Fornalik, and Christos Anagnostopoulos. Good Governance Codes in Sport: Baseline Report. Institute for Sport Governance. <https://action.govsport.eu/static/media/Action-baseline-report.e239e74e7c7daaf7701a.pdf>; Chapelet, Jean-Loup, and Michaël Mrkonjic. "Existing Governance Principles in Sport: A Review of Published Literature." In Research Handbook on Sport Governance. Edited by Mathieu Winand and Christos Anagnostopoulos, 222–40. Research handbooks in business and management. Cheltenham, UK, Northampton, MA, USA: Edward Elgar Publishing, 2019. *Cited in Botwina et al. Good Governance Codes in Sport.

Public-private	International Partnership Against Corruption in Sport (2023)	Sport Governance Benchmark & Guidelines (2023)	Good Governance Code + Study
Sport	National Olympic Committees	Good governance Practices within a Sport Organisation (Estonian Olympic Committee, 2017)*	Good Governance Code
		Olympic Committee Accountability Compass (Finnish Olympic Committee, 2019)*	Good Governance Code
		Good Governance and Code of Conduct for Integrity in Federation Work (German Olympic Sport Confederation, 2015)*	Good Governance Code
		The 13 Recommendations for Good Governance in Sport (Dutch Olympic Committee – Dutch Sports Federation, 2005)*	Good Governance Code
	European Olympic Committees	Project: Support the Implementation of Good Governance in Sport (SIGGS 1.0-3.0) (European Olympic Committees EU Office, 2015; 2024)	Good Governance Code + Study
	Association of Summer Olympic International Federations	ASOIF Governance Task Force (GTF) International Federation (IF) Self-Assessment Questionnaire (2016; 2017; 2018; 2020; 2022)	Good Governance Code
		Review of IF Governance (2017; 2018; 2020; 2022; 2024)	Good Governance Code + Study
	International Olympic Committee	Basic Universal Principles of Good Governance (2008; 2022)	Good Governance Code
		IOC Charter (2024)	Political Declaration
		IOC Strategic Framework on Human Rights (2022)	Political Declaration
Civil society	Play the Game	Action for Good Governance in International Sports Organisations (Alm, 2013)	Good Governance Code + Study
		Sport Governance Observer (Alm 2019; Geeraert, 2015; 2018)	Good Governance Code + Study
		National Sport Governance Observer (Adam, 2021; Geeraert, 2018)	Good Governance Code + Study
		National Anti-Doping Governance Observer (Geeraert, 2021)	Good Governance Code + Study
	Sport Integrity Global Alliance	Declaration of Core Principles on Sport Integrity (2016)	Political Declaration
		Universal Standards on Good Governance in Sport (2023)	Good Governance Code
	Transparency International Germany	Good Governance in Sport Organisations (2021)	Study
Academia	Academics (selection)	Katwala (2000), Henry & Lee (2004), McNamee & Fleming (2005), Chappelet & Kübler-Mabbot (2008), Chappelet & Mrkonjic (2013), Geeraert, Alm & Groll (2014), Höfling, Horst & Nolte (2018), Zintz & Gérard (2019), Geeraert & van Eekeren (2022), Fiege & Zembura (2024)	Study

3.1.1. Good Governance as an Idea

Good governance in sport denotes a latent construct that cannot be observed or measured directly.⁴⁰ Rather, several components – referred to as dimensions, principles, and/or indicators – are combined in a holistic methodological concept, and differences exist regarding the components used to operationalise good governance in sport. Thompson et al. show that the three components of transparency, accountability, and democracy are included in most operationalisations.⁴¹ Other components, such as control, solidarity, and checks and balances are used less frequently but are still found in a considerable number of publications. These abstract dimensions form the first level of the operationalisation from which practical principles, and ultimately, detailed and measurable indicators are derived.⁴² Over time and with an increasing involvement of various actors, a plethora of indicators and evaluation methods evolved, further highlighting the above-mentioned heterogeneity of the idea.⁴³ In Schmidt's language, good governance in sport should be understood as a *programmatic idea*. Several clearly defined policy ideas, aimed at solving specific problems are combined into a programme to improve the quality of sport governance by addressing the relevant actors. As a programmatic idea, good governance in sport aims to delineate recurring problems in sport governance, first and foremost, corruption and the abuse of power, and proposes methods and practical instruments to mitigate those issues. Importantly, the programmatic idea furthermore offers a comprehensive ideal to "frame the more immediate policy ideas" it entails, such as operational transparency and checks and balances.⁴⁴ Girginov explains that the programmatic idea is firmly rooted in a neoliberal worldview, which is hardly questioned in policy practice.⁴⁵

The idea of good governance is per se *normative*. As previously stated, it describes and prescribes how structures, processes, and policies, as well as the individual conduct of decision-makers and staff, ought to be designed, organised, and applied in order to justify the label "good."⁴⁶ Justifications of normative claims of the existing good governance frameworks can either be grounded in universalist or contextualist approaches.⁴⁷ As to the former, the often-proclaimed notion here is that the identified principles are applicable irrespective of domestic contexts, cultural habits, or organisational characteristics. In contrast, contextualist approaches to good governance highlight the need to adjust and refine claims in accordance with external factors, thus allowing a certain degree of flexibility or deviation.⁴⁸ However, as

40 Vassil Girginov, "The Numbers Game: Quantifying Good Governance in Sport", *European Sport Management Quarterly* 23, no. 6 (2023): 1889-1905, <https://doi.org/10.1080/16184742.2022.2078851>.

41 Thompson et al., "A systematic review of governance principles in sport". The authors also illustrate the terminological inconsistency applied to operationalise the different components good governance.

42 Chappelet and Mrkonjic, "Existing governance principles in sport: a review of published literature".

43 Milena M. Parent and Russell Hoye, "The Impact of Governance Principles on Sport Organisations' Governance Practices and Performance: A Systematic Review", *Cogent Social Sciences* 4, no. 1 (2018), <https://doi.org/10.1080/23311886.2018.1503578>.

44 Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse", 306.

45 Girginov, "The numbers game: quantifying good governance in sport".

46 Thierry Zintz and Simon Gérard, "Support the Implementation of Good Governance in Sport (SIGGS): A European Project for National Olympic Committees and National Sport Federations", in *Research Handbook on Sport Governance*, ed. Mathieu Winand and Christos Anagnostopoulos, Research handbooks in business and management (Cheltenham, UK, Northampton, MA, USA: Edward Elgar Publishing, 2019).

47 Geeraert, "Introduction".

48 van Eekeren, "Research on good governance".

Chappelet and Mrkonjic, as well as Geeraert point out, good governance as a normative idea currently lacks systematic moral reasoning, and current concepts only rarely explain “why governance principles qualify as ‘good.’”⁴⁹

Against this backdrop, the dominant implementation rationale for good governance practices in sport is of an *instrumental* nature. Following this logic, the fundamentally normative idea is not implemented as an end in itself, but rather as a means to achieve higher ends. Such ends may include, among other things, more effective rules and policies and the efficient use of resources. These ends, in turn, rely on the notion that their achievement may strengthen the legitimacy of an organisation and justify its regulatory power.⁵⁰ Consequently, and of specific relevance for leading (inter-)national SGBs, good governance in sport may serve to preserve organisational autonomy from public interference.⁵¹ Current literature thus explains that, while having a normative idea at its core, in policy practice, good governance in sport is predominantly a *cognitive* idea that serves the interests of sport-political actors. Rather than its inherent moral and ethical value, it is the presumed consequence of the implementation – or failure to implement – recognised principles of good governance that motivates policy actions and shapes the current discourse.

