

# Sports Law, Policy & Diplomacy Journal



Vol. 2 / No. 2 (2024)





**UNIVERSITY OF RIJEKA, FACULTY OF LAW**  
**Institute of Sports Law, Sports Policies and Sports Diplomacy &**  
**Jean Monnet Chair in EU Sports Law, Policy & Diplomacy**

in partnership with



***Sports Law, Policy & Diplomacy Journal***

**ISSN (Online) 2975-6235**

**UDC 3:796**

**DOI <https://doi.org/10.30925/slpdj>**

**Vol. 2**

**No. 2**

**Rijeka, 2024**



**Co-funded by  
the European Union**

**Sports Law, Policy & Diplomacy Journal (SLPDJ)**  
***Sports law policy dipl. j.***  
**ISSN (Online) 2975-6235**

**UDC 3:796**

**DOI <https://doi.org/10.30925/slpdj>**

**Publisher**

UNIVERSITY OF RIJEKA, FACULTY OF LAW  
Hahlić 6, HR-51000 Rijeka, Croatia

**Editors-in-Chief**

Associate Professor Vanja Smokvina (University of Rijeka, Faculty of Law, SLPD Institute, Croatia),  
Dr. Borja Garcia (Loughborough University, UK) &  
Professor Richard Parrish (Edge Hill University, Centre for Sports Law Research, UK).

**Editorial Board**

Professor Jean-Loup Chappelet (University of Lausanne, Switzerland)  
Professor Michele Colucci (Sports Law and Policy Centre, Italy)  
Associate Professor Stuart Murray (Bond University, Australia)  
Professor Helen Drake (Loughborough University London, UK)  
Professor An Vermeersch (Ghent University, Belgium)  
Associate Professor Carmen Perez Gonzalez (University Carlos III, Spain)  
Professor Jürgen Mittag (German Sport University Cologne, Germany)  
Professor Albrecht Sonntag (ESSCA, France)  
Associate Professor Karina Zalcmāne (EKA University of Applied Sciences, Latvia)  
Assistant Professor Sarah J. Hillyer (University of Tennessee Knoxville, USA)  
Assistant Professor Katarina Pijetlović (Católica Global School of Law, Portugal)  
Dr. J Simon Rofe (University of Leeds, UK)  
Dr. David McArdle (Stirling University, Scotland, UK)  
Dr. Andrea Cattaneo (Edge Hill University, UK)  
Dr. Leanne O'Leary (Edge Hill University, UK)  
Dr. Lindsay Sarah Krasnoff (University of London, UK)  
Dr. Dikaia Chatziefstathiou (Canterbury Christ Church University, UK)  
Dr. Shushu Chen (University of Birmingham, UK)

**Associate Editor for Open Science and Metrics**

Assistant Professor Dejana Golenko (University of Rijeka, Faculty of Law, Croatia)

**Language Editing**

Ivana Edmonds, prof. (University of Rijeka, Faculty of Law, Croatia)

**Address of the Editorial Board**

Hahlić 6, HR-51000 Rijeka, Croatia  
Tel: +385(0)51-359-600  
E-mail: [slpd@pravri.uniri.hr](mailto:slpd@pravri.uniri.hr)

**Graphics processing**

Tiskara Grafika Helvetica d.o.o., Rijeka

The journal is published twice a year (spring - summer issue: April - August and autumn-winter issue: October - December).

*SLPD Journal* is financially supported by

- University of Rijeka, Faculty of Law
- EU Erasmus+ Project – Erasmus 2027 Programme :  
Jean Monnet Chair in EU Sports Law, Policy & Diplomacy (Project ID 101085643)

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them



Scientific papers published in the Sports Law, Policy & Diplomacy Journal (SLPD Journal) are indexed in: SURF (German Federal Institute of Sport Science - Bundesinstitut für Sportwissenschaft) database, Idrottsforum.org (Malmö University, Sweden), HRČAK (Portal of Croatian Scientific and professional journals) & HeinOnline.



Sports Law, Policy & Diplomacy Journal

SLPD Journal is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.

# CONTENTS

## Editorial

<i>EDITORIAL INTRODUCTION</i> . . . . .	III
---	-----

## Articles

Lindsay Sarah Krasnoff & Daniel G. Kelly II <i>AN INSIDE LOOK AT THE FRENCH FOOTBALL FEDERATION'S WOMEN'S FOOTBALL DIPLOMACY PROJECT WITH IRAQ: INSPIRING EVERY GIRL IN IRAQ TO PLAY FOOTBALL</i> . . . . .	1-15
--	------

Andrei Antonie, Marko Begović & Simona Petracovschi <i>SPORT POLICY IN ROMANIA</i> . . . . .	17-35
---	-------

Maximilian Seltmann & Lorenz Fiege <i>PLACING ATHLETE RIGHTS AT THE HEART OF GOOD GOVERNANCE IN SPORT: LEVERAGING IDEATIONAL POWER, DEMOCRATISING GOVERNANCE</i> . . . . .	37-71
---	-------

Sophia Solomon, Sharon Pardo & Hila Zahavi <i>THE MACCABIAH AS A NEW SPORTS DIPLOMACY INSTRUMENT</i> . . . . .	73-92
---	-------

Ahmed Saad Mohamed Hussein <i>DISTRIBUTION AND ANALYSIS OF THE AUTONOMY OF SPORTS IN THE EGYPTIAN LEGAL SYSTEM</i> . . . . .	93-128
---	--------

# EDITORIAL

## **EDITORIAL INTRODUCTION**

In December 1974, almost exactly 50 years ago, the European Court of Justice delivered its judgment in *Walrave and Koch v Association Union Cycliste Internationale*. The discipline of European sports law and policy is half a century old. Many happy returns!

2024 was a year in which the sports movement reflected on the seismic impact of the European Court's judgments in *Superleague*, *ISU* and *Royal Antwerp*, judgments all issued on the same day in December 2023. It also saw the *Diarra* judgment, the implications of which will be felt throughout football for years to come. 2024 also marked the 15th anniversary of the Lisbon Treaty entering into force, Article 165 of which lays the foundations for an EU policy on sport. In that regard, 2024 witnessed the adoption of the fifth EU Work Plan on Sport running to December 2027 and we saw Commission President Ursula von der Leyen issue new 'Mission Letters' to Commissioners, including the request to the Commissioner-designate for Sport to 'strengthen European sport diplomacy'.

As EU sports law and policy enters its second half-century, 2025 promises no let-up in the relationship between sport and the EU. The European Court is expected to deliver judgments concerning football agent regulations in Case C-209/23 *RRC Sports GmbH v FIFA*, arbitration arrangements in Case C-600/23, *Royal Football Club Seraing* and consumer protection law regarding the provision of sports related services in Case C-365/23, *Arce*. A challenge to FIFA's international match calendar is also expected to make progress in 2025. These, and many other pressing issues, will be discussed at the annual Sport&EU conference to be staged at the University of Naples Federico II in Naples, Italy on 30<sup>th</sup> June and 1<sup>st</sup> July. Paper proposals are being accepted until January 31<sup>st</sup> 2025. Please join fellow scholars and practitioners from across the globe at this flag-ship event.

The current edition of this journal once again showcases the richness of sports-related scholarship both within and outside the EU. In this edition, we invite you to enjoy contributions on the French Football Federation's sports diplomacy activities, sport policy in Romania, good governance and athlete rights, sport diplomacy and the Maccabiah Games and sport policy in Egypt. As you will see, the quality of these peer reviewed original contributions is very high. If you would like to publish with us, please submit an article. We look forward to receiving it.

Vanja Smokvina, Richard Parrish & Borja Garcia Garcia  
*Editors-in-Chief*





# ARTICLES



## AN INSIDE LOOK AT THE FRENCH FOOTBALL FEDERATION'S WOMEN'S FOOTBALL DIPLOMACY PROJECT WITH IRAQ: INSPIRING EVERY GIRL IN IRAQ TO PLAY FOOTBALL

LINDSAY SARAH KRASNOFF\*  
DANIEL G. KELLY II\*\*

UDC 327.82:796(567)  
796.332- -055.2  
DOI <https://doi.org/10.30925/slpdj.2.2.1>  
Received on November 25, 2024  
Accepted on December 10, 2024  
Review article

### Abstract


*This article examines the French Football Federation's women's football diplomacy initiative with Iraq as an example of a type of integrative sports diplomacy that empowers the sports world, and those they serve, in new ways. The effort, driven by a non-state sporting actor with support from the French state via its Ministry of Europe and Foreign Affairs' sports diplomacy approach, demonstrated sports diplomacy's short-term "wins" like changing people's minds, cultural engagement, and sharing technical expertise through sports, creating the possibility of new opportunities, and offering different incentives for the sports world to engage.*


**Keywords:** Sports Diplomacy, Football, France, Iraq, Federations, Women's Football Diplomacy

## 1. INTRODUCTION

Yahya Alkhiro and the Iraqi women's national football team arrived at Paris' Charles de Gaulle Airport for a one-week sports diplomacy and training residency in late January 2024 and immediately made an impact. It was the first such visit for the team, whose coaches hailed from different parts of Iraqi society while the players were mostly from Kurdish families. But it was a continuation of the women's football diplomacy initiative launched in 2021 by the French Football Federation (FFF) with the Iraq Football Association (IFA) that has since trained over 200 Iraqi players, coaches, and others within the country's nascent women's football ecosystem. The series of trainings in Iraq and France, led by FFF Deputy National Technical Director Ludovic Debru and his team in partnership with the IFA's *chef de mission* and coach Thaer Kadhim Alarass, was a new way for the federations to engage with each other and the diplomatic realm.

---

\* Lindsay Sarah Krasnoff, Visiting Clinical Assistant Professor, New York University, USA.  0000-0002-3722-7386. ✉ [lsk222@nyu.edu](mailto:lsk222@nyu.edu).

\*\* Daniel G. Kelly II, Professor & Academic Director, New York University, USA.  0000-0001-6097-6863. ✉ [dgk2@nyu.edu](mailto:dgk2@nyu.edu).

*This article is derived from a case study funded by New York University's Case Study Initiative scheduled for publication in 2025.*

The Iraqis' arrival was a special, symbolic start to the week in France. The Lionesses of Mesopotamia, easily spotted in the airport thanks to their red travel uniforms, were pulled aside by French visa officers upon landing. Alkhiro, the group's translator, explained that they were *en route* to a camp at Clairefontaine, the mythical National Football Institute (INF) whose legendary grounds train some of the world's best players, including perennial FIFA World Cup finalists Les Bleus. The officials were impressed, for as Alkhiro noted, 'they were amazed that a country like us has a women's football team, because the image of Iraq in international media is just about bombs and jihadists.' He was happy at making such an impression. 'That officer changed his mind about us as a country,' Alkhiro said of just one way that this unique sports diplomacy initiative already paid dividends.<sup>1</sup>

The practice of sports diplomacy, commonly understood as the communication, representation, and negotiation that occur in and around the sporting terrain, has become ever-more diffuse. Governments and their officially credentialed representatives engage in it, but so, too, do a wide range of non-state sports actors who make up the international sports world, from international and national sports federations to leagues, teams, athletes, coaches, sponsors, NGOs and more. Sports diplomacy is recognized as a useful tool to cultivate cachet, to lead and influence, and to work across the United Nations Sustainable Development Goals. That's because globalization of the sports industry, thanks to a range of factors that include increased labour migration, Internet connectivity and the rise of social media, has democratized the concept of who engages in types of sports diplomacy.<sup>2</sup>

The French-Iraqi case represents a newer blueprint for how the sports diplomacy of national federations can lead the way. It is one of the first comprehensive examples of non-state sports actors partnering with a state on bilateral women's football efforts. The FFF's women's football diplomacy initiative with Iraq partnered with, but was not driven by, a government, in this case, the French Ministry of Europe and Foreign Affairs. It was one way for the FFF to build on its educational mission, to help grow the game, and share its hard-earned expertise developing elite players and coaches, all while contributing to the growth of women's football. For the IFA, the partnership was a way to rebuild capacity, made possible through the country's bilateral diplomatic relationship with France.

The project thus illuminates how non-state sports actor-driven sports diplomacy builds a network that can contribute to the larger engine of formal government-driven policy while making sporting, cultural, and diplomatic contributions. The program was just three years old when this article went to press, thus assessments of long-term impact were limited. But from oral history interviews conducted with French and Iraqi participants in 2024, there were clear markers of "success" in how people's minds were changed and possibilities for new opportunities for participants created. This type of integrative sports diplomacy can thus

---

1 All Yahya Alkhiro quotes in this work, unless specified, from Yahya Alkhiro, Interview with the author, February 1, 2024.

2 Stuart Murray, *Sports Diplomacy: Origins, Theory and Practice*, First Edition. (London, New York: Routledge, Taylor & Francis Group, 2018), <https://doi.org/10.4324/9781351126960>; Stuart Murray and Geoffrey Allen Pigman, "Mapping the Relationship between International Sport and Diplomacy," *Sport in Society* 17, no. 9 (2013): 1098–1118, <http://dx.doi.org/10.1080/17430437.2013.856616>; J. Simon Rofe, "Sport and Diplomacy: A Global Diplomacy Framework," *Diplomacy & Statecraft* 27, no. 2 (2016): 212–230, <http://dx.doi.org/10.1080/09592296.2016.1169785>; Geoffrey Allen Pigman and J. Simon Rofe, "Sport and Diplomacy: An Introduction," *Sport in Society* 17, no. 9 (2013): 1095–1097, <https://doi.org/10.1080/17430437.2013.856612>.

better empower the sports world—and those they serve—in new ways.

## 2. THE BACKGROUND

That the FFF prioritized this type of women's football diplomacy may come as a surprise for some, given how the sport was negatively stigmatized and under-resourced in France for so long (and remains the case today to a certain extent).<sup>3</sup> Women's football was first developed within late nineteenth century Britain, and by the First World War, France, too, was an early influencer.<sup>4</sup> The game's development was then paused for decades in some parts of the world thanks to various legal bans and societal taboos on women playing the game.<sup>5</sup> There were many elites, opinion-makers, cultural trend-setters, and football officials themselves who thought it was too violent, too dangerous, too masculine a sport for women and girls to play and that it did not conform to ideals of beauty or femininity, including in France.<sup>6</sup> The discipline has evolved since the 'second wave' of feminism in the late 1960s and 1970s, and now leads multiple discussions at the intersection of development, gender, education, health, ethnicity, religion, identity, migration, and more.

France exemplifies a paradox when it comes to women's football.<sup>7</sup> Despite leading in certain ways, such as boasting the world's most winning professional club in Olympique Lyonnais Féminin, development of the game at home lags. England's claim as the modern football incubator still carries cultural clout, and the significant growth of and investment in its Women's Super League (WSL) has created an 'arms' race for European professional football.<sup>8</sup> The United States is also a leader in the space, thanks to generations of Title IX beneficiaries who have made the U.S. women's national team (USWNT) the most winning national side in history.<sup>9</sup> Yet, it is France that's emerged as a leading stakeholder engaged in federation-

---

3 The FFF also confronted difficulties in communications messaging following a series of scandals in the 2010s and 2020s that exposed sexual harassment and misogyny at different levels of the organization. According to Debru, the federation undertook the Iraqi project for altruistic reasons, not to "window dress" its public reputation. Ludovic Debru, Interview with the Author, April 16, 2024.

4 Laurence Prudhomme-Poncet, *Histoire Du Football Féminin Au XXe Siècle*, Collection "Espaces et Temps Du Sport" (Paris: L'Harmattan, 2003); Jean Williams, *Globalising Women's Football* (Bern, Berlin, Bruxelles, Frankfurt am Main, New York, Oxford, Wien: Peter Lang, 2013), <https://doi.org/10.3726/978-3-0352-0205-2>; Lindsay Sarah Krasnoff, "The Up-Front Legacies of France 2019: Changing the Face of 'Le Foot Féminin,'" *Sport in History* 39, no. 4 (2019): 462–483, <https://doi.org/10.1080/17460263.2019.1667420>.

5 Jean Williams, *The History of Women's Football* (Barnsley, UK: Pen & Sword History, 2021).

6 Prudhomme-Poncet, *Histoire Du Football Féminin Au XXe Siècle*; Mary Lynn Stewart, *For Health and Beauty: Physical Culture for Frenchwomen, 1880s-1930s* (Cambridge: Cambridge University Press, 2001); Krasnoff, "The Up-Front Legacies of France 2019."

7 Lindsay Sarah Krasnoff, "The Paradox of French Women's Football," in *The Geopolitical Economy of Football: Where Power Meets Politics and Business*, eds. Simon Chadwick, Paul Widdop, and Michael M. Goldman (London, New York: Routledge, 2024), 95-104.

8 See Jean Williams, *Legendary Lionesses: The England Women's Football Team, 1972-2022* (Cham: Springer International Publishing, 2024), <https://doi.org/10.1007/978-3-031-36760-1>; Alex Culvin and Ali Bowes, *Women's Football in a Global, Professional Era*, First edition, Emerald Studies in Sport and Gender (Bingley, UK: Emerald Publishing, 2023); Suzanne Wrack, *A Woman's Game: The Rise, Fall, and Rise Again of Women's Soccer* (Chicago, IL: Triumph Books LLC, 2022).

9 See Yoav Dubinsky, "The Nation Branding, Public Diplomacy and the 2023 FIFA Women's World Cup: US against the World," in *The Geopolitical Economy of Football*, eds. Simon Chadwick, Paul Widdop, and Michael M. Goldman (London; New York: Routledge, 2024), 227-234; Caitlin Murray, *The National Team: The inside Story of the Women Who Changed Soccer* (New York: Abrams Press, 2019); Jeré Longman, *The Girls Of Summer* (Harper Collins, 2001).

to-federation football diplomacy.<sup>10</sup> Although the 2023 World Cup provided the opportunity for confederation-to-confederation football diplomacy as cohosts Australia (Asian Football Confederation) and New Zealand (Oceania Football Confederation) partnered to deliver one of the best-attended women's football tournaments to date, the French-Iraqi partnership is the first comprehensive examples of bilateral federation efforts. This development reflects the country's reputation as one of the standard-bearers of how to detect and train youth development—and do it well, as well as the French government's deployment of sports diplomacy in service of its international relations agenda.

French sports diplomacy is today known, alongside its Australian counterpart, as one of the world's gold standards.<sup>11</sup> While the Third Republic engaged in early sports diplomacy, it was the Fifth Republic's investment in sport as a domestic and international tool that put ever-greater attention on the role played by the country's sportspeople.<sup>12</sup> This began after 1960 with the investment of more resources to prepare elite athletes to win for the nation, and included attempts to incur influence in former areas of empire in Africa, which at times clashed with efforts by Washington.<sup>13</sup> Early returns started to pay off in the 1980s and 1990s, marked by the famous 1998 FIFA World Cup win on home soil.

By the 2010s, French sports diplomacy entered a new era. The country became a known 'land of champions'; by early August 2018, weeks after Les Bleus won that summer's FIFA World Cup, some 150 French sportsmen and women were World, Olympic, or Paralympic champions.<sup>14</sup> Outside of elite sport, many of these same athletes competed in the world's top professional leagues, and cultivated informal influence and cachet. They thus blurred the line between official diplomats in service of the nation and nonofficial representatives

---

10 In addition to the Iraqi project, the FFF has since launched a similar program with the Ghana Football Association to train up its women's U20 team.

11 Richard Parrish, "EU Sport Diplomacy: An Idea Whose Time Has Nearly Come," *JCMS: Journal of Common Market Studies* 60, no. 5 (2022):1511-1528, <https://doi.org/10.1111/jcms.13317>; Richard Parrish et. al, "Promoting a Strategic Approach to EU Sport Diplomacy Final Report" (Rijeka: University of Rijeka, Faculty of Law, 2021). Some of Australia's sports diplomacy programs in the Pacific are in partnership with the Australian Soccer Federation, although some of those efforts hinge on tours of the Matildas (the national team) throughout the region. See Tia Soakai, "Pacific Step-Up Tour Brings Westfield Junior Matildas Back to Oceania," *Oceania Football Confederation* (blog), July 30, 2019, accessed November 10, 2024, <https://www.oceaniafootball.com/pacific-step-up-tour-brings-westfield-junior-matildas-back-to-oceania/>.

12 Paul Dietschy, "Creating Football Diplomacy in the French Third Republic, 1914-1939," in *Soccer Diplomacy: International Relations and Football since 1914*, ed. Heather L. Dichter (Kentucky: University of Kentucky Press, 2020), 30-47, <https://doi.org/10.2307/j.ctv12sdv7x.6>; Jean-François Loudcher et al., "Did the 1904 Entente Cordiale Originate in Bordeaux Thanks to Sports in 1895? Reflections on Sport Diplomacy," *The International Journal of the History of Sport* 40, no. 2-3 (2023): 125-141, <https://doi.org/10.1080/09523367.2023.217727>; Quentin Tonnerre, "The 1928 Olympic Winter Games in St Moritz: Tourism, Diplomacy and Domestic Politics," *The International Journal of the History of Sport* 38, no. 13-14 (2021): 1385-1402, <https://doi.org/10.1080/09523367.2021.1910238>; Lindsay Sarah Krasnoff, *The Making of Les Bleus: Sport in France, 1958-2010* (Maryland: Lexington Books, 2012).

13 Krasnoff, *The Making of Les Bleus: Sport in France, 1958-2010*; Pascal Charitas, "A More Flexible Domination: Franco-African Sport Diplomacy during Decolonization, 1945-1966," in *Diplomatic Games: Sport, Statecraft, and International Relations since 1945*, eds. Heather L. Dichter and Andrew L. Johns, (Kentucky: University of Kentucky Press, 2014), 183-214; Pascal Charitas and David-Claude Kemo-Keimbou, "The United States of America and the Francophone African Countries at the International Olympic Committee: Sports Aid, a Barometer of American Imperialism? (1952-1963)," *Journal of Sport History* 40, no. 1 (2013): 69-91, <https://doi.org/10.5406/jsporthistory.40.1.69>; Lindsay Sarah Krasnoff, *Basketball Empire: France and the Making of a Global NBA and WNBA* (London: Bloomsbury Publishing, 2023).

14 L'Équipe, "La France Qui Gagne," *L'Équipe*, August 2, 2018.

overseas. In fact, by 2024 the NBA San Antonio Spurs' Victor Wembanyama was arguably the best ambassador of France in the United States.<sup>15</sup>

This evolution was underpinned by a new official sports diplomacy strategy unfurled by the French Ministry of Europe and Foreign Affairs (MFA) in 2013. For the first several years this policy focused on three key pillars: to increase French influence in sport, to prioritize sport for the MFA and its networks, and to enshrine sport as a key part of the country's economic diplomacy.<sup>16</sup> That policy drove and supported successful French bids to host sporting mega events, from EuroBasket 2015 and UEFA Euro 2016 to FIFA World Cup 2019, Rugby World Cup 2023, and the Paris 2024 Games. In October 2021, the MFA revised its sports diplomacy focus to promote France as an attractive SME host, advance French sports industry's businesses and expertise, stimulate the sports sector's technical and knowledge expertise, nourish use of the French language at sporting events, and to implement the Paris 2024 legacy plan.<sup>17</sup>

Moreover, this sports diplomacy agenda compliments France's 'feminist foreign policy,' a commitment to advocating gender equality internationally.<sup>18</sup> It's a reflection of an at-home push since 2022, but implemented by a law effective January 1, 2024 that mandates gender parity on the executive committees for domestic sports governance bodies. This translates into gender parity on leadership and decision-making bodies from the French national Olympic committee and national sports federation levels to regional sports entities.

Since 1998, the French developed a reputation for being one of the world's premier football producers thanks to its famed youth detection and development systems. It's a status earned initially by the men's national team: FIFA World Cup champions (1998, 2018) and vice champions (2006, 2022), European champions (2000) and vice champions (2016), and 2021 UEFA Nations League victors. Such sustained elite-level success generation after generation was underpinned by the country's football player production pipeline, most of who play in the best leagues worldwide and have made France the world's second largest exporter of players.<sup>19</sup>

This system also focuses on elite development of female players, a legacy of hosting World

---

15 James Herbert, "French Revolution: Victor Wembanyama, the 2024 Olympics and the 'huge Boom' That Could Be Coming," CBSSports.com, January 24, 2024, <https://www.cbssports.com/nba/news/french-revolution-victor-wembanyama-the-2024-olympics-and-the-huge-boom-that-could-be-coming/>; Lindsay Sarah Krasnoff, "How France Made NBA History—Before Victor Wembanyama," *TIME*, October 25, 2023, <https://time.com/6327954/victor-wembanyama-nba-history>.

16 Carole Gomez, "National Report: France," Towards an EU Sport Diplomacy, 2022, [https://www.tes-diplomacy.org/pdf/mapping-and-analysis-sport-diplomacies/TES-D\\_National\\_report\\_France.pdf](https://www.tes-diplomacy.org/pdf/mapping-and-analysis-sport-diplomacies/TES-D_National_report_France.pdf); France French Ministry of Europe and Foreign Affairs, "Infographic: The main themes of sports diplomacy," France Diplomatie - Ministère de l'Europe et des Affaires étrangères, <https://pk.ambafrance.org/Infographic-The-main-themes-of-sports-diplomacy>.

17 France, French Ministry of Europe and Foreign Affairs, "France's International Strategy for Sports Diplomacy," France Diplomacy - Ministry for Europe and Foreign Affairs, December 2023, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/sports-diplomacy/france-s-international-strategy-for-sports-diplomacy/>.

18 France, French Ministry of Europe and Foreign Affairs, "Feminist Diplomacy," France Diplomacy - Ministry for Europe and Foreign Affairs, March 2024, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/feminist-diplomacy/>; France, French Ministry of Europe and Foreign Affairs, "What Is Feminist Foreign Policy?," 2022, [https://www.diplomatie.gouv.fr/IMG/pdf/diplomatie\\_fe\\_ministe\\_a5\\_en-v2\\_1\\_\\_cle8c266e.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/diplomatie_fe_ministe_a5_en-v2_1__cle8c266e.pdf).

19 CIES, "Global Study of Football Expatriates (2017-2023) - CIES Football Observatory," accessed March 14, 2024, <https://football-observatory.com/MonthlyReport85>.

Cup 1998. Thus, by the early 2000s, there was an official pathway for girls who aspired to their own football dreams, many inspired by the heroes of 1998. The program gathered the country's best promising talent together and gained the reputation for rigorous quality while also providing unique access to the country's top men's players. As FFF Secretary-General Laura Georges recalled of her Clairefontaine experience as one of its first alumna, 'you are taught by some of the best coaches in France.'<sup>20</sup>

France established itself as a leader in elite youth detection and formation. Prominent Clairefontaine alumni included Georges, one of the best all-time midfielders Louisa Necib Cadamuro, and 2020s national team dynamo Delphine Cascarino, who was the first to go through the program once it relocated from the INF to the National Institute for Sports (INSEP) on the eastern outskirts of Paris in 2014.<sup>21</sup> As a result, Les Bleues have ranked among FIFA's top ten teams in the world since 2003, and among its top three for the majority of the past decade; although in March 15, 2024, they were classed third-best in the world, ahead of the United States (No. 4), their inability to perform at the Paris 2024 Olympics resulted in a demotion to 10<sup>th</sup> place in the August 16 ranking.<sup>22</sup> The team has not won a World Cup, European Championship or Olympic medal, although they've come close as semi-finalists at World Cup 2011, Olympics 2012, and Euro2022. In February 2024, Les Bleues attained their first podium finish in a major international competition when they clinched the vice championship of the UEFA Nations League.

### 3. FFF X IRAQ SPORTS DIPLOMACY

Given this background, it's no surprise that the FFF worked internationally through different knowledge exchange projects to share its hard-won expertise. Typically, such bilateral partnerships centered around training coaches and trainers to empower local officials to level-up their own homegrown indigenous players.<sup>23</sup> What set the FFF's Iraqi project apart was that for the first time it was engaged in a sports diplomacy effort to train-up a country's national team and its football ecosystem stakeholders.

Such efforts can be considered within the context of the warm bilateral diplomatic relationship. Under the presidency of Emmanuel Macron, France has embarked on a project to help Iraq reassert its sense of sovereignty after decades of war, civic unrest, terrorism, and regional tensions.<sup>24</sup> The French president visited Baghdad in September 2020 and August 2021, and

---

20 Lindsay Sarah Krasnoff, 'France's World Cup Title will Again Help Women's Soccer', espnW, August 9, 2018, <https://www.espn.com/espnw/sports/article/24319560/france-2018-world-cup-title-help-build-momentum-2019-women-world-cup>.

21 Lindsay Sarah Krasnoff, "'You Open Their Minds': Why France Moved Their Women's Football Academy Away from Clairefontaine," *The Athletic*, June 27, 2019, <https://theathletic.com/1050454/2019/06/27/you-open-their-minds-why-france-moved-their-womens-football-academy-away-from-clairefontaine/>.

22 FIFA, "Women's Ranking March 2024," March 15, 2024, <https://inside.fifa.com/en/fifa-world-ranking/women>.

23 One such program is the FFF's partnership with Major League Soccer (MLS), which provides specialized coach education for MLS coaches. Lindsay Sarah Krasnoff, "Voice 20: Frédéric Lipka," *FranceAndUs*, accessed April 4, 2024, <https://www.franceussports.com/voices/020-frederic-lipka>.