3.1.2. *The Ideational Power of Good Governance in Sport*

As a programmatic idea, good governance in sport is widely recognised by the various involved actors (see Table 2), which reflects the multi-faceted and layered nature of sport as a multi-level governance system, both vertically (national, EU, international) and horizontally (public bodies, private SGBs, civil society, academia). As stated, no consensus exists on the level of the manifold policy ideas that make up the holistic concept.⁵² Table 2 illustrates that actors publish different written accounts about what the idea is, as well as about its relevance, and role in sport politics. *Power over* good governance as an idea is, thus, widely dispersed. To date, no actor or actor group has been able to monopolise the idea’s definition, meaning, and scope. Rather, representatives from the listed actor groups have over time developed, refined, and expanded the idea aiming to bring about institutional change in sport. Of specific note is the important role of academics and the effect their work has had on policy practice, particularly within SGBs. Van Eekeren argues that good governance research constitutes “a special research field, especially because of the great influence that its research has had on policy practice to date.”⁵³

As the introductory paragraph already indicates, good governance has become a central idea (“mantra”) in modern sport governance. In today’s sport governance, it appears impossible for administrators and decision-makers to discard calls for governance reforms aimed at

49 Geeraert, “Introduction”, 4.

50 Geeraert, *Sports governance observer 2015*; Girginov, “The numbers game: quantifying good governance in sport”.

51 Mislav Mataija, “Conditional Autonomy,” in *Private Regulation and the Internal Market*, ed. Mislav Mataija (Oxford University Press, 2016); Stephen Weatherill, *Principles and Practice in EU Sports Law*, First edition, Oxford European Union law library (Oxford: Oxford University Press, 2017).

52 See Thompson et al., “A systematic review of governance principles in sport”, Chappelet and Mrkonjic, “Existing governance principles in sport: a review of published literature” for detailed elaborations on the different principles and indicators.

53 van Eekeren, “Research on good governance”, 257.

improving good governance. There is significant *power in* this idea, especially through the concept of conditional autonomy, as developed in policy documents of the European Union, but also through public pressure exerted from media reports about severe corruption and abuse scandals. As stated above, while traditionally, sport governance has been characterised by the autonomy of leading SGBs, good governance nowadays constitutes a condition for autonomy. In many national contexts, good governance standards are a requirement for national federations to obtain public funding.⁵⁴ This highlights that the idea of unconditional political support for SGBs, whether in financial terms or in terms of granting governing autonomy, has lost its absolute persuasiveness in exchange for “conditional”⁵⁵, “responsible”⁵⁶, or “earned”⁵⁷ autonomy constrained by the idea of good governance.

The power that lies *in* the idea of good governance also equips actors in the discursive sphere to exert *power through* it. Girginov points out that good governance codes are a “disciplining instrument” created to “promote certain organisational behaviours.”⁵⁸ The shaping of actors’ behaviour through the idea may occur at, and across, different levels of the multi-level governance structure of sport (see further below in section 3c). At the level of individual organisations, Walters and Tacon show how board members of governing bodies in the UK were able to leverage power through good governance to convince other members of the validity of their views and opinions.⁵⁹ Meanwhile, any assessment of the potential to exert power through an idea must consider the level of policy change brought by its application. Indeed, there is much reason to assume that power through the idea, especially when exerted from one level to another (either vertically or horizontally) is rather limited according to current literature. Despite the proclaimed commitment to good governance efforts, deficits prevail in many sport organisations.⁶⁰ While systematic evidence on the effects of the actual policy practice is lacking (which is paramount when assessing power through the idea), existing research suggests that good governance initiatives “may produce sub-optimal or downright negative outcomes such as cosmetic reforms without substantial change.”⁶¹

3.1.3. Characteristics of the Good Governance Discourse

As a programmatic and mainly cognitive idea reflecting actors’ interests, the multitude of actors involved at the different levels of sport governance leads to a fragmented coordinative discourse. Due to the cognitive nature of the idea, actors’ interests are pivotal in the discourse, and the characteristics of the coordinative discourse reflect the elements we previously identified when discussing the exertion of power *over* good governance (see above). As Table 2 illustrates, different types of documents currently frame this discourse: good governance codes that define the meaning, scope, and operationalisation of the idea, and political declarations which promote the idea across different levels. The identified documents can be

54 Grzegorz Botwina et al., *Good Governance Codes in Sport: Baseline Report* (Institute for Sport Governance), <https://action.govsport.eu/static/media/Action-baseline-report.e239e74e7c7daaf7701a.pdf>.

55 Mataija, “Conditional Autonomy”.

56 William Rook, Thays Prado, and Daniela Heerd, “Responsible Sport: No Going Back”, *The International Sports Law Journal* 23, no. 1 (2023): 85-98, <https://doi.org/10.1007/s40318-022-00231-4>.

57 Girginov, “The numbers game: quantifying good governance in sport”.

58 *Ibid.*, 1896.

59 Walters and Tacon, “The ‘codification’ of governance in the non-profit sport sector in the UK”.

60 Mittag, “Good Governance”.

61 Geeraert, “Introduction”, 2.

understood as outcomes of a coordinative discourse itself, in which the exercise of power *over* the idea is pivotal. The transnational political level, most notably that of the European Union and its related institutions, but also of the Council of Europe and UNESCO, appears to be an important discursive sphere for the shaping of sport politics through the ideational elements of good governance. Participating in this discourse, SGBs, civil society actors, and academics attempt to exert power over good governance. The results of such power plays, then, are the texts and publications, like the listed Recommendations or Resolutions, which are produced by different public institutions at the transnational level (see Table 2). A precise analysis of the coordinative production of these texts, however, goes beyond the scope of this paper and requires further in-depth analysis.⁶²

As explained above, power *through* good governance also relates to the steering of actors' behaviour on other horizontal or vertical levels of the governance of sport. In Schmidt's terms, such steering through ideational elements constitutes a *communicative* discourse in which a specific "public," that is the target groups of good governance codices and political declarations, is addressed. The relevance of such communicative discourse for institutional change in sport governance stems from the non-binding nature of most good governance codes, which constrains their mainstreaming and implementation. Documents promoting good governance in sport, adopted by public bodies (see Table 2), establish a vertical and horizontal communicative discourse. The vertical discourse relates to interactions between transnational and international organisations, like the European Union, the Council of Europe or UNESCO, and their respective member states (i.e., the national level). It is the governments of member states which can, through binding legislation, move good governance into the realm of regulatory and legislative power with direct sanction mechanisms and, thereby, increase power *in* and *through* the idea. A vertical communicative discourse, furthermore, is created by SGBs, where organisations at the higher levels aim to promote the idea at lower levels through the adoption of codes and related documents. A horizontal discourse emerges, as public policy documents in many cases also directly address private sport organisations as the main target group of good governance in sport. Exemplarily, in its Resolution on "An integrated approach to Sport Policy: Good governance, accessibility and integrity," the European Parliament not only "[u]rges the *Member States* to make public funding for sports conditional, subject to compliance with established and publicly available minimum governance, monitoring, and reporting standards," but also "[c]alls on international, European and national *sports organisations* to commit to good governance practices, and to develop a culture of transparency and sustainable financing, by making financial records and activity accounts, including disclosure obligations as to the compensation of top executives and term limits, publicly available."⁶³ In the absence of direct sanctioning power, periodic evaluations

62 For insights into how football stakeholders influence the discourse of good governance at the EU level, see Geeraert, Arnout. *The EU in International Sports Governance: A Principal-Agent Perspective on EU Control of FIFA and UEFA*. The European Union in international affairs series. (New York, NY: Palgrave Macmillan, 2016).; for the role of discourses on other football-related policies at the EU-level, see Meier, Henk Erik, Borja García, Serhat Yilmaz, and Webster Chakawata. "The Capture of EU Football Regulation by the Football Governing Bodies." *JCMS: Journal of Common Market Studies* 61, no. 3 (2023): 692–711. <https://doi.org/10.1111/jcms.13405>.