24 Munqith Dagher, "The Secret Behind the French Interest in Iraq: A Geostrategic Analysis," September 23, 2021, <https://www.csis.org/analysis/secret-behind-french-interest-iraq-geostrategic-analysis>; "France's Macron Reasserts Iraq 'sovereignty' on First Official Baghdad Visit," *France 24*, September 2, 2020, <https://www.france24.com/en/20200902-macron-to-reassert-iraq-sovereignty-on-first-official-baghdad-visit>.



twice welcomed his Iraqi counterpart.<sup>25</sup> Amid Macron's policy bolstering Paris-Baghdad ties and strategic partnerships, football diplomacy plays a role.<sup>26</sup>

That's why the FFF's women's football diplomacy engagement rewrote the sports diplomacy script and illuminated the different types of impact that such an initiative could have. According to Debru, the federation took up the challenge to help ameliorate the quality and efficiency of the Lionesses, management of the team, and women's football stakeholders within the IFA.<sup>27</sup> While a unique new step, the effort fit within the FFF's longer-term efforts exchanging technical and knowledge with others and exporting its unique values and abilities. This was part of its education mission, Debru explained, but also empowered the FFF to work alongside the French diplomatic corps, particularly in promotion of greater gender equality.

'The federation is used to being at the crossroads of sports as an institution. While diplomacy sounds a little bit new for us, we found [through this program] it can be part of our DNA. It helped us understand that it could be natural to do that kind of [sports diplomacy] program. We understood that football opened doors, that sports opened doors.'

The program was also one of the biggest football diplomacy initiatives undertaken by the Iraqis.<sup>28</sup>

The FFF-Iraqi technical and knowledge exchange trainings and workshops were held in Baghdad, Kurdistan, and at Clairefontaine during Iraqi delegation residencies. Led by Debru and Alarass, participants represent Iraq's elite, professional, and grassroots football ecosystems. Players were from Iraqi Kurdish families, as well as displaced women who lived in camps in Iraq's Kurdish region. They were lucky to have the flexibility from their families to do so, noted Baghdad-based French diplomat Pascal Roos, for 'Iraqi women playing sport, particularly football, is rare.'<sup>29</sup> Their participation was also notable in a country known for a conservative society in which women's public sphere participation, including in football stadia, was and remains limited.<sup>30</sup>

Iraqi women's football was thus not well developed—but that's not to say that it didn't exist. The Lionesses were noted for participation in the 2010 Arabia Women's Football Cup and

---

25 Embassy of France in Iraq, "Visites françaises en Irak," La France en Irak, accessed December 15, 2024, <https://iq.ambafrance.org/Visites-francaises-en-Irak>; Embassy of France in Iraq, "Visites irakiennes en France," La France en Irak, accessed December 15, 2024, <https://iq.ambafrance.org/Visites-irakiennes-en-France>.

26 Sports diplomacy's use to reinforce a country's self-confidence and sense of place in the international affairs arena was a tool deployed by Robert B. Sherman when he served as U.S. Ambassador to Portugal from 2014–2017, particularly vis-à-vis Euro2016 and the Portuguese women's national football team. Robert B. Sherman, "NYU Advanced Special Projects: Sports Diplomacy Spring 2024 Guest Speaker Appearance," February 20, 2024; Robert B. Sherman, *Ten Million and One: A Perspective on the Portuguese by Obama's Ambassador* (Lisboa: Actual Editora, 2019).

27 Ludovic Debru, Interview with the author, April 16, 2024.

28 Thaer Kadhim Alarass, Interview with the author, February 1, 2024.

29 All Pascal Roos quotes in this article, unless otherwise specified, from Pascal Roos, Interview with the author, March 18, 2024.

30 Nabil Salih, "Why Are There No Women in Iraq's Football Stadiums?," openDemocracy, accessed April 11, 2024, <https://www.opendemocracy.net/en/north-africa-west-asia/why-are-there-no-women-in-iraq-s-football-stadiums/>.

qualifying rounds for the 2018 AFC Women's Asian Cup; by 2017, FIFA ranked Iraq 107<sup>th</sup> out of 193 teams worldwide.<sup>31</sup> But then they were forced into hiatus. The January 2021 reestablishment of the women's team provided a unique opening for the FFF to help rebuild the capacity of Iraqi football.

The French Embassy in Baghdad first identified the needs of the IFA and provided on-the-ground support for the program. For France's Ambassador for Sport, Samuel Ducroquet, diplomats' work locally to develop a network of interlocutors was an important contribution. 'Being able to communicate, understand their means and see the opportunities are, in my opinion, the stepping stones, the first structure of the project,' he said.<sup>32</sup> The Ministry of Europe and Foreign Affairs contributed close to €500,000 in seed funding for the project, which incentivized partners and signalled Quai d'Orsay support. As Ducroquet observed, 'the embassies feel like they're supported by Paris. They have a signal from the capital, and we know that [the project is] worth spending time on.'<sup>33</sup>

Football was a natural way for French diplomats to engage with Iraqis, for it was and remains the country's most popular sport. The game and the Iraqi men's team played a national rebuilding role after years of conflict and civil war, thus football was a source of pride across Iraq.<sup>34</sup> It was also helpful that France's football reputation for winning competitions, as well as its brand of "Made in France" youth development, were well known. So, too, was the personal involvement of the French ambassador in Baghdad, who persuaded Iraqi football authorities to collaborate for the women's project—a breakthrough for the IFA's resources were invested in the men's game. As French diplomat Roos noted,

'They do not consider women players a priority...it was a bit challenging for [the IFA] to agree to allow a project focused on women's football. I think it's already a success because they agree to put a [spot]light on [women's football] activity. And this is already a big success because it's very meaningful.'

Although the French Embassy identified the need and the Quai d'Orsay contributed funding, the FFF drove the project forward. The federation provided its technical and knowledge expertise, as well as human resources; as a nonprofit governance organisation, it did not receive financial remuneration for its efforts. Instead, it leaned into its goal to promote the development of football. The Iraq project empowered the federation to develop new tools and programs in support of women's football, which could be utilised in other contexts and scenarios.<sup>35</sup>

---

31 For more on that match, see Iraq Football Association, "Meet Naba Ameer: Iraq's Youngest Female Player," *Iraq National Team* (blog), October 25, 2017, <https://socceriraq.net/2017/10/25/meet-naba-ameer-iraqs-youngest-female-player/>; FIFA, "World Ranking Iraq," March 15, 2024, <https://inside.fifa.com/fifa-world-ranking/IRQ?gender=women>.

32 All Samuel Ducroquet quotes in this article, unless otherwise specified, from Samuel Ducroquet, Interview with the author, February 19, 2024.

33 Ducroquet, interview.

34 For more on soccer's role nation-building in Iraq, pre-2007 and post-2007, see Saoud Khalaf, "The Hanging Goalposts of Babylon: Iraq's Football Diversity," <https://www.newarab.com/> (The New Arab, November 6, 2023), <https://www.newarab.com/features/hanging-goalposts-babylon-iraqs-football-diversity>; Danny Mammo, "Iraq & Football: A Remarkable Story of a Sport Lost & Found," *Soccer Politics / The Politics of Football* (blog), December 1, 2009, <https://sites.duke.edu/wcwp/research-projects/middle-east/iraq/>.

35 The FFF's Iraq initiative served as a blueprint for its sports diplomacy project with the Ghanaian U20 women's

While the FFF with its resources, reputation, and world-recognised sport did not need the French government as a partner, the two worked closely. Ducroquet noted that 'it is not the first reflex of the football federation to come and knock the door of the Foreign Ministry to say, "we need you to help."' Yet, sports diplomacy includes putting the means of the foreign ministry in service of sporting institutions. 'It's how we use our diplomatic network to provide support to the sports movement,' he said.<sup>36</sup>

Debru was tasked to lead the Iraqi project, and he made several trips to Baghdad and Kurdistan to develop a tailored strategy and curriculum. While there, he participated in a match organized by the IFA president, a former footballer, and represented French football to his hosts. 'I saw that there was something important [to them] in the French jersey,' Debru observed for what it symbolized, including excellence in player development. 'They didn't want to see me, per se, they wanted to see the French Football Federation. They want to see France.'<sup>37</sup> He also learned how football was one of the only unifiers of Iraq's fractured society, one that endured years of war, dictatorship, civil unrest, and terrorism.

The game was a way to build bridges internally, as well as with the outside world. Alarass, who as a player idolized Brazil's Marta, served as the *chef de mission* for the Iraqi women's national team delegation at Clairefontaine in January 2024, the third group to visit the INF. A thirteen-year veteran women's football coach in both his homeland and Turkey, he spoke of the ways that the program changed perspectives. 'To come to Paris, that opens minds,' Alarass emphasized.

'It is a beautiful city and it's a big dream for [the Iraqis] and, for the Iraqi people, it's hard to go to Europe. When they stay here at Clairefontaine with the famous [French] federation, something really grows in their mentality, [to be] training in Clairefontaine. Every girl in Iraq wants to be playing football. This is the impact of this project because they saw all the players go to this centre, and it's a very good complex.'<sup>38</sup>

At Clairefontaine, mere months before France hosted the Paris 2024 Games, the Iraqi players engaged in a series of cultural, technical, and knowledge exchanges with their hosts. There were on-pitch training sessions with FFF coaches and tactical specialists to learn the game's more technical aspects. As a result, Alarass noted, they began to improve their ball-handling skills and footwork technique, critical for making better decisions while playing. 'Decision-making depends on skills, and skills depend on minds. I think there is a perfect coordination between these concepts,' he said. Players' early technical improvements were, for him, returns of investment, something he witnessed put into practice by earlier cohorts who participated in the FFF training. 'When the Iraqi league (re)started [in September 2023 after a seven-year absence], I saw something different, technically and mentality,' Alarass said. 'This is what I can call improvement.'

French and Iraqi coaches, referees and other officials engaged in a variety of exchanges along

---

national team.

36 Samuel Ducroquet, Interview with the author, February 19, 2024.

37 All Ludovic Debru quotes in this article, unless otherwise specified, from Debru, Interview with the author.

38 All Thaeer Alarass quotes in this case study are from Thaeer Kadhim Alarass, Interview with the author, February 1, 2024.

the sidelines and in the classroom. Workshops shared the French game model, plays, and drills that could be integrated into the Iraqi game, an important transmission for many of the Iraqi coaches had full-time jobs within the Ministry for Education, not within sport itself and were not necessarily pure tacticians and technicians. Over shared meals, the visitors shared with their hosts about life back home but also learned about French cuisine and gastronomy. Trips into Paris to visit the country's cultural heritage rounded out the programming.

The 2024 residency furthered intra-squad and inter-federation diplomacy, as well as that between coaches and players. For Alarass, coaches must interrelate with their players thoughtfully and with intention. 'It's our job as a coach to be diplomats, not politicians,' he said of this important correlation with diplomacy.

'I read books about how to deal with players, and with the women players, specifically so that I am diplomatic every time. And I watch my language, I watch my words, what I want to see, what to say. Any wrong words can impact the players and maybe she quits playing... Some coaches make problems because they say something [without thinking].'

Clairefontaine residency weeks were also opportunities of discovery for the project's partners. For Georges, 'it is an opportunity for these young girls who came to France and who are also coaches in Iraq to be accompanied [in their development]. This is a type of emancipation but also about sharing an experience.'<sup>39</sup> Ambassador Ducroquet played with the Iraqis during his first week on the job in 2023 on the same field where so many legendary French players trained, a symbol.

'You could see that it was a very special moment for those young girls to be in Paris with joy and happiness training together with a lot of dedication. That was really striking. What you feel in those moments is how powerful sports can be and can change lives.'

On-pitch success was not the main metric of 'success' for the initiative, although it was important for Iraq to be back in the game of international women's competition. It will take time for this sports diplomacy program to yield sporting returns. But according to Alarass, there are already improvements. 'Now, at least the [Iraqi] players have knowledge how to play,' he said and acknowledged how the larger emphasis on training up the Iraqi women's football ecosystem will help strengthen and sustain development. He was hopeful that within three or six years the Lionesses' physical and tactical game would improve, part of the larger case for investment from a sporting standpoint.

But there were also clear diplomacy-related returns, too. Changing lives, changing perceptions, creating fresh representations of what women can do (in line with one of French diplomacy's goals to promote gender equality), creating new understandings and more opportunities were the focal points. For Alarass, 'everything is changed in women's football because the dreams of all the players is to come to Paris,'

'Within the three groups that went to Paris, all of them see what the mentality here

---

39 *Le Sport, Vecteur d'émancipation Des Femmes*, 2024, <https://www.youtube.com/watch?v=PnkvqzQlgzk>.

in France is like; some of the players went to Spain before, some of players went to United States before. So, of course they collect all these experiences and really, they are changed in their mindset.<sup>40</sup>

For translator Alkhiro, the promise of football diplomacy to bridge divides was an attractive one. After all, he noted, soft power diplomacy was used after Iraq's opening to the world in 2003. 'It played a big role in changing our mind about how we see the "other," because we were acculturated in our schools, in our universities, that the 'other' were always our enemies,' he explained. At the time, cultural exchanges were used to help change attitudes, so that Iraqis understood that they could befriend foreigners for they were not the enemy. 'We depend on other soft tools such as sport, the arts, and other things that shape modern life and modern development,' Alkhiro said.

Women's sport could be one tool in that toolbox, especially as Iraqi attitudes towards sports begin to change. 'Sports are leisure ... to wear a sports team uniform, that identifier, it's new for us,' Alkhiro explained. As a result, social attitudes about women who play sports were beginning to change, he noted.

'In our country, we suffered from the patriarchy because our tradition in Iraq didn't allow girls to go out wearing shorts. But we have forced and challenged ourselves to change this vision. It's happened. People now [are] more [for it] than against it. Now, every family wants their daughter to play soccer.'

The Internet, social media, and the images they relayed of more open societies elsewhere played a role in this change, according to Alkhiro. Other factors included digital storytelling about women's professional football leagues and FIFA World Cups. 'Every girl dreams of being like these professional players,' Alarass said, who noted that the ability of earning a livelihood from playing professionally, no matter for how little money, was also an inducement.

New-found self-confidence and self-esteem on and off the pitch were byproducts of the program and of being part of the new generation of female Iraqi footballers trained by the French. 'Everyone knows that France was the World Cup Champions,' Alarass noted of how being aligned with one of the top federations in the world made Iraqis take note.

'Everybody was interested [in the project], especially the IFA. And not just talking about football. It's the change of mindsets for dealing with women's football, and dealing with the people in Iraq among each other, especially regarding sport. Especially after this project [with the FFF] started, everything has changed. Even the IFA, it's different now. They're interested in women's football more than before.'<sup>41</sup>

It also closed the gap between Iraq and the wider world. As Alkhiro noted of participants, 'they can use this thing to discover the two cultures, to exchange, to change some of our thoughts that are not compatible with modernity.' Moreover, the international experience gained from the FFF's Iraq project creates new potential careers for participants, from coaching and refereeing to international relations. In short, the program is also an incentive to other

---

40 Thaer Kadhim Alarass, Interview with the author, February 1, 2024.

41 Alarass, interview.

professional career opportunities beyond being a player.<sup>42</sup>

One of the biggest challenges to this sports diplomacy prototype was to make it sustainable. That stems from funding, but also resources and, to a certain extent, branding. The FFF-IFA project is not an assistance program but instead one built to develop human capacity. That's an important distinction for Ambassador Ducroquet, for oftentimes sports diplomacy can get confused with sport for development and peace (even as there is common ground between the two). 'The project is not only about giving a few dozen girls the best training they can have in their life for two weeks or several months,' he said. 'It is also learning how to build a women's national football team, how to be coached by proper coaches, and how to manage sports infrastructure.' It is effectively building sports competency and knowledge, diplomacy in service of sports even as the sporting world, in this case, football, also worked in service of French diplomacy.