63 European Parliament, "An Integrated Approach to Sport Policy: Good Governance, Accessibility and Integrity: European Parliament Resolution of 2 February 2017 on an Integrated Approach to Sport Policy: Good Governance, Accessibility and Integrity (2016/2143(INI)) (2018/C 252/01)." *Official Journal of the European Union*, 2017, 2–13, 7.

of the good governance performance of the addresses must be understood as a key tool in the communicative discourse, and may even develop coordinative effects.⁶⁴ Besides, sport organisations addressed by good governance frameworks also aim to create their own communicative discourse around their practices for their external (i.e., towards sanctioning and funding authorities or the general public) and internal legitimisation (i.e., towards their board members or other internal entities of the organisation).⁶⁵

The large heterogeneity of actors and approaches to the idea, therefore, results in several communicative and coordinative spheres. Taken together, however, we argue that the identified actors can be understood as a more or less tight network that forms an epistemic community involved in coordinating and communicating good governance as a key idea of today's governance of sport.⁶⁶

3.2. Athlete Rights

In a recent study published by the European Commission, the authors explain that to date, "no specific legal framework for athletes' rights exists."⁶⁷ This necessitates to answer the questions as to what rights athletes have and what the sources of these rights are, opening the floor for discourse. The field of athlete rights comprises two separate, yet linked sets of rights: on the one hand, they relate to justiciable rights where predominantly national and EU laws and court decisions provide legal entitlements for citizens and workers that also apply to athletes. On the other hand, athlete rights also relate to more normative and ethical questions that shall guide policy, so-called aspirational rights, highlighting the intricate relationship between law and morality underpinning rights-language.⁶⁸ Although these two rights-categories do overlap, especially in the field of human rights, the latter assumes an important role in the discourse among the actors in sport governance. Furthermore, clarification is required regarding the scope of the term "athlete" in athlete rights. The current discourse mainly revolves around competitive athletes at the elite level and less around participants in grassroots sports.⁶⁹

As Table 3 illustrates, a considerable number of actors has published written accounts on athlete rights. Here, our analysis cannot systematically assess the relevance of national-level documents and the discourse arising from those documents. Such a comparative analysis goes well beyond the scope of this paper and remains a task for future research.

64 Of specific note are the periodic (voluntary) evaluations by ASOIF and the EOC EU Office, see Table 2).

65 Walters and Tacon, "The 'codification' of governance in the non-profit sport sector in the UK".

66 See Peter M. Haas, "Introduction: Epistemic Communities and International Policy Coordination", *International Organization* 46, no. 1 (1992): 1-35, <https://doi.org/10.1017/S0020818300001442>.

67 European Commission: Directorate-General for Education, Youth, Sport and Culture et al., *Study on Athletes' Rights in and Around Big Sport Events* (Luxembourg: Publications Office of the European Union, 2024). <https://doi.org/10.2766/204495>, 16.

68 Ellen Wiles, "Aspirational Principles or Enforceable Rights? The Future for Socio-Economic Rights in National Law", *American University International Law Review* 22, no. 1 (2006): 35-64; Leif Wenar, "Rights", in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta and Uri Nodelman, Spring 2023 (Metaphysics Research Lab, Stanford University, 2023); Evan Rosevear, Ran Hirschl, and Courtney Jung, "Justiciable and Aspirational Economic and Social Rights in National Constitutions," in *The Future of Economic and Social Rights*, ed. Katharine G. Young and Amartya Sen (Cambridge University Press, 2019).

69 European Commission: Directorate-General for Education, Youth, Sport and Culture et al., *Study on athletes' rights in and around big sport events*.

Table 3: Actors in athlete rights discourse, the authors' own compilation.

Actor type	Actor	Document Name (Year)	Document Type	
Public bodies	European Union	Commission	Study on Athlete Rights in and around Big Sport Events (2024)	Study
		Council	Resolution on the Key Features of a European Sport Model (2021)	Political Declaration
			Resolution on the Work Plan for Sport (2020; 2024)	Political Declaration
	Parliament	Resolution: An Integrated Approach to Sport Policy: Good Governance, Accessibility and Integrity (2017)	Political Declaration	
		Resolution: EU sports policy: assessment and possible ways forward (2021)	Political Declaration	
	Council of Europe	International Declaration on Human Rights and Sport (Tbilisi Declaration, 2018)	Political Declaration	
		Recommendation on the Revised European Sports Charter (2021)	Political Declaration	
	UNESCO	Guidelines on Sport Integrity (2023)	Political Declaration	
	International Labour Organization	Global Dialogue Forum on Decent Work in the World of Sport - Points of Consensus (2020)	Political Declaration	
	Sport	World Anti-Doping Agency	Athletes' Anti-Doping Rights Act (2019)	Athlete Rights Charter
International Olympic Committee		Athletes' Rights and Responsibilities Declaration (2018)	Athlete Rights Charter	
		Human Rights Strategic Framework (2022)	Political Declaration	
Athlete Associations / Unions	World Players Association	Universal Declaration of Player Rights (2017)	Athlete Rights Charter	
		Economic Rights of Players (2018)	Political Declaration	
		Census of Athlete Rights Experience (2021)	Study	
		Right2Organize Report (2023)	Study	
	EU Athletes	Common Position Paper (2022)	Political Declaration	
	Athletes Germany (Athleten Deutschland)	Sport and Human Rights (2022)	Political Declaration	
Civil society	Centre for Sport and Human Rights	Sporting Chance Principles (2017)	Political Declaration	
		White Paper Child Labour in Sport (2022)	Study + Political Declaration	
	Mega-Sporting Events Platform for Human Rights	Athletes' Rights and Mega-Sporting Events White Paper (2017)	Study + Political Declaration	
	Safe Sport International	Safe Sport International Declaration and Principles - A Platform for Action (2014)	Political Declaration	
Academia	Academics (selection)	Koss (2011), Mittag et al. (2022), Palmer (2023), Rook, Jain & Heerd (2023), Schwab (2018), Tuakli-Wosornu et al. (2022a; 2022b)	Studies	

3.2.1. Athlete Rights as an Idea

Athlete rights constitute a *normative* idea for which actors invoke a universal ethic, not least through their connection to human rights. The IOC's *2018 Athletes' Rights and Responsibilities Declaration* refers to "a common set of aspirational rights [...] inspired by the Universal Declaration of Human Rights and other internationally recognised human rights standards,

principles, and treaties.”⁷⁰ In a similar vein, the preamble of the *Universal Declaration of Player Rights* adopted by the World Players Association (WPA) in 2017, calls for a “universal commitment by the whole of sport” and justifies its rights catalogue with direct reference to international human rights treaties and transnational charters.⁷¹ Notwithstanding the potential to use “rights as weapons” to advance one’s political interests, such athlete rights charters are adopted predominantly because of an ethical conviction that the rights enshrined are inherently valuable.⁷²

Fundamental to the idea of athlete rights is an understanding that elite athletes from all over the world form a distinct population of a polity that is formed by the global system of sport governance. Athletes are subject to regulatory rules of SGBs.⁷³ Due to the direct and indirect impact of these regulations on athletes’ lives, athletes are considered the bearers of specific rights vis-à-vis the powerful SGBs. Athlete rights, can therefore, be understood as a *programmatische* idea rooted in a cosmopolitan worldview for a special group of global citizens.⁷⁴ As such, differing conceptualisations and operationalisations are proposed in current charters and academic literature, all of which acknowledge the need to base athlete rights on fundamental accounts of human rights and derive specific rights claims from it. While specific rights claims, which, in DI-terms constitute policy ideas, strongly differ, the programmatic idea of athlete rights is now well established, especially among private actors. Several matters around, among other things, athlete welfare and safety, commercial opportunities, freedom of expression, and participation in decision-making – which have also been addressed in isolation by a considerable number of academic studies – are subsumed under the idea of athlete rights.⁷⁵

The compilation of documents in Table 3 highlights that only three comprehensive catalogues of athlete rights, what we refer to as “athlete rights charters,” exist. The World Anti-Doping Agency’s *Athletes’ Anti-Doping Rights Act* addresses the specific area of anti-doping by distinguishing the rights that athletes *have* under the World Anti-Doping Code (Part 1), and the rights recommended for “anti-doping organizations to adopt and implement within their own organizational structures” (Part 2).⁷⁶ The two most comprehensive athlete rights charters,

70 International Olympic Committee, “Athletes’ Rights and Responsibilities Declaration”, 1.

71 World Players Association, “Universal Declaration of Player Rights” (2017), 1.

72 Bob Clifford, *Rights as Weapons: Instruments of Conflict, Tools of Power* (Princeton, Oxford: Princeton University Press, 2021).

73 Lloyd Freeburn, *Regulating International Sport: Power, Authority and Legitimacy* (Boston: BRILL, 2018); Schwab, “Embedding the human rights of players in world sport”.

74 Kathryn E. Henne, *Testing for Athlete Citizenship: Regulating Doping and Sex in Sport*, Critical Issues in Sport and Society (New Brunswick, NJ: Rutgers University Press, 2015); Pauline Kleingeld and Eric Brown, “Cosmopolitanism”, in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2019 (Metaphysics Research Lab, Stanford University, 2019).

75 See Maximilian Seltmann, “The Institutional Position of Athletes in the Governance Networks of the Olympic Movement in Canada, Germany and the United Kingdom”, *The International Journal of the History of Sport* 38, 10-11 (2021): 1165-1188, <https://doi.org/10.1080/09523367.2021.1978428>; Jeannine Ohlert et al., “Elite Athletes’ Experiences of Interpersonal Violence in Organized Sport in Germany, the Netherlands, and Belgium”, *European journal of sport science* 21, no. 4 (2021): 604-613, <https://doi.org/10.1080/17461391.2020.1781266>; Vidhi K. Tiwari and Suman Setty, “Olympics and Rule 40: A Critical Examination”, *Christ University Law Journal* 5, no. 2 (2016): 37-44, <https://doi.org/10.12728/culj.9.4>. Mark James, “Restricting Athletes’ Voices”, in *The Routledge Handbook of Mega-Sporting Events and Human Rights*, ed. William Rook, Shubham Jain and Daniela Heerdt (London: Routledge, 2023).

76 World Anti-Doping Agency, “Athletes’ Anti-Doping Rights Act”, accessed November 7, 2024, <https://www.wada->

which claim universal applicability and shall guide policy action among the stakeholders in sports, are the IOC's *Athletes' Rights and Responsibilities Declaration* and the WPA's *Universal Declaration of Player Rights*. Current literature highlights that the discourse around athlete rights and the entitlements athletes have differed depending on the interpretation of whether athletes are workers – granting them justiciable access to valuable employment rights and social protection – or not.⁷⁷ This ambiguity is well-reflected by the different rights enshrined in the IOC and the WPA charters.⁷⁸ The WPA fundamentally refers to athletes and players as workers and derives relevant rights claims from international framework documents like the United Nations Guiding Principles on Business and Human Rights and labour-rights conventions of the International Labour Organisation (ILO). Consequently, the WPA includes, on athletes' economic rights, among other provisions, a right "to work" (Art. 5), "to organise and collective bargaining" (Art. 6), and "to share in economic activity and wealth." The IOC's Declaration, in contrast, does not establish a reference to such sources. It instead refers to the ability and opportunity of athletes to "Access education on sports-related matters as well as to work or study while actively training and competing" (Art. 4) and to "Leverage opportunities to generate income in relation to their sporting career, name and likeness, while recognising the intellectual property or other rights, rules of the event and sports organisations, as well as the Olympic Charter" (Art. 5).⁷⁹ Moreover, the WPA's Declaration merely refers to one overarching duty for athletes, stating that "[e]very player has a duty to respect the rights of his or her fellow players under this Declaration, and to respect the fundamental human rights of everyone involved with or affected by sport" (Art. 17). Within the IOC's Declaration, a total of ten athlete responsibilities are listed. These establish, among other things, reference to the Olympic Charter and other fundamental IOC documents, like the Code of Ethics. In addition, they call on athletes to respect the so-called solidarity principle of the Olympic movement and to refrain from "political demonstration in competitions, competition venues, and ceremonies." Therefore, athletes not only have a duty to respect the rights of other athletes or persons but also to uphold key policies and institutions of the Olympic movement.⁸⁰ This direct linkage between, on the one side, rights and, on the other side, obligations to uphold defining institutions of the Olympic movement in one document weakens the normative nature of athlete rights as an idea. Through this direct connection, the IOC consciously or unconsciously diminishes the normativity and ethical rooting of the rights it ascribes to athletes and introduces a cognitive, instrumental understanding of rights and related responsibilities which must be in line with the actor's interest to maintain the stability of key institutions. As a consequence, the IOC's framework has been criticised for not being "fully reflective" of relevant human rights standards.⁸¹

ama.org/sites/default/files/resources/files/athlete_act_en.pdf, 9.

77 Walter Palmer, "Athletes' Human Rights and Mega-Sporting Events", in Rook; Jain; Heerd, *The Routledge Handbook of Mega-Sporting Events and Human Rights*; European Commission: Directorate-General for Education, Youth, Sport and Culture et al., *Study on athletes' rights in and around big sport events*; Leanne O'Leary, Maximilian Seltmann, and Vanja Smokvina, "Elite Athletes and Worker Status," *Industrial Law Journal*, 2024, <https://doi.org/10.1093/indlaw/dwae025>.

78 See also Yetsa A. Tuakli-Wosornu et al., "Development and Validation of the Athletes' Rights Survey", *BMJ open sport & exercise medicine* 7, no. 4 (2021), <https://doi.org/10.1136/bmjsem-2021-001186>.

79 This right claim also includes a responsibility or duty on the side of the athlete.

80 Seltmann, "Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement".

81 Zeid R. Al Hussein and Rachel Davis, "Recommendations for an IOC Human Rights Strategy: Independent Expert Report by Prince Zeid Ra'ad Al Hussein and Rachel Davis", accessed November 7, 2024, https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_

3.2.2. Ideational Power of Athlete Rights

As the data in Table 3 indicate, the codification and discourse of athlete rights as a holistic programmatic idea occurred very recently. *Power over* the idea of athlete rights mainly rests with the International Olympic Committee which, through its Athletes' Rights and Responsibilities Declaration, provides a fundamental framework for all organisations within the Olympic movement. As the "supreme authority"⁸² of the Olympic movement, the IOC amasses immense financial and communicative resources which ensure its dominant position also in respect to the idea of athlete rights.⁸³ Despite the recommendation made by an Independent Expert Report⁸⁴ to revise the Declaration, not least due to its ambivalent relationship with human rights frameworks, to date, the document has not been amended and revisions are not foreseen in the actions detailed in the IOC's Strategic Framework on Human Rights.⁸⁵ Different actor groups challenge the power of the IOC: As shown above, the organised athletes' movement also aims to define and influence the meaning and scope of the idea. From a temporal perspective, the WPA can be considered the first entity to publish a comprehensive catalogue of athlete rights. Palmer argues that the IOC's Declaration should indeed be understood as a response to WPA's Universal Declaration published in 2017.⁸⁶ Seeing, however, the generally limited power of independent athlete organisations in the Olympic movement, the IOC's dominant position prevails.⁸⁷ Yet, the Global Dialogue Forum on Decent Work in the World of Sport, hosted by the ILO in 2020, not only highlights a multilateral attempt to promote athlete rights, but also influences the meaning of the idea. The adopted *Points of Consensus* define precise policy issues and approach the idea from the perspective of labour and work.⁸⁸ Therefore, through the ILO platform, athlete associations, governments, and several civil society or employer organisations gained a stronger voice and more power over the idea of athlete rights.⁸⁹ To date, the EU institutions mainly play a role in establishing athlete rights as an important policy field through various political declarations (see Table 3), with little involvement in the definition of the idea's meaning. The European Commission's recent study on athlete rights, however, defines the rights that athletes have.⁹⁰ If the approach

[HumanRights.pdf](#), 5.

82 International Olympic Committee, "Olympic Charter: In Force as from 23 July 2024", accessed November 7, 2024, <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/IOC-Publications/EN-Olympic-Charter.pdf>, 12.

83 Helen Jefferson Lenskyj, *The Olympic Games: A Critical Approach* (Emerald Publishing Limited, 2020). <https://doi.org/10.1108/9781838677732>.

84 Zeid R. Al Hussein and Rachel Davis, "Recommendations for an IOC Human Rights Strategy:..."

85 International Olympic Committee, "IOC Strategic Framework on Human Rights" (Lausanne, 2022), https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Strategic-Framework-on-Human-Rights.pdf?_ga=2.165514172.2042409314.1664198966-1719961888.1640013558.