#### 4. CONCLUSION

The FFF's women's football diplomacy initiative with Iraq empowers the sports world and those it serves—in this case, Iraqis. This example shows how diplomacy can work in service of sport, and sport in service of diplomacy as an example of bilateral football diplomacy driven by non-state sports actors in partnership with a state. It illustrates the potential of cultural engagement through sport and how football diplomacy can help change minds, in this case, those of participants, their families, French football technicians and others.

The ability of sports diplomacy to level-up sporting skill sets, in this case, tactical and technical football *savoir faire* strengthens its value. Oftentimes the importance of technical and knowledge exchange is overlooked, yet such upskilling can bolster sporting abilities. Improved sporting capabilities and capacities can translate in some instances to better sporting results, whether at the local, regional, national, and/or international level. Accumulating "wins" on the pitch can reinforce self-confidence, including those of nations within the realm of international affairs. The bragging rights that come through football victories know no bounds.

Lastly, the FFF's women's football diplomacy initiative with Iraq articulates how it can prod people to rethink their own contributions to the sports world. For Alkhiro, being part of the project helped to redefine how he views himself, which is increasingly as a type of sports diplomat who helps to facilitate the communication, representation, and negotiation between his players and their hosts. 'Day by day, I think that I could help the girls,' he said, of how he received requests to teach them French and English so that they could express their thoughts and ideas to those they met.

---

42 Ducroquet, Interview with the author.

## Bibliography

1. Alarass, Thaer Kadhim. Interview with the author, February 1, 2024.
2. Alkhiro, Yahya. Interview with the author, February 1, 2024.
3. CIES. "Global Study of Football Expatriates (2017-2023) - CIES Football Observatory". Accessed March 14, 2024. <https://football-observatory.com/MonthlyReport85>.
4. Charitas, Pascal. "A More Flexible Domination: Franco-African Sport Diplomacy during Decolonization, 1945-1966". In *Diplomatic Games: Sport, Statecraft, and International Relations since 1945*, edited by Heather L. Dichter and Andrew L. Johns, 183-214. Kentucky: University of Kentucky Press, 2014.
5. Charitas, Pascal, and David-Claude Kemo-Keimbou. "The United States of America and the Francophone African Countries at the International Olympic Committee: Sports Aid, a Barometer of American Imperialism? (1952-1963)". *Journal of Sport History* 40, no. 1 (2013): 69–91. <https://doi.org/10.5406/jsporhistory.40.1.69>.
6. Culvin, Alex and Ali Bowes, *Women's Football in a Global, Professional Era*, First edition. Emerald Studies in Sport and Gender. Bingley, UK: Emerald Publishing, 2023.
7. Dagher, Munqith. "The Secret Behind the French Interest in Iraq: A Geostrategic Analysis". September 23, 2021. <https://www.csis.org/analysis/secret-behind-french-interest-iraq-geostrategic-analysis>.
8. Debru, Ludovic. Interview with the author, April 16, 2024.
9. Dietschy, Paul. "Creating Football Diplomacy in the French Third Republic, 1914-1939". In *Soccer Diplomacy: International Relations and Football since 1914*, edited by Heather L. Dichter, 30–47. Kentucky: University of Kentucky Press, 2020. <https://doi.org/10.2307/j.ctv12sdv7x.6>.
10. Dubinsky, Yoav. "The Nation Branding, Public Diplomacy and the 2023 FIFA Women's WorldCup: US against the World." In *The Geopolitical Economy of Football*, edited by Simon Chadwick, Paul Widdop, Michael M. Goldman, 227-234. London, New York: Routledge, 2024.
11. Ducroquet, Samuel. Interview with the author, February 19, 2024.
12. Embassy of France in Iraq. "Visites françaises en Irak," La France en Irak. Accessed December 15, 2024. <https://iq.ambafrance.org/Visites-francaises-en-Irak>.
13. Embassy of France in Iraq. "Visites irakiennes en France," La France en Irak. Accessed December 15, 2024. <https://iq.ambafrance.org/Visites-irakiennes-en-France>.
14. FIFA. "Women's Ranking March 2024". March 15, 2024. <https://inside.fifa.com/en/fifa-world-ranking/women>.
15. FIFA. "World Ranking Iraq". March 15, 2024. <https://inside.fifa.com/fifa-world-ranking/IRQ?gender=women>.
16. France, French Ministry of Europe and Foreign Affairs. "Infographic: The main themes of sports diplomacy," France Diplomatie - Ministère de l'Europe et des Affaires étrangères. <https://pk.ambafrance.org/Infographic-The-main-themes-of-sports-diplomacy>.
17. France, French Ministry of Europe and Foreign Affairs, "What Is Feminist Foreign Policy?," 2022, [https://www.diplomatie.gouv.fr/IMG/pdf/diplomatie\\_fe\\_ministe\\_a5\\_en-v2\\_1\\_\\_cle8c266e.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/diplomatie_fe_ministe_a5_en-v2_1__cle8c266e.pdf).
18. France, French Ministry of Europe and Foreign Affairs, "France's International Strategy for Sports Diplomacy," France Diplomacy - Ministry for Europe and Foreign Affairs, December 2023. <https://www.diplomatie.gouv.fr/en/french-foreign-policy/sports-diplomacy/france-s-international-strategy-for-sports-diplomacy/>.

19. France, French Ministry of Europe and Foreign Affairs, "Feminist Diplomacy," France Diplomacy - Ministry for Europe and Foreign Affairs, March 2024, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/feminist-diplomacy/>.
20. "France's Macron Reasserts Iraq 'sovereignty' on First Official Baghdad Visit". *France 24*, September 2, 2020. <https://www.france24.com/en/20200902-macron-to-reassert-iraq-sovereignty-on-first-official-baghdad-visit>.
21. Gomez, Carol. "National Report: France," Towards an EU Sport Diplomacy, 2022. [https://www.tes-diplomacy.org/pdf/mapping-and-analysis-sport-diplomacies/TES-D\\_National\\_report\\_France.pdf](https://www.tes-diplomacy.org/pdf/mapping-and-analysis-sport-diplomacies/TES-D_National_report_France.pdf).
22. Herbert, James. "French Revolution: Victor Wembanyama, the 2024 Olympics and the 'huge Boom' That Could Be Coming". *CBSSports.com*, January 24, 2024. <https://www.cbssports.com/nba/news/french-revolution-victor-wembanyama-the-2024-olympics-and-the-huge-boom-that-could-be-coming/>.
23. Iraq Football Association. "Meet Naba Ameer: Iraq's Youngest Female Player". *Iraq National Team* (blog). October 25, 2017. <https://socceriraq.net/2017/10/25/meet-naba-ameer-iraqs-youngest-female-player/>.
24. Khalaf, Saoud. "The Hanging Goalposts of Babylon: Iraq's Football Diversity". <https://www.newarab.com/> (The New Arab, November 6, 2023). <https://www.newarab.com/features/hanging-goalposts-babylon-iraqs-football-diversity>.
25. Krasnoff, Lindsay Sarah. "The Paradox of French Women's Football." In *The Geopolitical Economy of Football: Where Power Meets Politics and Business*, edited by Simon Chadwick, Paul Widdop, Michael M. Goldman, 95-104. London, New York: Routledge, 2024.
26. Krasnoff, Lindsay Sarah. "The Up-Front Legacies of France 2019: Changing the Face of 'Le Foot Féminin.'" *Sport in History* 39, no. 4 (October 2, 2019): 462-483. <http://dx.doi.org/10.1080/17460263.2019.1667420>.
27. Krasnoff, Lindsay Sarah. "'You Open Their Minds': Why France Moved Their Women's Football Academy Away from Clairefontaine". *The Athletic*, June 27, 2019. <https://theathletic.com/1050454/2019/06/27/you-open-their-minds-why-france-moved-their-womens-football-academy-away-from-clairefontaine/>.
28. Krasnoff, Lindsay Sarah. 'France's World Cup Title will Again Help Women's Soccer'. *espnW*. August 9, 2018. <https://www.espn.com/espnw/sports/article/24319560/france-2018-world-cup-title-help-build-momentum-2019-women-world-cup>.
29. Krasnoff, Lindsay Sarah. *The Making of Les Bleus: Sport in France, 1958-2010*. Maryland: Lexington Books, 2012.
30. Krasnoff, Lindsay Sarah. *Basketball Empire: France and the Making of a Global NBA and WNBA*. London: Bloomsbury Publishing, 2023.
31. Krasnoff, Lindsay Sarah. "The Up-Front Legacies of France 2019: Changing the Face of 'Le Foot Féminin,'" *Sport in History* 39, no. 4 (2019): 462-483. <https://doi.org/10.1080/17460263.2019.1667420>.
32. Krasnoff, Lindsay Sarah. "How France Made NBA History—Before Victor Wembanyama," *TIME*, October 25, 2023. <https://time.com/6327954/victor-wembanyama-nba-history>.
33. Krasnoff, Lindsay Sarah. "Voice 20: Frédéric Lipka," *FranceAndUs*. Accessed April 4, 2024. <https://www.franceussports.com/voices/020-frederic-lipka>.
34. Le Sport. *Vecteur d'émancipation Des Femmes*, 2024. <https://www.youtube.com/watch?v=PnkqzQlgzk>.
35. Loudcher, Jean-François, Pierre Durand, Julien Roux, and Eric Claverie. "Did the 1904 Entente Cordiale Originate in Bordeaux Thanks to Sports in 1895? Reflections on Sport Diplomacy". *The International Journal of the History of Sport* 40, no. 2-3 (2023): 125-141. <https://doi.org/10.1080/09523367.2023.2177273>.



36. Mammo, Danny. "Iraq & Football: A Remarkable Story of a Sport Lost & Found". Soccer Politics / The Politics of Football (blog). December 1, 2009. <https://sites.duke.edu/wcwp/research-projects/middle-east/iraq/>.
37. Murray, Caitlin. *The National Team: The inside Story of the Women Who Changed Soccer*. New York: Abrams Press, 2019.
38. Murray, Stuart. *Sports Diplomacy: Origins, Theory and Practice*. First Edition. London, New York: Routledge, Taylor & Francis Group, 2018. <https://doi.org/10.4324/9781351126960>.
39. Murray, Stuart, and Geoffrey Allen Pigman. "Mapping the Relationship between International Sport and Diplomacy". *Sport in Society* 17, no. 9 (2013): 1098–1118. <http://dx.doi.org/10.1080/17430437.2013.856616>.
40. Parrish, Richard. "EU Sport Diplomacy: An Idea Whose Time Has Nearly Come". *JCMS: Journal of Common Market Studies* 60, no. 5 (2022):1511-1528. <https://doi.org/10.1111/jcms.13317>.
41. Parrish, Richard, Antoine Duval, Silvija Mitevka, Carmen Perez-Gonzalez, Vanja Smokvina, Albrecht Sonntag, Thierry Zintz, Andrea Cattaneo. *Promoting a Strategic Approach to EU Sport Diplomacy*. Rijeka: University of Rijeka, Faculty of Law, 2021.
42. Pigman, Geoffrey Allen and J. Simon Rofe. "Sport and Diplomacy: An Introduction," *Sport in Society* 17, no. 9 (2013): 1095–1097. <https://doi.org/10.1080/17430437.2013.856612>.
43. Prudhomme-Poncet, Laurence. *Histoire Du Football Féminin Au XXe Siècle*, Collection "Espaces et Temps Du Sport". Paris: L'Harmattan, 2003.
44. Tonnerre, Quentin. "The 1928 Olympic Winter Games in St Moritz: Tourism, Diplomacy and Domestic Politics". *The International Journal of the History of Sport* 38, no. 13–14 (2021): 1385–1402. <https://doi.org/10.1080/09523367.2021.1910238>.
45. Rofe, J. Simon. "Sport and Diplomacy: A Global Diplomacy Framework." *Diplomacy & Statecraft* 27, no. 2 (2016): 212–230. <http://dx.doi.org/10.1080/09592296.2016.1169785>.
46. Roos, Pascal. Interview with the author, March 18, 2024.
47. Salih, Nabil. "Why Are There No Women in Iraq's Football Stadiums?" openDemocracy. Accessed April 11, 2024. <https://www.opendemocracy.net/en/north-africa-west-asia/why-are-there-no-women-in-iraq-s-football-stadiums/>.
48. Sherman, Robert B. *Ten Million and One: A Perspective on the Portuguese by Obama's Ambassador*. Lisboa: Actual Editora, 2019.
49. Soakai, Tia. "Pacific Step-Up Tour Brings Westfield Junior Matildas Back to Oceania". Oceania Football Confederation (blog), July 30, 2019. Accessed November 10, 2024. <https://www.oceaniafootball.com/pacific-step-up-tour-brings-westfield-junior-matildas-back-to-oceania/>.
50. Stewart, Mary Lynn. *For Health and Beauty: Physical Culture for Frenchwomen, 1880s-1930s*. Cambridge: Cambridge University Press, 2001.
51. Stewart, Mary Lynn. *Globalising Women's Football*. Bern, Berlin, Bruxelles, Frankfurt am Main, New York, Oxford, Wien: Peter Lang, 2013.
52. Williams, Jean. *Globalising Women's Football*. Bern, Berlin, Bruxelles, Frankfurt am Main, New York, Oxford, Wien: Peter Lang, 2013. <https://doi.org/10.3726/978-3-0352-0205-2>.
53. Williams, Jean. *The History of Women's Football*. Barnsley, UK: Pen & Sword History, 2021.
54. Williams, Jean. *Legendary Lionesses: The England Women's Football Team, 1972–2022*. Cham: Springer International Publishing, 2024.
55. Wrack, Suzanne. *A Woman's Game: The Rise, Fall, and Rise Again of Women's Soccer*. Chicago, IL: Triumph Books LLC, 2022.