86 Palmer, "Athletes' Human Rights and Mega-Sporting Events".

87 Tuakli-Wosornu et al., "Knowing we have these rights does not always mean we feel free to use them': athletes' perceptions of their human rights in sport"; World Players Association, "#Right2Organize Survey & Report: Effective Athlete Representation in Global Sport", accessed November 7, 2024, https://uniglobalunion.org/wp-content/uploads/WPA-R20-Report_Digital-1.pdf.

88 International Labour Organization, "Points of Consensus: Global Dialogue Forum on Decent Work in the World of Sport", 2020, accessed November 7, 2024, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_dialogue/%40sector/documents/meetingdocument/wcms_735388.pdf.

89 International Labour Organization, *Final Report: Global Dialogue Forum on Decent Work in the World of Sport (Geneva, 20–22 January 2020)* (Geneva: International Labour Office, Sectoral Policies Department, 2020).

90 European Commission: Directorate-General for Education, Youth, Sport and Culture et al., *Study on athletes' rights in and around big sport events*.

and findings of the study translate into, for example, a comprehensive athlete rights charter adopted by different EU institutions, the EU may in the future also increase its power over the idea.

Seeing the growing number of political declarations addressing the matter of athlete rights, the idea has increasingly gained prominence in the governance of international sport. Because of the close connection to, or direct derivation from, human rights, there lies a potential for significant ideational *power in* the idea. Vento highlights that “few ideas are as powerful as the notion of universal human rights that belong to every human being,”⁹¹ and Kidd and Donnelly show that the idea of athlete rights provides important protections for athletes against the arbitrary wielding of power by sport officials and in fighting discrimination.⁹² However, in the current governance of sport, the power of athlete rights as a programmatic idea is mitigated by the conflicts revolving around its operationalisation in clearly formulated policy ideas and related obligations of different actor groups regarding rights implementation. As previously seen, different stakeholders include vastly different rights claims to operationalise the normative idea. Beyond that, the existing political declarations promote the idea at an abstract level and hardly establish clear-cut obligations on the side of SGBs or other addressees to respect and uphold specific rights. This leads to an ambivalent picture: On the one hand, as a programmatic idea stemming from their connection to human rights, there is substantial power *in* athlete rights, and SGBs increasingly respond to the diffusion of human rights due diligence into the sport sector by, among other things, addressing the rights of athletes.⁹³ On the other hand, this power does only marginally translate into concrete policy action because of the contested nature of the precise rights claims and related stakeholder obligations.⁹⁴

This reasoning directly affects the power that might be exercised *through* the idea. While on a general level, athlete groups may have been able to convince political decision-makers of the validity of the idea, tangible effects can hardly be observed and many rights claims that athlete associations and player unions make are currently not implemented in the policy. The example of the promotion of Athletes’ Commissions, however, illustrates that in certain actor settings, the policy ideas of athlete rights may affect the governance of sport. Through a dedicated guide, the IOC calls on all NOCs to create and implement an Athletes’ Commission, thereby accounting for the eighth right enshrined in its Athletes Rights and Responsibilities Declaration.⁹⁵ This has led to an increase in the number of ACs worldwide.⁹⁶ Alternative

91 Eetu Vento, “The Global Institutionalization of Human Rights Discourse: A Cross-National Analysis of the Language Used in the International Labour Conference During the Cold War”, *Nordic Journal of Human Rights* 42, no. 2 (2024): 135, <https://doi.org/10.1080/18918131.2024.2313907>.

92 Bruce Kidd, and Peter Donnelly, “HUMAN RIGHTS in SPORTS”, *International Review for the Sociology of Sport* 35, no. 2 (2000): 131-148, <https://doi.org/10.1177/101269000035002001>.

93 Zeid R. Al Hussein and Rachel Davis, “Recommendations for an IOC Human Rights Strategy: ...”.

94 M. Hafner-Burton & Kiyoteru Tsutsui (2005) (fn 31 in Vento 2024) point to similar phenomena in the area of human rights by showing that states may only adopt human rights language symbolically without any consequences on national law or policy.

95 IOC Athletes’ Commission, “Guide to developing an effective Athletes’ Commission”, <https://olympics.com/athlete365/app/uploads/2020/10/Guide-for-an-effective-AC-ENG.pdf>.

96 See for example European Olympic Committees, “Liechtenstein - First NOC Athletes’ Commission Set up Strategy for Quadrennium”, accessed November 8, 2024, <https://www.eurolympic.org/liechtenstein-first-noc-athletes-commission-set-up-strategy-for-quadrennium/>; Olympic Council of Asia, “Timor Leste NOC Establishes Athletes’ Commission”, accessed November 8, 2024, <https://oca.asia/news/2449-timor-leste-noc-establishes-athletes-commission.html>.

models for athlete participation, including social dialogue or collective bargaining which other conceptualisations include as athletes' rights, remain side-lined in the Olympic movement, whilst being increasingly practiced in professional team sports.⁹⁷

3.2.3. Characteristics of the Athlete Rights Discourse

Due to the lack of comparative data on the national level (see above), our analysis focuses on the discourse located at the trans- and international levels. As for good governance codes, the identified athlete rights charters can be understood as an outcome of *coordinative* discourses. The IOC's Declaration was developed and written following a multi-step consultation process including national Athletes' Commissions and a survey among more than 4,000 athletes from all parts of the world.⁹⁸ A similar process led to the adoption of WADA's Athletes' *Anti-Doping Rights Act*.⁹⁹ These coordinative discourses are closely linked to the definition of the concept's meaning and reflect actors' efforts to gain power *over* the idea. To date, however, there are, no signs of a convergence of the existing charters through a closer coordinative discourse among, for example, the IOC and WPA. As regards the identified political declarations, the coordinative discourse leading to their adoption resembles the characteristics of the coordinative discourse of good governance. In this sense, while the precise actor constellations remain unknown and vary from case to case, actors involved in the discursive sphere aim to exert power *over* the idea to influence the text of the declarations.

Meanwhile, the charters also establish a *communicative* discourse in which the involved actors refer to the documents to spread the idea and to exert power *through* it. The identified political declarations addressing athlete rights, as well as the academic studies analysing the status quo of the policy practice, contribute to this communicative discourse by highlighting the normative importance and practical relevance of the idea in the governance of sport. While this may contribute to the legitimisation of the idea as such, to date, the athlete rights discourse is marked by contestation and disagreement about the policy ideas deriving from the larger programmatic, normative idea of athlete rights. As shown, two largely distinct discourses currently exist: one, mainly promoted by the organised athletes' movement – and more recently also supported by the ILO – that sees athletes as workers; and another, dominated by the IOC that places the identity and peculiar role of an elite athlete in the centre. The communicative discourse on athlete rights promoted by the IOC also aims to stabilise institutions that organised athletes destabilise through their discursive practices, like the political neutrality rules (a matter of athletes' freedom of expression) or the Olympic solidarity mechanism (used to justify restrictions on athletes' commercial freedoms). Through the recently published dedicated "Athletes' Declaration Implementation Guide," the IOC aims to enhance its role in the communicative discourse to steer the member organisations of the Olympic movement.¹⁰⁰

97 World Players Association, "#Right2Organize Survey & Report: Effective Athlete Representation in Global Sport"; Fiege, Lorenz, and Maximilian Seltsmann, "Social Dialogue in Professional Sports in Europe: Towards Democratic Governance Between the European Sport Model and National Industrial Relations?", *Journal of European Public Policy*, 2024, <https://doi.org/10.1080/13501763.2024.2418337>.

98 Athlete 365, "Athletes' Declaration Steering Committee", accessed November 8, 2024, <https://olympics.com/athlete365/articles/athletes-declaration/steering-committee>.

99 World Anti-Doping Agency, "Athletes' Anti-Doping Rights Act", accessed November 8, 2024, <https://www.wada-ama.org/en/resources/athletes-anti-doping-rights-act>.

100 Athlete 365, "Athletes' Declaration Implementation Guide: Practical Recommendations, Useful Resources and

3.3. Comparing the Discourses: Interim Conclusion

The analysis of the current discursive practices shows that both ideas and the discourses revolving around them are central to today's governance of sport. It shows, however, that the two discourses, for most parts, exist side by side and are not systematically linked, though we find reference to athlete rights in existing good governance codices and (sport) political declarations usually promote both ideas. In fact, several similarities between the two ideas and the related discourses can be identified through our analysis.

Firstly, both discourses reflect the architecture of *modern sport governance*, which includes a multitude of state and non-state actors from the areas of sport, politics, civil society, and academia, among others.¹⁰¹ While sport governance traditionally was the domain of private SGBs assembled in the Olympic movement, today, actors from different horizontal governance spheres regulate sport policy by engaging in discursive practices around good governance and athlete rights. In both cases, written documents emerge from a coordinative discourse. Once adopted, the documents contribute to a multi-level communicative discourse aiming to strengthen the ideational power of both ideas to leverage them for institutional change. Our analysis, however, indicates that the applicability of Schmidt's conceptual distinction between these two forms of discourses to the area of sport governance should be critically assessed. To avoid confusion about these discourse characteristics in the present research context, we advance upon Schmidt's approach and suggest drawing an additional conceptual link between coordinative and communicative discourses on one side, and Schmidt's different variants of ideational power on the other side. Accordingly, reflected by the good governance and athlete rights discourse each, in policy practice, coordinative discourses – where understood as actors' participation in the creation and adoption of texts – reflect elements of power *over* an idea, whereas communicative discourses – where conceived as the use of texts to promote institutional change across different governance levels – imply the exertion of power *through* an idea. One can rightfully argue, however, that the communicative discourses in both cases involve coordinative elements in that the adopted documents aim to directly influence and steer the behaviour of other actors. Furthermore, as shown above, the affected actors also aim to exert power through each idea to influence the creation and adoption of documents, especially if they are not directly involved in a coordinative discourse. Regardless of this conceptual challenge, overall, the two discourses each play an important role in shaping the current institutional setting of international sport governance. This is mirrored, for example, by public authorities who largely lack direct sanctioning power from a global perspective, and by leading SGBs' struggle to harmonise and enforce their rules and regulations at a global scale despite their monopolistic structure.

A second similarity of the two discourses is that, while constructed, discussed, and promoted by a variety of actors, one focal point to both ideas is SGBs. In the discourse on good governance in sports, SGBs and other sport regulators, such as anti-doping organisations, are the primary target group. The current athlete rights discourse also mainly revolves around

Best Practices for IFs and NOCs", accessed November 18, 2024, https://img.olympics.com/images/image/private/fl_attachment/primary/ftv15wqhl0o5l3vr3elc.pdf.

101 Eftalia Chatzigianni, "Global Sport Governance: Globalizing the Globalized," *Sport in Society* 21, no. 9 (2018): 1454-1482, <https://doi.org/10.1080/17430437.2017.1390566>; Jedlicka, "Sport governance as global governance: theoretical perspectives on sport in the international system."

the rights that athletes have vis-à-vis private SGBs and in the area of anti-doping, ascribing the obligations resulting from existing conceptualisations of athlete rights almost exclusively to those bodies. Both phenomena can be explained by the central position that SGBs have in the global governance of sport in general.¹⁰² Seeing the origin and the main reasons for the rapid diffusion of the idea of good governance into the sport sector, including corruption, mismanagement, and a lack of transparency and accountability of private SGBs, the currently predominant focus on SGBs comes as little surprise. The attribution of obligations on SGBs arising from the athlete rights discourse can be traced back to the direct and indirect effects that rules, regulations, and sanctions of private SGBs impose on the social realities of elite athletes.¹⁰³

4. A RIGHTS-BASED APPROACH TO GOOD GOVERNANCE IN SPORT

We find an issue with the above-identified second characteristic: the narrow focus of actions on SGBs established by the current discourses. We argue that the transfer of the underlying ideas, good governance, and human rights, to the sporting arena neglects an important characteristic of sport governance and, as a consequence, fails to capitalise on the ideational power that rests in both ideas. As Henry and Lee show – and as our analysis of the discursive documents in the previous chapter confirms – sport governance is not limited to organisational governance within private SGBs.¹⁰⁴ Instead, it entails elements of *systemic* governance in which multiple actors with competing interests and varying capacities take complementary (partially overlapping) functions and roles. In this mode of governance, policy outcomes in sports are the result of “competition, cooperation and mutual adjustment” among the various actors involved and their power relationships at the systemic level (e.g. within applicable legislation, funding models, or allocation requirements), rather than of the (internal) management practices of SGBs alone.¹⁰⁵ Adopting an international relations perspective to the study of this systemic nature of the global governance of sport, Jedlicka, therefore, questions whether any such reduction of the concept of (good) governance to the mere operational conduct and management practices of SGBs is able to solve current issues in sport governance.¹⁰⁶ The author here expands upon the European Commission’s notion that “governance evolves into good governance” as societies become more complex political systems.¹⁰⁷ In fact, in other policy fields and economic sectors, the idea of good governance places responsibilities and obligations also on *political* actors, such as national governments and civil society organisations. The global discourse on good governance originated with the end of the Cold War, diffusing into development cooperation strategies by leading international organisations and by individuals, mostly OECD countries. Many scholars ascribe an important role to the World Bank for the global spread of good governance as an

102 Cf. Freeburn, *Regulating International Sport*.

103 Cf. Seltmann, “Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement”.

104 Ian Henry and Ping C. Lee, “Governance and Ethics in Sport,” in *The Business of Sports Management*, ed. J. Beech and S. Chadwick (Harlow: Pearson Education, 2004).

105 Henry and Lee, “Governance and ethics in sport”, 26.

106 Jedlicka, “Sport governance as global governance: theoretical perspectives on sport in the international system”.

107 Commission of the European Communities, “Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: Governance and Development” (2003), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52003DC0615>, 4.

idea.¹⁰⁸ Following the World Bank's ground-breaking reports¹⁰⁹ in the field of international development, good governance is firmly rooted in a systemic approach, targeting both public and private institutions.¹¹⁰ Initially, the EU perceived in good governance as an adequate means to increase the effective implementation of its development cooperation policies in the framework of a rather state-centred approach.¹¹¹ Further, Musalem and Ortiz highlight that good governance of social security requires efforts from social security organisations (often private) and national governments alike.¹¹²

Similarly, the athlete rights discourse should not be limited to SGBs' leeway. Since athletes are humans first, and athletes second, the nation-state and international community within the UN environment take, for example, a core responsibility in ensuring their human rights. In its revised European Sports Charter from 2021, the CoE reaffirms that the protection of human rights and respect for the rule of law in sport falls within the responsibility of both sports organisations and public authorities.¹¹³ Recent literature on, for example, human rights law, underlines the multitude of state and non-state actors who are considered duty-bearers in respecting, promoting, and enforcing the rights of athletes.¹¹⁴ And more specifically, as recent research on the employment and social relations of elite athletes across Europe shows, the fulfilment of fundamental athlete rights heavily depends on public authorities' frameworks, rules, and policies.¹¹⁵ Particularly in sports organised outside of professional leagues where athletes have atypical employment relationships and where they are integrated into national elite sport programmes, public bodies assume a central role and their legislation or policies have a direct effect on athletes' daily lives. This relates, among other things, to athletes' income opportunities arising from various elite sport funding models, their social protection, or their ability to engage in independent negotiations, for example, through social dialogue.

While the two analysed discourses are, thus, illustrative of long-prevailing sport governance characteristics and misconceptions of actors' core responsibilities, our analysis postulates that merging them may mitigate major conceptual shortcomings in relation to their application to sport governance. But where do they intersect? Analysing various policy fields from a socio-legal perspective, Addink explains that "good governance is significant because it is both a norm for the government and a citizen's right."¹¹⁶ In fact, we identify such

108 Mittag, "Good Governance," Jens Steffek, and Philip Wegmann, "The Standardization of "Good Governance" in the Age of Reflexive Modernity," *Global Studies Quarterly* 1, no. 4 (2021), <https://doi.org/10.1093/isagsq/ksab029>.

109 World Bank, *Governance and Development* (Washington D.C.: The World Bank Publication, 1992); World Bank, *World Bank United Nations Development Program: Africa's Adjustment and Growth in the 1980s* (Washington D.C.: World Bank, 1998).