## SPORT POLICY IN ROMANIA

ANDREI ANTONIE\*  
MARKO BEGOVIĆ\*\*  
SIMONA PETRACOVSCI\*\*\*

UDC 32:796(498)  
DOI <https://doi.org/10.30925/slpdj.2.2.2>  
Received on November 27, 2024  
Accepted on December 10, 2024  
Preliminary communication

### Abstract


*The article provides an overview of the development of the sport ecosystem and sport-related policies in Romania. It represents the first venture to understand dynamics associated with historical evolution, and despite Romania's EU membership, it struggles to implement numerous needed reforms resulting in stagnation rooted in institutional memory. Following the presentation of historical development, the paper is structured to describe major institutional actors, including those from the public sector and sport movement, as well as their interrelationship including the major trends discussed. The added value of this paper represents a collaborative partnership incorporating both insider and outsider perspectives to offer a comprehensive understanding and presentation of the development of sport policy in Romania. In conclusion, Romanian sports remain strongly shaped by the strong institutional memory developed during the communist era.*


**Keywords:** Romania; Sport ecosystem; Communism; Policy; Governance.


## 1. INTRODUCTION

The institutional memory plays an important role in Romania, as sport is considered an activity of national interest. This is a relic of the communist era, which symbolised a period of global sporting success for Romanian athletes and sport organizations. Consequently, besides clear and direct political interest that will be presented, both the general population and the media are focused on major competitions such as the Olympic Games, and World or European Championships, orientated dominantly toward high-performance and elite sports. Despite this unified interest, Romania has experienced a decline in achieving sporting excellence, and some scholars have thoroughly examined this phenomenon from different

---

\* Andrei Antonie, Faculty of Social Sciences and Business Studies, University of Eastern Finland.  0000-0002-7850-9259. ✉ [andrea@uef.fi](mailto:andrea@uef.fi).

\*\* Marko Begović, Associate Professor, Faculty of Business Administration and Social Sciences, Molde University College, Molde, Norway; Faculty of Sport, Serbia; Center for Interdisciplinary and Multidisciplinary Studies, University of Montenegro, Montenegro.  0000-0001-5768-2717. ✉ [marko.begovic@himolde.no](mailto:marko.begovic@himolde.no).

\*\*\* Simona Petracovschi, Full Professor, Faculty of Physical Education and Sport, West University of Timisoara Romania.  0000-0001-7845-7164. ✉ [simona.petracovschi@e-uvt.ro](mailto:simona.petracovschi@e-uvt.ro).

perspectives.<sup>1,2,3,4</sup> There are different reasons behind this, but the most dominant notion is the lack of necessary reforms that will depart from the state-centric and elitist approach. More precisely, high-performance sports are still being funded by the public sector, even though a sponsorship law exists to regulate the relationship between beneficiaries and sponsors and define their rights and obligations.<sup>5</sup> Although the reliance on state funding remains predominant, even if organizationally speaking, there is also a private sector presence and a legal framework for a sponsorship law, this reform is far from being realized. The role of the public sector and its interplay with the sports movement resulted in the former bypassing existing regulatory regimes in order to utilise sport for non-sporting objectives.<sup>6</sup> Accordingly, the development of sport for all and widespread participation in organised physical activities has significantly declined.<sup>7</sup> The aim of this article is to contribute to the broader discussion on sport-related policy development by presenting key stakeholders, their evolution over time, and the contemporary challenges.

Despite some earlier work, it can be concluded that there is limited research within the Central and Southeastern European region on sport-related policymaking and understanding the sport ecosystem.<sup>8,9</sup> That being said, it is necessary to point to tectonic changes following the aftermath of the 1990s in the context of the dissolution of the one-party system characterised by rigid communist practices, especially within the Soviet bloc. The departure from this socio-political system proved to be equally necessary and challenging within the geopolitical context of integration with the North Atlantic Treaty Organization (NATO) and the European Union (EU). According to Péter,<sup>10</sup> the overall transitional shocks in Romania not only led to socio-economical struggles but also shaped the sport ecosystem and its relationships within. However, the extent and consistency of these changes remain yet to be explored. This is not just unique to the Romanian context, as in other post-communist (post-socialist) countries the

- 1 Simona Petracovschi and Thierry Terret, "From Best to Worst? Romania and his Nostalgia for Olympic Success", *The International Journal of the History of Sport* 30, no. 7 (2013): 774-788, <https://doi.org/10.1080/09523367.2013.773890>.
- 2 Cătălina Ababei, "Study Regarding the Participation of Romanian Track and Field Athletes in the Last Three Olympic Games", *GYMNASIUM - Scientific Journal of Education, Sports, and Health* 18, no. 2 (2017): 165-175, <https://doi.org/10.29081/gsjesh.2017.18.2.13>.
- 3 Laszlo Péter, "Romania: Private Sport Sector at the Crossroads of Past Socialism and Present Capitalism," in *The Private Sport Sector in Europe. Sports Economics, Management, and Policy*, vol. 14, eds. Antti Laine and Hanna Vehmas (Cham: Springer, 2017), 287-308, [https://doi.org/10.1007/978-3-319-61310-9\\_17](https://doi.org/10.1007/978-3-319-61310-9_17).
- 4 Vasile-Teodor Burnar, "The new 'youth fountain' of Romania: How tennis overtook gymnastics as the premier juvenile sport of the country", *Journal of Community Positive Practices* 20, no. 1 (2020): 47-68, <https://doi.org/10.35782/JCPP.2020.1.03>.
- 5 Law no. 32/1994.
- 6 Andrei Antonie, "A Popular Game in Dracula's Land? A Socio-Historical Overview of Romanian Football", in *Football in Balkans I: Internal Views, External Perceptions*, ed. Mihai Dragnea, Dariusz Wojtaszyn, and Maros Melicharek (Bern, Berlin, Bruxelles, Frankfurt am Main, New York, Oxford, Wien: Peter Lang, 2023), 9 - 32.
- 7 Institutul National de Statistica, Comunicat de Presa nr. 83 [Press release no. 83], April 5, 2024, [https://insse.ro/cms/sites/default/files/com\\_presa/com\\_pdf/popdom1ian2024r\\_0.pdf](https://insse.ro/cms/sites/default/files/com_presa/com_pdf/popdom1ian2024r_0.pdf).
- 8 Marko Begović, "The development of sport policy in Montenegro", *International Journal of Sport Policy and Politics* 12, no. 4 (2020): 321-330, <https://doi.org/10.1080/19406940.2020.1719186>.
- 9 Marko Begović, *Sports Policy and Politics in the Western Balkans* (London & New York: Routledge, 2024).
- 10 Laszlo Péter. "The Romanian sport system: Paths to commercialisation", in *Sport, Statehood and Transition in Europe - Comparative perspectives from post-Soviet and post-socialist societies*, ed. Ekain Rojo-Labaien, Álvaro Rodríguez Díaz, and Joel Rookwood (London & New York: Routledge, 2020), 77-95.

results are rather symbolised in a never-ending transition.<sup>11,12</sup> The rise of corruptive practices is omnipresent, regardless of an attempt to weaken the state or political grip over sport, as these remain rather formal or nominal orientation.<sup>13,14</sup> The growing lack of resources and the exclusive status of particular organizations have significantly derogated the overall performance of Romanian sports, whereas privatization of reputable sport organizations has mostly been directed and shaped to favour closely constructed informal networks.<sup>15</sup> Another joint determinant represents the importance of sport for often non-sporting objectives inclusive of reshaping national identities or acting as a polarizing force both internally and externally.<sup>16</sup> In this context, the sport ecosystem is an extension of the public sector or is influenced by its culture, relying on strong institutional memory regardless of socio-political changes and instability.<sup>17</sup>

## 2. SPORT HISTORY, POLICY, AND GOVERNANCE

Sport regulatory regimes have a strong tradition established reflecting different eras and socio-political realms. The broader concept of physical education has been the subject of legislative frameworks under three types of political regimes experienced by the Romanian state and were imbued with their values. These political regimes were represented by the monarchist regime (1881–1947), the communist regime (1947–1989), and the post-communist democratic regime (1989–present). During these periods, physical education and sport evolved at different paces, both organizationally and conceptually, while maintaining institutional stability within the last two periods, as both the peaks and regression of this evolution are intertwined with the tectonic political shifts of the 1990s.

In 1912, Prince Ferdinand I founded the Romanian Sport Societies Federation (Federația Societăților Sportive Române), which had the role of governing Romanian sport as an attempt to centralised patrimonial effort over growing public activity. The federation consisted of 12 sports commissions, each with a jurisdiction primarily focused on militaristic readiness.<sup>18</sup> The first two Physical Education laws in Romania enacted in 1923 and 1929, were adopted by the monarchical regime. The Physical Education Law of 1923 stipulated that “physical education is a general obligation,” for all young people prior to military service.<sup>19</sup> This law regulated jurisdictions and competencies of the newly established organization, the National Physical Education Office (NPEO), which served as a central policy and administrative body under the Ministry of Education. Following the horizontal coordination efforts, the Ministry of Education maintained administrative relations with the Ministry of War and the Ministry of Health,

---

11 Begović. *Sports Policy and Politics in the Western Balkans*.

12 Bence Garamvölgyi, Marko Begović and Tamas Dóczi, “Sport diplomacy in hybrid regimes: The cases of Hungary and Montenegro”, *Journal of Global Sport Management* 9, no. 4 (2021): 816-833, <https://doi.org/10.1080/24704067.2021.2008804>.

13 Marko Begović, “Corruption in sports: Lessons from Montenegro”, *International review for the sociology of sport* 58, no. 1 (2023), 126–145, <https://doi.org/10.1177/10126902221094186>.

14 Péter, “The Romanian sport system: Paths to commercialisation”.

15 Begović, “Corruption in sports: Lessons from Montenegro”.

16 Garamvölgyi, Begović and Dóczi, “Sport diplomacy in hybrid regimes: The cases of Hungary and Montenegro”.

17 Begović, “The development of sport policy in Montenegro”.

18 Antonie. “A Popular Game in Dracula’s Land? A Socio-Historical Overview of Romanian Football”.

19 Nicu Alexe, and Valentin Constandache, *Enciclopedia educatiei fizice si sportului din Romania*, 2nd Edition, vol. 7 (Bucharest: Editura Maiastra, Targu-Jiu, 2015).

Labor, and Social Protection. The publication of the first law coincided with the creation of the National Institute of Physical Education (NIPE) in Bucharest, the first institution dedicated to training specialists in the field. The law from 1929, in an operational sense represents a continuation of the same approach adding a number of amendments aimed at introducing sports and tourism in addition to physical education as activities specific to the field.<sup>20</sup> This law turned physical education into an “obligation for all the youth of the country,” to be carried out in both private or state educational institutions and in other specialised organizations. This law regulated the establishment of the Union of Sports Federations of Romania (USFR) as the main organiser of sports activity in Romania, which was subordinated to the Ministry of Public Instruction, National Defence, and Health, Labor, and Social Protection. However, the economic and socio-political context soon brought another change to the Law of 1929, namely regulating the professionalization of athletes. Football professionalization was incorporated but lasted less than 20 years, until the end of the Second World War.<sup>21</sup> Leadership-wise, during the interwar period, sport was led by members of the bourgeoisie or monarchy. For example, King Carol of Romania was the president of the Romanian Olympic Committee (1923–1940).

With the change of the regime in 1946, the Popular Sports Organization was established under Law No. 135/1946 with the aim of organizing and controlling sports and physical education in Romania. This organization functioned until 1949 when the Committee for Physical Culture and Sport (CPCS) was established through Decree No. 329/1949. In 1957, the physical culture and sport movement was led by the Union for Physical Culture and Sport (UPCS) as a result of the reorganization of the field inspired by the Soviet model. The old organization (CPCS) was considered overly bureaucratic and overly focused on sports performance, without considering the mass aspect of physical education and *the sport for all* concept. During communism, only one major law, Law No. 29/1967, was enacted to guide the development of physical education and sports, as there was the intention to focus on policies rather than legislative framework. The purpose of this law was the development of physical education and sports which was aligned with the decisions of the National Conference of the Sports Movement on 28–29 July, 1967.<sup>22</sup> The law also served as a pretext for leadership changes in sports and physical education, contributing to centralised policymaking.<sup>23</sup> Thus, the UPCS was changed into the National Council for Physical Education and Sport (NCPES) becoming the central leading organization, which was locally represented by the County Councils for Physical Education and Sport (CCPES). The law stipulated that “physical education and sports in the Socialist Republic of Romania constituted activities of national interest.” This transformed the entire field into a major priority for reaching often non-sporting objectives and it benefited from major investments in infrastructure, professional training for specialists, and the development of a large number of athletes. High-performance sports were prioritised to encourage national unity, and the results of Romanian sports at major international events justified further centralization efforts. Consequently, the term *mass sport* was introduced with the aim of encouraging widespread participation by as many Romanians as possible in order not only to strengthen health, but to enable sustainability of wider political efforts.

---

20 Alexe, and Constandache, *Enciclopedia educatiei fizice si sportului din Romania*.

21 Antonie, “A Popular Game in Dracula’s Land? A Socio-Historical Overview of Romanian Football”.

22 Constanța-Valentina Mihaila and Gabriela-Alina Paraschiva. “Statistical indicators and specific legislation for physical education and sports: the case of Romania,” *Discobolul – Physical Education, Sport and Kinetotherapy Journal*, 57 (3), 2019, 71–76.

23 Antonie, “A Popular Game in Dracula’s Land? A Socio-Historical Overview of Romanian Football”.

It was notion that healthy citizens contributed to the growth and development of industry and agriculture, as well as national defense.<sup>24</sup> For this purpose, by mimicking the leader of the communist bloc, the system followed the Soviet approach and model of physical culture (including workers' sport), whereas workplace gymnastics, training gymnastics, and gymnastics minutes were introduced in mass sports initiatives.<sup>25</sup> As sports expanded across multiple sectors, the NCPES collaborated with other government institutions, such as the Ministry of Health, the Ministry of Education, the Ministry of the Armed Forces, and the Ministry of Internal Affairs. Besides these ministries, collaboration included ones that operated outside of the traditional public sector, but very strong political or quasi-political organizations, such as the General Union of Trade Unions, the Union of Communist Youth, and the National Union of Handicraft Cooperatives. Consequently, sport was mainly led by politicians, with field specialists occupying secondary roles, such as vice presidents. The Committee for Physical Culture and Sport was chaired by Manole Bodnăraș (1952–1957), a politician and brother of Emil Bodnăraș, vice-president of the Council of Ministers of the Romanian People's Republic. The Union for Physical Culture and Sport was led among others by General Marin Dragnea (1974–1984). Generally, presidents of national sports organization were also presidents of the Romanian Olympic Committee. Among the field specialists who held leadership positions were university professors such as Leon Teodorescu (vice president) and Ioan Kunst Ghermănescu (secretary) from the Institute of Physical Education and Sport in Bucharest. Lia Manoliu, a former Olympic champion, served as vice president of the NCPES and COR (1982–1989).<sup>26</sup>

Starting in 1990 with the decline of communism and the transition from a totalitarian regime to a democratic one, the NCPES was abolished. Following the major socio-political shifts, the sport was managed by the newly created Ministry of Sport, as decided by the Prime Minister. However, due to institutional instability under the ongoing transition, frequent changes occurred within the government structure. The ministry coordinated youth affairs and was renamed the Ministry of Youth and Sports accordingly.<sup>27</sup> Operationally, the successor to the NCPES, despite wider transitions, did not alter public service culture, aside from adding or reproducing administration at the local level. The ministry was represented by County Directorates for Youth and Sports. The new ministry set objectives focused on maintenance of citizens' health by developing programs aligned with the *sports for all* concept. At the same time, efforts were made to balance this approach with high-performance sports as an attempt to recreate the sporting successes during the communist era. In order to maintain this balance, the Ministry of Youth and Sports collaborated mainly with the Ministry of Education regarding the organization of school and university sports, but also with the Ministry of Health. The last Law on Physical Education, adopted in 2000, reaffirmed the strategic orientation of sport and physical education as activities of national interest. Additionally, it also confirmed the state's supervision and support and the continuation of governmentalisation of sports.<sup>28</sup> The Romanian case is not unique per se, as many post-communist or post-socialist countries

---

24 Bernard Massiera, and Simona Angela Ionescu, "Les effets de l'héritage de la période communiste (1946–1989) sur l'actualité du sport de masse en Roumanie", *European Studies in Sports History* 1, no. 1 (2008): 94–106.

25 Pompiliu Nicolae Constantin and Valentin Maier, "Sport and physical education in communist factories: from the Soviet Union to Romania", *Romanian Journal of History and International Studies* 2, no. 2 (2015): 217–232.

26 Alexe and Constandache, *Enciclopedia educatiei fizice si sportului din Romania*.

27 Government of Romania, Decision No. 994/ 1990.

28 Law no. 69 /2000.

experienced similar pathways inclusive of governmentalization and politicization of sport.<sup>29,30</sup>

Furthermore, activities associated with sport and physical education are defined as all forms of physical activity intended, through organised or independent participation, to express or improve physical condition and spiritual comfort. Moreover, it emphasized societal value of sport in the effort to establish civilised social relations along with the reference to providing conditions for the development of high-performance sports. However, the scope of these activities remains broad by involving school-related physical activities (such as physical education, school sports, and university sports), recreational sports, sports for all, high-performance sports, and other physical and leisure activities used for health maintenance, prophylactic, or therapeutic purposes. Nominally, the law stipulates that the practice of physical education and sports represent a basic human right, without any discrimination, and guaranteed by the state. This is an attempt to depart from the previous positioning of sports as militaristic or ideological tool.<sup>31</sup> The role of physical education and sport has evolved greatly: from a general obligation under the monarchist government, to an activity of national interest under the communist government, to a fundamental right under the current government. Ideologically, sport evolved from an activity specific only to certain social classes, to one imposed upon everyone, and to every citizen's right in present time. However, in practice this right remains hard to be fulfilled due to a number of challenges. These include a lack of appropriate policies (e.g. for *sports for all*), and the predominant orientation of sports organizations towards competitive and high-performance sports.

In 2004, Romania joined the European Community, requiring the pre-accession measures to be taken. Among these was the restructuring of the government and its ministries. Thus, the Ministry of Youth and Sports became the National Agency for Sports.<sup>32</sup> This functioned until 2008 when it was reestablished as the Ministry of Youth and Sports.<sup>33</sup> The change to revert to a ministry was triggered by the drastic decrease in the number of medals won at the Olympic Games in Beijing (nine medals in total) compared to the Olympic Games in Athens (19 medals). The leading politicians believed that reestablishing the ministry would strengthen the sports system while preventing the decline. In 2010, a new government reshuffle brought sports under the jurisdiction of the Ministry of Education, Research and Sport, with the establishment of the National Authority for Sport and Youth within this ministry.<sup>34</sup> It remained active until 2013, when the Ministry of Youth and Sports was reestablished.<sup>35</sup> In 2022, the ministry became the Ministry of Sports. For the first time, sport was run autonomously, but this autonomy was short-lived.<sup>36</sup> In June 2023, the Ministry of Sport transformed again into the National Agency for Sport.<sup>37</sup>

Institutional stability reflected dominant political presence of major stakeholders within Romanian sports ecosystem. After the communist government changed, only former Olympic

---

29 Begović, "Corruption in sports: Lessons from Montenegro".

30 Begović, *Sports Policy and Politics in the Western Balkans*.

31 Antonie, "A Popular Game in Dracula's Land? A Socio-Historical Overview of Romanian Football".

32 Government of Romania, Decision No. 759/2003.

33 Government of Romania, Decision No. 1721/2008.

34 Government of Romania, Decision No. 141/2010.

35 Government of Romania, Decision No. 11/2013.

36 Government of Romania, Decision No. 5/2022.

37 Government of Romania, Decision No. 576/2023.



champions, such as Lia Manoliu, Ion Țiriac, and Mihai Covaliu were elected to lead the COR. Similarly, various politicians lead the Ministry of Sport or the National Sports Agency. Among them were also sports specialists, including coaches like Octavian Belu and Mariana Bitang, Olympic champions like Elisabeta Lipă, and Paralympic champions like Eduard Novak. Octavian Belu and Mariana Bitang were the only leaders without political affiliation, while the rest were members of political parties. Currently, Elisabeta Lipa, a multiple Olympic champion in rowing, is the president of the National Agency for Sport (ANS).

## **2.1. ROMANIAN SPORT ECOSYSTEM**

The National Agency for Sport (Agentia Nationala pentru Sport) is the administrative authority responsible for organising and controlling sports in Romania. At the local level, this role is represented by the County Sports Directorates, which include 41 County Directorates for Sport, plus the Directorate for Sport of the Municipality of Bucharest. Their role is the implementation of the NAS strategies and programs. It is subordinated to 70 sports federations, which in turn manage 9,102 affiliated sports clubs and 7,621 sports clubs participating in the national competitive system.<sup>38</sup> Performance sport has had a representative role for Romania in the competitions organised by different international sports forums. Performance athletes are classified as either amateur or professionals, according to the statutes and regulations of national and international sports federations. Six sports branches are recognized as professional in Romania: football, handball, basketball, rugby, volleyball, and boxing. The sports structures in Romania are made up of sports associations, county sports associations, and sports clubs.<sup>39</sup>

Within the Ministry of Education, there are educational units with sport programs, such as high schools with sports programs, as well as palaces and clubs for children and students. These palaces are remnants of the communist era. The first Palace of Pioneers was established in Bucharest in 1950 and later replicated throughout the country in various cities and municipalities. Currently, they have been renamed as Children's Palaces, and they organize extracurricular activities in different fields including arts, culture, and sports, all funded by the state. Certain technical sports that could not be found in other sports clubs are practiced here, such as karting or ship modelling. Only a few of these institutions organise these activities.<sup>40</sup>

At the national level in Romania, professional leagues, sports federations, and other sports organizations can be found. Sports organizations are private law associations or public law institutions and can be affiliated either with county associations, in order to participate in competitions organised at the local level, or with sports federations, in order to participate in national and international competitions.

NAS collaborates with the Romanian Olympic and Sports Committee (COSR) in financing and running programs for the preparation and participation of Romanian athletes in the Olympic

---

38 National Agency for Sport, *Anuarul Sportului* 2023, 7–8.

39 Leila Bolat, "Basketul a devenit sport profesionist in Romania," *Mediafax*, September 11, 2011, <https://www.mediafax.ro/sport/baschetul-a-devenit-sport-profesionist-in-romania-8730973>.

40 "Istoric", Palatul National al Copiilor, accessed November 26, 2024, [https://palatulnationalalcopiilor.ro/?page\\_id=4288#:~:text=Palatul%20Na%C5%A3ional%20al%20Copiilor%20are,s%C4%83%20func%C5%A3ioneze%20efectiv%20%C3%AEn%201950](https://palatulnationalalcopiilor.ro/?page_id=4288#:~:text=Palatul%20Na%C5%A3ional%20al%20Copiilor%20are,s%C4%83%20func%C5%A3ioneze%20efectiv%20%C3%AEn%201950).

Games, as well as in promoting the values of Olympism. The Romanian Olympic and Sports Committee is an association of national interest that operates in accordance with its own statute, drawn up in line with the provisions of the Olympic Charter and national laws. It was founded in 1914 and operated under the name of the Romanian Olympic Committee until 2004, when it adopted the name Romanian Olympic and Sports Committee. Its role includes managing high-performance Olympic sports and creating the representative team of Romania that participates in the Olympic Games. The name changes in 2004, which followed the French model, was intended to strengthen COSR's influence in the governance of high-performance sports and to increase funding for athletes. However, this was not achieved. Sports federations were still financed by the ministry, particularly through the national agency. At an international level, COSR is affiliated with the International Olympic Committee (IOC). Throughout its history, COSR has had four IOC members for Romania. George Gh. Bibescu (1899–1901) and George Alexandru Plagino (1908–1949) were IOC members during the monarchy of the country, and Alexandru Siperco (1955–1998) during the communist period the immediate post-communist era. Currently, Octavian Morariu has been an IOC member for Romania since 2013.<sup>41</sup>

After 1990, in addition to the state-governed organizations, private law-based clubs, and sports associations appeared, as well as some professional sports branches organised into leagues. The sport structure, up to that point, consisted of amateur and professional sports, and those financed by the state or the private sector. New forms of sports practice emerged. They were organised under structures affiliated with national and international organizations. These are sports for people with special needs, school and university sports, and sports for all. These new forms existed in the communist period; however, they were established into federations after 1990.

Sports for people with special needs was stipulated in the sports Law 69/2000. Even though the World Deaf Games were held in Bucharest in 1977 and Alex Peer was the first athlete to represent Romania at the Paralympic Games in 1972 in Heidelberg in the table tennis event, performance sport was represented at the federation level only after 1990. This was the year the Romanian Sports Federation for the Handicapped was founded, which operated under the Sports for All Directorate. The adoption of Law 69/2000 transformed all sports federations, including FRSH, into legal entities under private law with public utility status. With this new law, the federation's name was also changed to the Romanian Sports Federation for Disabled Persons. In 2009, following amendments to the Physical Education and Sports Law No. 69/2000, it became the Romanian Paralympic Committee (RPC).<sup>42</sup>

Within the RPC, there are three subcommittees that represent the sports activities of people with visual impairment, motor disabilities, and intellectual disabilities. Even though the number of sports clubs and sports disciplines for athletes with disabilities is increasing in Romania, sports for people with special needs remain a field at the beginning of its

---

41 "FRAGMENT DE ISTORIE: Comitetul Olimpic si Sportiv Roman aniverseaza 110 ani (27 Martie), Agerpres, accessed November 26, 2024, <https://www.agerpres.ro/documentare/2024/03/27/fragment-de-istorie-comitetul-olimpic-si-sportiv-roman-aniverseaza-110-ani-27-martie--1270561>.

42 "Istoric," Comitetul Paralimpic Roman, accessed on November 26, 2024, <https://www.paralimpicromania.ro/istoric/#:-:text=%C3%8E%20decembrie%201990%2C%20un%20grup,federa%C8%9Bia%20noastr%C4%83%20la%20%C3%AEenceputurile%20sale>.

development. Romania officially began participating in the 1996 Paralympic Games in Atlanta with a delegation of several athletes. The most numerous delegation was in 2016, in Rio, with 11 athletes. A total of six medals have been won, one of which was gold won by Eduard Novak in paracycling at the 2012 London Games.<sup>43</sup>

This Paralympic medal created a debate on the discrimination faced by Paralympic athletes. In Romania, the government allocates cash prizes to athletes who win medals at the Olympic Games. In 2012, the government did not include Paralympic athletes in the prize regulations because it did not allocate a budget for the participation of the Romanian team in the Paralympic Games. The Romanian Paralympic Committee had to find sponsorships to ensure the participation of the Paralympic athletes. From 2012 onward, when the government started awarding prizes to athletes who won medals at the Olympic Games, they remembered to include Paralympic athletes. However, Paralympic sports and the National Paralympic Committee continuously receive less funding than the Romanian Olympic Committee or the National Sports Agency.<sup>44</sup>

The Strategy for Sport for People with Special Needs established for the period 2016–2032 provides for the increase in the number of people with special needs who systematically practice sports in order to maintain their health, social inclusion, and participate in sports competitions.<sup>45</sup> The measures to ensure such growth include the increase in the number of sports clubs where people with disabilities can practice sports and physical activities, the increase in the number of members of these clubs, informing the population and people with disabilities about the benefits of practicing sports and the professional specialty training for coaches, instructors and referees so that they can train and organise activities for athletes with disabilities.<sup>46</sup>

Physical education and pre-university and university sports are organised by the Ministry of Education. Sports activities within the pre-university and university system take place within the sports associations that are affiliated with the Federation of School and University Sports (FSUS), founded in 1996 under Decision 1239/1996.<sup>47</sup> Until 1989, school and university sports clubs were largely financed by the Ministry of Education, without the support of a sports federation. University sports clubs participated in national championships with other sports clubs, such as Steaua Bucharest (Sports Club of the Army), Dinamo Bucharest (Sports Club of the Ministry of the Interior), and were financed by other ministries, and other municipal sports clubs funded by enterprises and factories (e.g. Rapid Bucharest, Clubul Căilor Ferate Române, etc.).

For that reason, university sports in Romania even if funded, did not develop a system specific to the university environment (Petracovschi & Gombos, 2022). They rather focused on strengthening the Romanian competitive system, with a goal of producing highly trained

---

43 "Succes la Jocurile Paralimpice Paris 2024!", Romania Regala, accessed November 26, 2024, <https://www.romaniaregala.ro/jurnal/succes-la-jocurile-paralimpice-paris-2024/>.

44 Government of Romania, Decision No. 924/2012.

45 Ciprian Gheorghe Popescu, "Comparative analysis between the sports management systems in Romania and Norway", *Valahian Journal of Economic Studies* 8, no. 2 (2017): 91–102, <http://dx.doi.org/10.1515/vjes-2017-0022>.

46 Popescu, "Comparative analysis between the sports management systems in Romania and Norway", 91–102.

47 Government of Romania, Decision No. 1239/1996.

athletes for the participating national teams in international competitions during the Cold War.<sup>48</sup> School sports clubs were the main training grounds for performance athletes up to the age of 18. Once the junior period was completed, they transferred to another university, labour, army, or militia sports clubs. Currently, there is the Federation of School and University Sports (FSUS) which is affiliated with the International Federation of School Sports (IFSS). The representatives of these clubs participate in international high school competitions for students aged 6 to 18. FSUS is also affiliated with the European University Sports Association (EUSA) and the Federation Internationale du Sport Universitaire (FISU).