110 Thandika Mkandawire, "'Good Governance': The Itinerary of an Idea", in *Deconstructing Development Discourse: Buzzwords and Fuzzwords*, ed. Andrea Cornwall, and Deborah Eade (Rugby, Warwickshire, UK, Oxford: Practical Action Pub; Oxfam, 2010).

111 Tanja A. Börzel, Yasemin Pamuk, and Andreas Stahn, "Good governance in the European Union" (2008).

112 Alberto R. Musalem, and Maribel D. Ortiz, "Governance and Social Security: Moving Forward on the ISSA Good Governance Guidelines", *International Social Security Review* 64, no. 4 (2011): 9-37, <https://doi.org/10.1111/j.1468-246X.2011.01409.x>.

113 Council of Europe, *Recommendation CM/Rec(2021)5 of the Committee of Ministers to Member States on the Revised European Sports Charter* (2021).

114 Zeid R. Al Hussein and Rachel Davis, "Recommendations for an IOC Human Rights Strategy:..."

115 Mittag et al., *Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe*; O'Leary, Seltmann and Smokvina, "Elite Athletes and Worker Status".

116 G. H. Addink, *Good Governance: Concept and Context*, First edition, Oxford scholarship online (Oxford, UK: Oxford

a systemic conceptual connection between good governance and (human) rights in the ideas of several actors. While good governance mirrored primarily economic dimensions such as economic growth and efficiency for a long time, today, many actors such as the CoE, EU, and UN increasingly employ a more nuanced approach to good governance with greater emphasis on political and non-monetary dimensions such as democracy, human rights, accountability, and rule of law.¹¹⁷ For example, the German Federal Ministry for Economic Cooperation and Development defines good governance, among other things, as “the respect for, protection and fulfilment of all human rights.”¹¹⁸ In a similar vein, the United Nations Office of the High Commissioner on Human Rights states that “[The] true test of ‘good’ governance is the degree to which it delivers on the promise of (human) rights.”¹¹⁹ It is this integration of a *rights-based* approach that informs our concept of a systemic approach to good governance in sport. We posit that *sport governance is “good” if it respects, promotes, and fulfils the (human) rights of athletes*. Integrating both ideas and the related discourses may solve prevailing conceptual and practical issues that characterise the current sport-political arena.

4.1. A (truly) Normative Idea of Good Governance in Sports

As for the concept of good governance, our analysis highlights that one major shortcoming of the currently dominating idea is its weak normative justification. Through integration of the normative idea of athlete rights into the predominant cognitive idea, good governance receives a much stronger normative basis. We argue that such a values-based notion has the potential to contribute towards a shift from the so far predominant corporatist-instrumental and contextualised thinking to more communitarian and universalist approaches to good governance in sport. It addresses the conceptual ambiguity and vagueness about the normative roots and origin of good governance codices. Principles qualify as “good” because they may guarantee the respect, promotion, and fulfilment of something inherently valuable; that is, the rights of athletes as citizens, workers, and key subjects of the Olympic movement. These rights are here conceived as an end in itself to which all involved actors must contribute, which, in turn, brings good governance in sport closer to ideas on good governance in global politics as expressed by the United Nations Office of the High Commissioner on Human Rights (see further above).

4.2. Defining Actors’ Responsibilities in the Implementation of Athlete Rights

If understood systemically, a good governance lens to athlete rights implies a multiple attribution to, and *shared* responsibility by, the involved actors and a mutually coordinated implementation of actor-specific measures. This may contribute to overcoming the otherwise often abstract appeal of the athlete rights discourse. Our reasoning implies that the respect, promotion, and fulfilment of athlete rights cannot be the responsibility of SGBs

University Press, 2019). <https://doi.org/10.1093/oso/9780198841159.001.0001>, 4.

117 Börzel, Pamuk and Stahn, “Good governance in the European Union”.

118 Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, *Promotion of Good Governance in German Development Policy* (Bonn: BMZ, 2009); Steffek and Wegmann, “The Standardization of “Good Governance” in the Age of Reflexive Modernity,” 9, cited in Steffek and Wegmann, “The Standardization of “Good Governance” in the Age of Reflexive Modernity”.

119 United Nations Office of the High Commissioner for Human Rights, “OHCHR and Good Governance,” accessed November 8, 2024, <https://www.ohchr.org/en/good-governance/about-good-governance>.

alone, acknowledging that mere interventions at the organisational level are insufficient. On the contrary, it may extend the scope of actors targeted by good governance efforts to also include political actors. National governments and the EU, as well as the various socio-political and legal frameworks under which they operate, also play a role in the development of elite sport policy and must adhere to principles of good governance centred around the rights of athletes. Our concept, thereby, advances the illustrated athlete rights discourse to better reflect the current empirical reality of many elite athletes which is strongly influenced by public policies of national governments as well. Assessing and evaluating these public policies and institutional frameworks from a good governance perspective not only widens the understanding of good governance, but also brings public bodies into the focus of the global athlete rights discourse. Summed up, while the actual core of such a normative approach to good governance would be non-negotiable due to its anchoring in universally applicable (human) rights frameworks, it at the same time acknowledges that some deviation as regards the way of implementation and enforcement of the applicable rights of athletes – depending on the specific actor constellations in sport policy and the asserted rights at stake – can be justified.

5. DISCUSSION

5.1. Towards a Democratisation of Good Governance?

As outlined above, within our rights-based approach, good governance receives a much stronger normative support and may, at the same time, become a catalyst for implementing athlete rights in international sport governance. It remains, however, to be examined more thoroughly what this rights-based conceptualisation means for the sport-specific good governance discourse as such. Our concept expands upon existing approaches that use the governance dimension of “democracy” (or otherwise “democratic processes”) to draw a conceptual connection between athlete rights and good governance. Inherent to this reasoning in existing research is the widespread conceptual assumption that fulfilment of fundamental political rights of athletes, such as their participation and representation in decision-making, may trigger a positive effect on an organisation’s effectiveness and *legitimacy* overall.¹²⁰ Hence, on one hand, one may interpret that the rights-based approach to good governance we propose may not only foster the democratisation and legitimacy of sport governance in practical terms, but also *democratise* the sport-specific (academic) discourse on good governance itself. On the other hand, we do not suppose that any rights-based approach to good governance must have democracy at its core. Our analysis does not attempt to prioritise certain good governance dimensions and athlete rights over others, nor do we claim that democracy is the single precondition for effective rights implementation. Other dimensions such as transparency, accountability, and operational independence which closely relate to democratic processes should not be discarded. Still, as Mittag et al. and the recent study of the European Commission show, many important athlete rights-related issues could be addressed through an enhanced democratic involvement of athletes in the governance of sport, thus respecting, promoting, and fulfilling their political rights.¹²¹ Rights derived from

120 Alberto Carrio, “Democratic Principles and Procedures as a Requirement of Legitimacy of Sport Governance Bodies”, in *Strengthening Athlete Power in Sport: A Multidisciplinary Review and Framework* (Play the Game).

121 European Commission: Directorate-General for Education, Youth, Sport and Culture et al., *Study on athletes’*

key accounts of democratic theory in fact seem to be particularly important for *enabling* the fulfilment of other social or civil rights, and, thus, deserve particular attention when aspiring to exploit the full ideational power of our proposed concept.¹²² In fact, for example, what Dahl describes as the principle of “enlightened understanding” among a specific *demos* (here: a specific group of affected elite athletes) currently seems to be underdeveloped in sport governance.¹²³ Such empowerment and education, however, are crucial for *demos* to claim other rights and to make informed decisions in processes they participate in, such as in social dialogue or collective bargaining, and, where absent, may impede their “effective participation.”¹²⁴ Seeing that 78.5% of surveyed elite athletes report that they are not aware of existing athletes’ rights charters, athletes themselves currently do not seem to be able to enforce their rights independently, which in turn, underlines the relevance of the systemic character and principle of shared responsibility within our concept.¹²⁵ On a collective level, athletes furthermore report frequent and prevalent sentiments and conduct aimed at hindering unionisation and collective representation (i.e. anti-union conduct), which further infringes on the democratic rights of athletes.¹²⁶ These two examples, in turn, underline how important the mutual enforcement of different good governance dimensions becomes, and that any normative approach to good governance cannot be limited to merely promoting democratic processes such as representation and participation (e.g. voting rights) in the narrower sense. Besides, when aspiring to conceive democracy as one core area of a normative approach to good governance in sport, future researchers are well advised to expand elaboration on applicable models and principles of democracy that shall underpin such reasoning.