Sports students participated in European championships or World University Games, obtaining significant results in both individual and collective sports. Remarkably, in 1981, Bucharest hosted the 11<sup>th</sup> edition of the World University Games, which was one of the major sporting events ever organised in Romania. In 2016, the Romanian national team won the title of World University Champion in men's handball. However, all the players on the team were professional athletes in the men's handball championship of Romania, reflecting the communist era.<sup>49</sup>

*Sport for All* was organised by the Romanian Sport for All Federation (FRSPT), which was founded in 1992. During the communist period, it was called *mass sport*, but in the 1980s, this new term was introduced at a European level, representing a new concept. Whereas *mass sport* placed importance on the participation of large groups of people and its role in education, *sport for all* focused on the individual and the importance of each person to practice sport and physical activity.<sup>50</sup> According to Law 69/2000, FRSPT was reorganised in 2002 and became a legal entity under private law, classified as a public utility, non-governmental, non-political, and non-profit organisation with branches in all counties and in Bucharest. These county associations collaborated with the County Directorates. At an international level, it has been affiliated with the International Federation Sport for All (IFSA) since 1992, the Association for International Sport for All (TAFISA) since 1993, and the International Sport and Culture Association (ISCA) since 2011.<sup>51</sup>

### 3. SPORT FUNDING SYSTEM IN ROMANIA

The most important aspect in developing any policy is financing, therefore Romanian sport system has struggled with the lack of financial resources, whether in top-level sports or in *Sport for All* area. In 2010, Octavian Morariu, a COSR President, declared that "sports must get a maximum 25 % from the public budget," with the remaining funds coming from the private sector including National Lottery, betting, and broadcasting. Moreover, politicians should create a legislative environment to encourage the private sector to allocate financial

---

48 Simona Petracovschi, and Leon Gombos, "The Trade Union Sport Organisation in Communist Romania between 1973 and 1989: Workplace Gymnastics, Mass and Elite Sport", *The International Journal of the History of Sport* 39, no. 2 (2022): 148–173, <https://doi.org/10.1080/09523367.2022.2048819>.

49 Marius Hutu, "Handbalul românesc are din nou o campioană mondială! Băieții au câștigat medalia de aur la Campionatul Mondial Universitar de la Malaga," *Prosport*, July 12, 2016, <https://www.prosport.ro/alte-sporturi/handbal/handbalul-romanesc-are-din-nou-o-campioana-mondiala-baietii-au-castigat-medalia-de-aur-la-campionatul-mondial-universitar-de-la-malaga-15515687>.

50 Gyongyi Szabo Foldesi, "From Mass Sport to the "Sport for All" Movement in the "Socialist" Countries in Eastern Europe", *International Review for the Sociology of Sport* 26, no. 4 (1991): 239–257.

51 "Istoric – Rol – Misiune," FRSPT, accessed on November 24, 2024, <https://frspt.ro/istoric-rol-misiune/>.

support to sports, not only through taxes, but also through direct sponsorship.<sup>52</sup> Unfortunately, Romanian sports rely on public funding even today because there has not been a political decision in favour of sports.

In 2015, the Romanian Government allocated 0.05% of GDP to sports.<sup>53</sup> Moreover, this percentage remained consistent (around 0.05%), despite the target being 1% of GDP. This study will focus on the public funding from the government and local authorities to the sports federations and clubs as illustrated in Figure 1.

There are two types of financial support from the central authorities. The one is direct funding from the government to sports institutions, and the second is from the government to a certain number of sports clubs, which fall under the jurisdiction of different Ministers. For instance, the Ministry of Internal Affairs is in charge of Dinamo Bucharest, while the Ministry of Transport is financing Rapid Bucharest. Steaua Bucharest is one of the four sports clubs and the most famous one which gets financial support from the Ministry of Defence. Steaua and Dinamo are the clubs from the communist period still offering their athletes military ranks and promotion on the military scale based on sports performance. The Ministry of Education is in charge of School and University Sports Federation (FSSU) and university/ school / high-school sports clubs. FSSU organizes sports competitions for all age groups, from primary school to university, in different sports. A total of 230 sports clubs are directly financed by the Ministry of Education. At the same time, local and district councils finance 346 local sports clubs. All the data referenced in the study refers to the year 2020.<sup>54</sup>

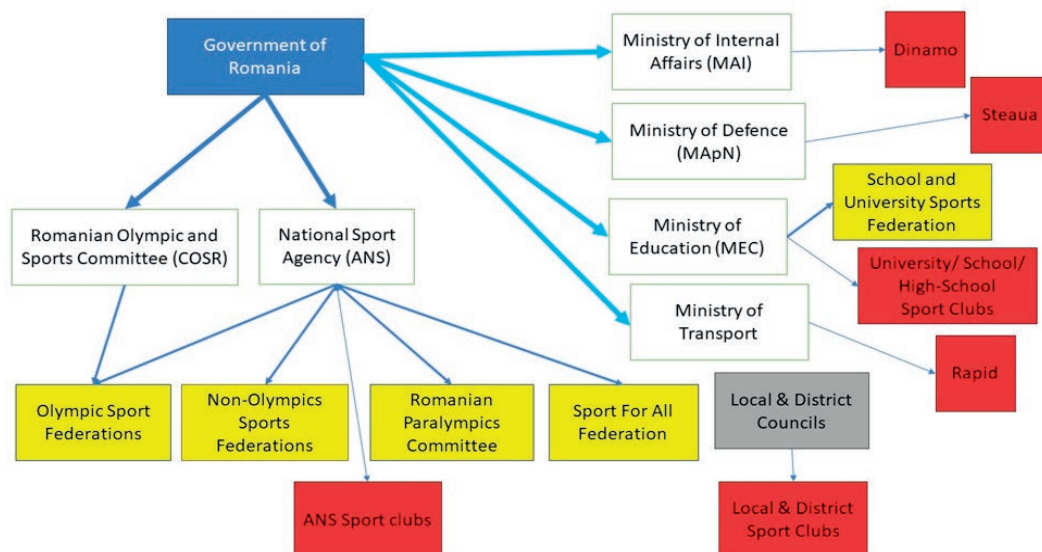


Figure 1: Romanian Sports Funding System

52 Romeo Chiriac, "Morariu: Ne trebuie un cadru de finantare privat pentru sport", *Mediafax*, January 9, 2010, <https://www.mediafax.ro/sport/interviu-morariu-ne-trebuie-un-cadru-de-finantare-privat-putru-sport-5292075>.

53 Ministry of Youth and Sport, "Strategia de dezvoltare a sportului în România 2016–2032", Bucharest, 2016, 23.

54 Ministry of Sport, "Strategia nationala pentru sport 2023-2032", 236–238.

The Government of Romania is in charge of the budget for the Romanian Olympic and Sports Committee (COSR) and the National Agency for Sport providing them with direct financing. COSR is in charge of the Olympic Sports Federations with a special focus on top-level athletes who are a part of the Olympic Team. It provides financial support for their preparations at the 11 National Sports Centers, managed by the National Sports Agency, and participation in different competitions.<sup>55</sup>

The National Sports Agency (NAS) distributes its budget to the Sports for All Federation, the Romanian Paralympics Committee, 33 non-Olympic sports federations, and 31 Olympic sports federations. Starting in 2024, there was a major change in the financing system. NAS and COSR have decided to finance with larger budgets the federations with a higher likelihood of winning medals at the Paris 2024 Olympics, contrary to the past custom where all sports federations, —Olympic and non-Olympic—received more or less equal funding. Therefore, Rowing, Box and Table Tennis Federations received the most significant budgets in 2024.<sup>56</sup> It is worth mentioning that the three federations are not financed from the public budget. The Ice-hockey and Tennis federations have legal issues with their rules and regulations, which prevent them from applying for funding. The Football Federation has opted not to apply. Moreover, there are additionally 48 sports clubs that are under NAS's jurisdiction and are financed directly by the agency.<sup>57</sup>

Compared to most European countries, where the National Lottery is active in financing sports, the Romanian National Lottery only claims to be an active financial contributor in the sports field, without providing any data. There is hardly any data regarding the percentage or amount of money allocated to sports, except for football. According to Romanian law 69/2000, the National Lottery is supposed to pay 20% of its football betting revenues to the Romanian Football Federation.<sup>58</sup>

### **3.1. SERVICE PROVIDERS IN SPORTS: PRIVATE COMPANIES, SPONSORSHIP, AND BROADCASTING**

As previously mentioned, there are six professional sports in Romania: football, handball, rugby, basketball, volleyball, and boxing. Notably, five out of six are team sports, with boxing being the only individual sport. It is common that professional sports are financially sustained by the private sector, as they are seen as businesses and are supposed to bring profit to the clubs. However, this is not the case in Romania, where private companies are hardly involved in sports because they do not receive any economic benefits from investing in sports. Multinational companies invest in some sporting events as part of their corporate social responsibility policy, such as the Raiffeisen Bank – Bucharest Marathon.

Broadcasting rights are important for the vast majority of professional sports clubs. There are

---

55 Ministry of Sport, "Strategia nationala pentru sport 2023-2032", 244.

56 "Elisabeta Lipă a dezvăluit bugetul federațiilor sportive pentru anul 2024", accessed January 29, 2024, <https://www.digisport.ro/special/elisabeta-lipa-a-dezvaluit-bugetul-alocat-federatiilor-sportive-in-anul-2024-2794997>.

57 Ministry of Sport, "Strategia nationala pentru sport 2023-2032", 234.

58 "Loteria Nationala executata silit de FRF", *Gazeta Sporturilor*, accessed February 14, 2024, <https://amp.gsp.ro/article/53276>.

available data on this subject only for football, handball, and basketball, whereas volleyball, rugby, and boxing most likely do not get any money from broadcasting. Rugby is broadcast on the Romanian national channel (TVR 2), but volleyball and boxing can rarely be watched on TV. The men's basketball league received for the 2022–2023 season 150,000 euros in broadcasting rights, with certain clubs receiving 6,000–13,000 euros.<sup>59</sup> Popa analysed the budgets of the top teams in the National Men's Basketball League (LNBM) and concluded that highest budget was around 1.1 million euros for CSM CSU Oradea, while the lowest was around 120,000 euros for CSM Sighetul Marmației. CSM CSU Oradea had 37 private sector partners at the time, which covered between 75 – 80 % of the budget. A similar situation occurred at CSU Sibiu, where 65-70 % of the 800,000 euros budget was financed by private companies.<sup>60</sup>

The situation is somewhat better in handball in terms of TV rights. In 2015, the Handball Federation sold the TV rights for both the men's and women's leagues for 300,000 euros.<sup>61</sup> In 2016, there was an increase of € 100,000, whereas, TV rights were sold for € 500,000 per season for the 2022–2023 season.<sup>62</sup> The situation is surprising given that Liga Florilor Mol (the Women's National League) is considered one of the most competitive and attractive leagues in the world. Players' salaries range from 15,000 to 20,000 euros per month, while the budgets of the biggest teams are around 4 million euros. Around 53 foreign players who competed in the Romanian league participated in the last World Cup. The surprise is that all 14 teams are public teams with no private clubs. Most of the budgets come from public money. Twelve teams belong to local and municipal authorities, while two clubs get financed from ministries.<sup>63</sup> A journalistic investigation that compared the club budgets of women's handball clubs in Romania and Hungary revealed the difference between the financing sources. For instance, Gyori ETO KC, a famous team that has won the Women's Handball Champions League four times, receives 4 million euros from its main sponsor (Audi), another 1 million from smaller sponsors, club merchandising, and TV rights, plus 1 million euros from public authorities. In contrast, HC Dunărea Brăila, a team with no participation in European competitions, has a 4-million-euro budget entirely supported by public funds, the city and district authorities. Moreover, the Hungarian club makes a profit every year, turning its handball club into a profitable business.<sup>64</sup>

59 Bogdan Isăilă, "Ce sume de bani primesc echipele din LNBM din drepturile TV", *Baschet*, July 13, 2022, <https://baschet.ro/articole/exclusiv/ce-sume-de-bani-primesc-echipele-din-lnbm-din-drepturile-tv>.

60 Eduard-Nicolae Popa, "Ce buget au cele mai importante echipe din Liga Nationala de Basket Masculin", *Baschet*, October 5, 2019, <https://baschet.ro/liga-nationala-de-baschet-masculin/stiri/ce-buget-au-cele-mai-importante-echipe-din-liga-nationala-de-baschet-masculin>.

61 Mariu Huțu, "Lovitură pentru handbal: fiecare meci din Liga Națională se va vedea în cel puțin 5 milioane de case, la trei televiziuni. Federația obține o majorare a veniturilor cu 33% din drepturile TV", *ProSport*, August 23, 2016, <https://www.prosport.ro/alte-sporturi/handbal/lovitura-pentru-handbal-fiecare-meci-din-liga-nationala-se-va-vedea-in-cel-putin-5-milioane-de-case-la-trei-televiziuni-federatia-obtine-o-majorare-a-veniturilor-cu-33-din-drepturile-tv-15599928>.

62 "ProTv a castigat drepturile Tv pentru urmatoarele patru sezoane", *Handbalmania*, August 4, 2022, <https://handbalmania.ro/2022/08/04/pro-tv-a-castigat-drepturile-de-televizare-pentru-urmatoarele-patru-sezoane/>.

63 Ion Teleanu, "Liga Florilor, marea afacere handbalistica pe bani publici a baronilor locali PSD si USR", *Puterea*, February 12, 2024, <https://www.puterea.ro/liga-florilor-marea-afacere-handbalistica-pe-bani-publici-a-baronilor-locali-psd-si-usr/>.

64 "Bugetele și performanțele în handbal: HC Dunărea Brăila buget de 4 milioane de euro, Gyor Audi Eto 4 milioane de euro de la sponsori," *Brăila Noastră*, February 21, 2024, <https://brailanoastra.ro/bugetele-si-performantele-in-handbal-hc-dunarea-braila-buget-de-4-milioane-de-euro-gyor-audi-eto-4-milioane-de-euro-de-la>

The most important sport in financial terms is football, as the top league and the second league attract TV stations. The Romanian FA is in charge of selling the TV rights for Liga 2 (the Second League). For the 2017–2018 season, TV stations paid 380,000 euros and 500,000 euros for the 2018–2019 season for the rights. Liga 2 gained popularity and this reflected in the rising value of TV rights. The amount increased by 50,000 euros every season, reaching 750,000 euros for the 2023–2024 season.<sup>65</sup> The Romanian top league (Superliga) is managed by the Romanian Professional League (LPF). The LPF receives 28.5 million euros per season for the 16 clubs participating in the competition 28,5. The lowest amount received by a club is 970,000 euros per season, while the championship winner receives approximately 2.6 million euros.<sup>66</sup>

As previously mentioned, there are not relevant data regarding the amounts received by sport organizations from the National lottery or betting companies. At the same time, it is evident that, mainly concerning football, betting companies are the main sponsors not only for the clubs but also for football bodies. The two top leagues, the Romanian Cup, and ten clubs from the top league are sponsored by different betting companies. Football financing and club ownership are subject for future research, particularly since it is common for local authorities or ministries to own clubs, especially in Liga 2.

The only professional boxing gala, known as *Gala Bute*, was organised by the Romanian Boxing Federation in cooperation with the Ministry of Development and Tourism in 2011. Unfortunately, the event ended in an important corruption scandal. The key decision-makers including the Romanian Boxing Federation President, the Minister of Development and Tourism, and other civil servants were sentenced to prison for economic fraud.<sup>67</sup>

In conclusion, the public authorities remain the main sponsors of Romanian sports, whether at the central, local, or district level. Sport is controlled and highly influenced by politics, thus the sportive achievements are still awaited, as decision-makers are more interested in saving their positions rather than taking decision in the benefit of sport in general and athletes more specifically.