5.2. Leveraging Increased Ideational Power for Institutional Change

Existing research in various policy fields, such as fiscal and climate policy,¹²⁷ education policy,¹²⁸ and industrial relations,¹²⁹ highlights the power of discursive institutionalism in explaining institutional stability and change. Our analysis suggests that international sport governance provides a perfect arena for the theory to unfold in practice. By virtue of the long-established narrative of the autonomy of sports and the multitude of actors involved in sport governance, ideational elements are arguably crucial determinants of the functioning

rights in and around big sport events; Mittag et al., Good Governance in the Employment Relations of Athletes in Olympic Sports in Europe.

122 Cf. T. H. Marshall, “Citizenship and Social Class,” in *Inequality and Society: Social Science Perspectives on Social Stratification*, ed. Jeff Manza and Michael Sauder, 1. ed. (New York, NY: Norton, 2009).

123 Robert Alan Dahl, *Democracy and Its Critics: The Democratic Process - and Its Future - as Examined by One of the World's Preeminent Political Theorist* (New Haven, London: Yale University Press, 1989).

124 Dahl, *Democracy and its critics*, 115.

125 Tuakli-Wosornu et al., “‘Knowing we have these rights does not always mean we feel free to use them’: athletes’ perceptions of their human rights in sport”.

126 World Players Association, “#Right2Organize Survey & Report: Effective Athlete Representation in Global Sport...”.

127 Mat Hope, and Ringa Raudla, “Discursive Institutionalism and Policy Stasis in Simple and Compound Polities: The Cases of Estonian Fiscal Policy and United States Climate Change Policy”, *Policy Studies* 33, no. 5 (2012): 399-418, <https://doi.org/10.1080/01442872.2012.722286>.

128 Ninni Wahlström, and Daniel Sundberg, “Discursive Institutionalism: Towards a Framework for Analysing the Relation Between Policy and Curriculum,” *Journal of Education Policy* 33, no. 1 (2018): 163-183, <https://doi.org/10.1080/02680939.2017.1344879>.

129 Emma Stringfellow, “Ideas at Work: A Discursive Institutional Analysis of Diversity Management and Social Dialogue in France, Germany and Sweden”, *The International Journal of Human Resource Management* 31, no. 19 (2020): 2521-2539, <https://doi.org/10.1080/09585192.2018.1454489>.

of the current institutional setting.¹³⁰ Many central institutions in sport governance, like the political neutrality rules, the Olympic solidarity model, or the monopolistic structures of SGBs are underpinned by abstract ideas.¹³¹ Despite challenges to some of the central institutions before national and European authorities¹³², leading SGBs could manifest these and many other ideas in what is otherwise known as the key features of a European Sport Model.¹³³ To what extent such manifestation may be achieved, remains to be examined more thoroughly in future case studies analysing the above-listed issues. Yet, at the same time, due to reiterating revelations of corruption, ethical misconduct, and violations of athletes' human rights, it has become a core effort of the sport's stakeholders to convince public decision-makers and their funders of the validity of these ideas to maintain the institutions they derive their power from – especially on the European level.¹³⁴ Besides this increasing public scrutiny and a resulting demand for greater levels of good governance as a condition for the traditional Olympic sport governance system, new advocacy groups, such as athletes' associations and human rights defenders, increasingly question some of those core institutions with reference to the idea of athlete rights. Put shortly, the fundamental question here is whether power *over* athlete rights will remain in the hands of leading SGBs and to what extent other actors can effectively harness the power of competing ideas to challenge the institutional status quo. Here, our analysis illustrates that the idea of good governance – irrespective of the ongoing academic debate about its actual meaning and normative sources – has attained a level of ideational power in sport governance that has the potential to *equip* athlete rights activists with a powerful weapon in the global politics of sport governance. Within this rationale, the mantra of good governance can become a key to rights *implementation*, by virtue of its wide recognition across the international sports community on one hand, and its potential to capture the various actor and power relations in an ever more pluralised and fragmented multi-level actor landscape. According to Tuakli Wosornu et al., a systemic change of the “cultural climate” is required to leverage the ideas and beliefs underpinning the enforcement of athlete rights.¹³⁵ More specifically, the leveraging of the ideational power resting in the combination of good governance and athlete rights resembles Clifford's conceptualisation of “rights as spears.”¹³⁶ Illustrating different historical examples, in relation to, for example, LGBTQI rights and freedom of religion, Clifford shows how societal groups and advocacy organisations deploy rights language as an offensive weapon to challenge existing laws and destabilise institutions. Beyond that, if good governance is to be understood as having important roots in democratic principles like social dialogue, collective negotiation, and inclusion (see above) – at least in an ideal scenario – other involved actors and especially athletes themselves, are

130 Dikaia Chatziefstathiou, and Ian P. Henry, *Discourses of Olympism: From the Sorbonne 1894 to London 2012* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2012).

131 James, “Restricting athletes' voices,” Seltmann, “Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement”.

132 Jacob Kornbeck, “Specificity, Monopoly and Solidarity in the European Commission's ISU (International Skating Union) Decision: Anything New Under the Sun?,” *Journal of European Competition Law & Practice* 10, no. 2 (2019): 71–79, <https://doi.org/10.1093/jeclap/lpy073>; Seltmann, “Disrupting institutional reproduction? How Olympic athletes challenge the stability of the Olympic Movement”.

133 Council of the European Union, “Resolution of the Council and of the Representatives of the Governments of the Member States Meeting Within the Council on the Key Features of a European Sport Model: (2021/C 501/01).” *Official Journal of the European Union*, 2021, 1–7.

134 Rook, Prado, and Heerdt, “Responsible sport: no going back”.

135 Tuakli-Wosornu et al., “‘Knowing we have these rights does not always mean we feel free to use them’: athletes' perceptions of their human rights in sport”, 10.

136 Clifford, *Rights as weapons*, 15.

also able to exert power *over* the nature of their rights as such. This pluralisation, in turn, may render the athlete rights discourse, which is currently dominated by the IOC and its affiliated bodies, more democratic as well.

6. CONCLUSION AND OUTLOOK

With little doubt, one may criticise that our rights-based approach does add yet another possible meaning of good governance in sport, and thereby exacerbate the terminological and conceptual confusion among practitioners and academics alike. Moreover, it concentrates merely on one group of key subjects of international sport governance, and there may, of course, be many other vulnerable actors whose rights should also be at the centre of what we mean by good governance, such as, for example, coaches. Yet, the approach developed in this article does not in any way aspire to fully deny the relevance of, or replace, existing good governance frameworks. It rather establishes a more nuanced normative core. Unlike existing approaches, which have largely centred on organisational-level reform endeavours and ad-hoc benchmarking activities without long-term monitoring and re-evaluation, the essence of the conceptual merger of the good governance and athlete rights discourses, with its systemic character, is that it may attain much greater ideational power than the two single ideas alone. We argue that the governance of sport constitutes a perfect arena for Schmidt's theory to play out and encourage future researchers to consider an application of DI to sport more thoroughly. Based on the assumption that tangible institutional change follows from powerful ideas, our proposed approach may develop a practical impact on the institutions and power relations in international sport governance – contingent, of course, on the spread and critical elaboration among academics and practitioners in the world of sport governance. Overall, we postulate that it does make a difference for the future of sport governance if the actors involved in the two discourse strands consider the governance of sport to be “good” if SGBs are transparent, accountable, and democratic, or if an entire *system* has to respect, promote, and fulfil the rights of athletes. Therefore, we invite everyone who has a voice in the discourses (or, even better, means to write and publish texts) to place athlete rights at the core of good governance efforts and to develop codices for different actors to evaluate their promotion and fulfilment of athlete rights.

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