#### 4. STRATEGIC PRIORITIES IN THE FIELD OF SPORTS

Romanian sports have been characterised by inconsistent and incoherent decision-making. Between 1990 and 2020, there were at least 23 ministers leading the Ministry of Sports. Only two ministers held a mandate for more than three years, while three served between two and three years. Eleven ministers lead the institution for one to two years, and seven were in charge for less than a year. On average, the ministers' mandates in the period between

---

[sponsori/?fbclid=IwAR2PV9TGQj-W8NI5pdozyG0I-GiyP9rrMrOfeallwl666Jlo67yNjp606Qw.](https://liga2.prosport.ro/special/a-inceput-inscrierea-pentru-drepturile-tv-din-liga-2-perioada-2024-2027-19294522#:~:text=550%20de%20mii%20de%20euro,cu%20profil%20sportiv%20din%20C8%9B%20C4%83)

65 Marius Anghel, "FRF a dat drumul înscrierii la licitația pentru atribuirea drepturilor TV din Liga 2 pentru perioada 2024-2027", *Liga2 Prosport*, November 23, 2023, <https://liga2.prosport.ro/special/a-inceput-inscrierea-pentru-drepturile-tv-din-liga-2-perioada-2024-2027-19294522#:~:text=550%20de%20mii%20de%20euro,cu%20profil%20sportiv%20din%20C8%9B%20C4%83>.

66 Andrei Crăițoiu, Dan Udrea and Remus Răureanu, "Cluburile din Liga 1 își asigură 151,5 milioane de euro! Detaliile înțelegerii + Două echipe s-au opus noului contract", *Gazeta Sporturilor*, July 26, 2022, <https://www.gsp.ro/fotbal/liga-1/liga-1-drepturi-tv-contract-lpf-669984.html>.

67 Florin Lepădatu, "Elena Udrea, KO în dosarul *Gala Bute*", *Radio Romania Actualitati*, March 29, 2017, <https://www.romania-actualitati.ro/stiri/romania/elena-udrea-ko-in-dosarul-gala-bute-id95041.html>.



2000 and 2020 did not exceed 18 months.<sup>68</sup> Moreover, the lack of a coherent public policy regarding sports was more visible in 2023, when on 24 May, 2023, the Romanian Government approved the *National Strategy for Sport 2023–2032* in the *Monitorul Oficial*. Less than a month later, on 16 June, 2023, the Romanian Government decided to abolish the Ministry of Sports, replacing it with the National Agency for Sports. The National Agency for Sports is led by a President with a rank of State Secretary, who is subordinate to the General Secretariat of the Government. In contrast, when the Ministry of Sports existed, its minister was a member of the Romanian Government.

In the post-communist history, sports have not been a priority for the Romanian governments. Even though the *White Charter of European Sports* was signed in 2005 in Lisbon, Romania's first national strategy for sports appeared after more than 10 years, in 2016. Moreover, the *White Charter of European Sports* outlined a "European sports model" which had to be implemented through legislation by each government. However, Romanian authorities ignored it, disregarding the indications of good practices at the continental level. In 2016, Romania adopted its first sports policy document named *National Strategy Plan for Sport and Youth in Romania (2016–2032)*.<sup>69</sup> This first document served as an x-ray of the disastrous state of Romanian sports rather than a detailed action plan. While various specific actions were proposed, there was no implementation plan for the said proposed projects.

In 2022, the Romanian Government, through the General Secretariat of the Government, published the *Institutional Strategic Plan for Minister of Sport 2022–2025*.<sup>70</sup> This is the first official sports policy document with a clear structure providing the main priorities and the planning, implementation, and follow-up for each proposed project. Six strategic objectives were settled: (1) Sport for all, (2) Top-level sport, (3) Rediscover Oina, (4) Generation 28, (5) Top-level sport events in Romania, (6) Developing sports infrastructure. *Sport for all project* focused on increasing the number of Romanians who would engage in sports for health reasons. *Top-level sport* was designed to increase the elite athletes' participation and performances in major competitions such as Olympics, World Cups, and European Championships. *Rediscover Oina* (Romanian Baseball) aimed to raise awareness of the national sport among the younger generation. *Generation 28* targeted citizens with disabilities with the goal of doubling the athletes' number in Romania and organising dedicated competitions for them. *Top-level sport events in Romania* focused on the involvement of sport federations and central authorities in hosting major sport events, such as European Championships or World Cups. There is a connection between the sport events and the final strategic objective, as the organization of major events also requires the development of sports infrastructure, such as stadiums and multifunctional sports halls, which must fulfil certain requirements.

Unfortunately, in less than a year, instead of implementing the *Institutional Strategic Plan*, the Romanian Government published the *National Strategy Plan for Sport in Romania 2023–2032*. As previously mentioned, the same politicians decided to dissolve the Ministry of Sport and transform it into the National Agency for Sports. The institutional inconsistency was also discussed by Octavian Morariu, former COSR president, already in 2010. He claimed that the Romanian sports crisis would not be solved by the administrative restructuring, but by new

---

68 Ministry of Sport, "Strategia nationala pentru sport 2023-2032", 40.

69 Ministry of Youth and Sports, "Strategia Nationala pentru Sport si Tineret (2016-2032)", 17–9

70 Government of Romania, "Plan Strategic Institutional 2022–2025 pentru Ministerul Sportului", November 2022.

laws that encourage private sector to invest in sports, with the main focus on the athlete. He finds it irrelevant whether sports belong to a ministry or an agency, as long as there is a clear and consistent sports policy implemented by governmental institutions (Chiriac 2010).<sup>71</sup>

#### 4.1. THE NOVAK LAW AND THE CHALLENGES OF SPORT IN ROMANIA

Eduard Novak, the former minister of sports, required that all sports teams participating in national competitions ensure that at least 40% of their athletes be Romanian, both at senior and youth levels. This decision was made due to challenges faced by Romanian performance sports, especially in team sports.<sup>72</sup> Before 1989, Romanian athletes could only transfer to foreign teams with the consent of the government. This consent was rarely granted and implied drastic regulations. After 1990, Romanian athletes could freely search for work contracts abroad. For those who chose to, the main reason was the higher financial value of employment contracts. Fast forward to the present time, many male and female athletes choose to play in the Romanian national leagues, as the employment contracts are more profitable than those in their countries or other European countries. This is evident for women's handball in Romania where club teams employ foreign professional athletes to the detriment of Romanian athletes. While this strengthens the national championship and the teams' performance in European competitions, national teams do not show any results at an international level, such as in the Olympic Games, World, and European Championships. The law aims to stop the arrival of foreign athletes in Romania, but this order conflicts with the right to free movement of athletes within the European Union (Art. 45 TFEU). These teams are financed by the state budget because they are mainly supported by town halls. Examples are the Bucharest Municipal Sports Club and the 2018 Bistrița-Năsăud Sports Club. Confronted with the challenge of poor sports results worldwide, the NAS is currently trying to implement another policy that was introduced by Minister Eduard Novak. Politically speaking, Minister Novak, representing the Democratic Union of Hungarians in Romania, shared the vision of Viktor Orban, the Hungary's Prime Minister regarding sports. Just like Hungary, which has prioritised investment in six sports since 2010, it is desired to allocate the NAS budget to sports branches with the greatest potential for obtaining a medal at the Olympic Games. Prior to this regulation, the budget was distributed equally among all 65 sports federations.

## 5. CONCLUSIONS

In political terms, Romanian sport remains anchored in the past, but there are also elements that show that efforts are being made to develop a general framework that would allow the creation of a system capable of producing results and obtaining sports medals. The hierarchy of sports federations that produced results in the past has changed, as these federations managed to adapt to a new performance model. They serve as examples of how much a model could be extended to other federations and to the entire sports system in Romania. If the change cannot occur from the top down, it is possible that a bottom-up action is more effective. Nevertheless, when sports policies are concerned, many aspects need to be improved, adapted or changed.

---

71 Chiriac, "Morariu: Ne trebuie un cadru de finantare privat pentru sport".

72 Ministry of Sports, Decision No. 500/2022.

## Bibliography

1. Ababei, Cătălina. "Study Regarding the Participation of Romanian Track and Field Athletes in the Last Three Olympic Games". *GYMNASIUM - Scientific Journal of Education, Sports, and Health* 18, no. 2 (2017): 165–175. <https://doi.org/10.29081/gsjesh.2017.18.2.13>.
2. Alexe, Nicu, and Valentin Constandache. *Enciclopedia educatiei fizice si sportului din Romania*, 2nd Edition, vol. 7. Bucharest: Editura Maiastra, Targu-Jiu, 2015.
3. Agerpres. "FRAGMENT DE ISTORIE: Comitetul Olimpic si Sportiv Roman aniverseaza 110 ani (27 Martie)", Accessed November 26, 2024. <https://www.agerpres.ro/documentare/2024/03/27/fragment-de-istorie-comitetul-olimpic-si-sportiv-roman-aniverseaza-110-ani-27-martie--1270561>.
4. Anghel, Marius. "FRF a dat drumul înscrierii la licitația pentru atribuirea drepturilor TV din Liga 2 pentru perioada 2024-2027". *Liga2 Prosport*. November 23, 2023. <https://liga2.prosport.ro/special/a-inceput-inscrierea-pentru-drepturile-tv-din-liga-2-perioada-2024-2027-19294522#:~:text=55%20de%20mii%20de%20euro,cu%20profil%20sportiv%20din%20C8%9BBar%C4%83>.
5. Antonie, Andrei. "A Popular Game in Dracula's Land? A Socio-Historical Overview of Romanian Football". In *Football in Balkans I: Internal Views, External Perceptions*, edited by Mihai Dragnea, Dariusz Wojtaszyn, and Maros Melicharek, 9-32. Bern, Berlin, Bruxelles, Frankfurt am Main, New York, Oxford, Wien: Peter Lang, 2023.
6. Begović, Marko. "The development of sport policy in Montenegro". *International Journal of Sport Policy and Politics* 12, no. 4 (2020): 321-330. <https://doi.org/10.1080/19406940.2020.1719186>.
7. Begović, Marko. *Sports Policy and Politics in the Western Balkans*. London & New York: Routledge, 2024.
8. Begović, Marko. "Corruption in sports: Lessons from Montenegro". *International review for the sociology of sport* 58, no. 1 (2023), 126–145. <https://doi.org/10.1177/10126902221094186>.
9. Brăila Noastră. "Bugetele și performanțele în handbal: HC Dunărea Brăila buget de 4 milioane de euro, Gyor Audi Eto 4 milioane de euro de la sponsori". February 21, 2024. <https://brailanoastra.ro/bugetele-si-performantele-in-handbal-hc-dunarea-braila-buget-de-4-milioane-de-euro-gyor-audi-eto-4-milioane-de-euro-de-la-sponsori/>.
10. Burnar, Vasile-Teodor. "The new 'youth fountain' of Romania: How tennis overtook gymnastics as the premier juvenile sport of the country". *Journal of Community Positive Practices* 20, no. 1 (2020): 47–68. <https://doi.org/10.35782/JCPP.2020.1.03>.
11. Chiriac, Romeo. "Morariu: Ne trebuie un cadru de finanțare privat pentru sport". *Mediafax*, January 9, 2010. <https://www.mediafax.ro/sport/interviu-morariu-ne-trebuie-un-cadru-de-finantare-privat-pentru-sport-5292075>.
12. Crăițoiu, Andrei, Dan Udrea, and Remus Răureanu, "Cluburile din Liga 1 își asigură 151,5 milioane de euro! Detaliile înțelegerii + Două echipe s-au opus noului contract". *Gazeta Sporturilor*. July 26, 2022. <https://www.gsp.ro/fotbal/liga-1/liga-1-drepturi-tv-contract-lpf-669984.html>.
13. Digisport. "Elisabeta Lipă a dezvăluit bugetul federațiilor sportive pentru anul 2024". Accessed January 29, 2024. <https://www.digisport.ro/special/elisabeta-lipa-a-dezvaluit-bugetul-alocat-federatiilor-sportive-in-anul-2024-2794997>.
14. Foldesi, Gyongyi Szabo. "From Mass Sport to the "Sport for All" Movement in the "Socialist" Countries in Eastern Europe". *International Review for the Sociology of Sport* 26, no. 4 (1991): 239–257.
15. Garamvölgyi, Bence Marko Begović and Tamas Dóczi. "Sport diplomacy in hybrid regimes: The cases of Hungary and Montenegro". *Journal of Global Sport Management* 9, no. 4 (2021): 816-833. <https://doi.org/10.1080/24704067.2021.2008804>.
16. Government of Romania, "Plan Strategic Instituțional 2022-2025 pentru Ministerul Sportului", Noiembrie 2022 G.

17. Government of Romania, "Hotararea nr. 994 din 3 septembrie 1990 privind organizarea și funcționarea Ministerului Tineretului și Sportului". Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/1228>.
18. Government of Romania. "Hotararea nr. 924 din 12 septembrie 2012 pentru modificarea și completarea Normelor financiare pentru activitatea sportivă, aprobate prin Hotărârea Guvernului nr. 1447/2007. Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocumentAfis/141365>.
19. Government of Romania, "Hotararea nr. 759 din 3 iulie 2003 privind organizarea și funcționarea Agenției Naționale pentru Sport". Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/44877>.
20. Government of Romania, "HOTĂRÂRE nr. 1.239 din 20 noiembrie 1996 privind înființarea, organizarea și funcționarea Federației Sportului Școlar și Universitar", Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/10306>.
21. Government of Romania, "Hotararea nr. 1721 din 30 decembrie 2008 privind organizarea și funcționarea Ministerului Tineretului și Sportului." Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocumentAfis/101299>.
22. Government of Romania, "Hotararea nr. 141 din 23 februarie 2010 privind înființarea, organizarea și funcționarea Autorității Naționale pentru Sport și Tineret." Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/116710>.
23. Government of Romania, "Hotararea nr. 11 din 9 ianuarie 2013 privind organizarea și funcționarea Ministerului Tineretului și Sportului." Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/144782>.
24. Government of Romania, "Hotararea nr. 25 din 5 ianuarie 2022 privind organizarea și funcționarea Ministerului Sportului". Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/250279>.
25. Government of Romania, "Hotararea nr. 576 din 7 iulie 2023 privind organizarea, funcționarea și atribuțiile Agenției Naționale pentru Sport." Accessed on November 26, 2024. <https://legislatie.just.ro/Public/DetaliiDocument/272007>.
26. Hutu, Marius. "Handbalul românesc are din nou o campioană mondială! Băieții au câștigat medalia de aur la Campionatul Mondial Universitar de la Malaga," *ProSport*. July 12, 2016. <https://www.prosport.ro/alte-sporturi/handbal/handbalul-romanesc-are-din-nou-o-campioana-mondiala-baietii-au-castigat-medalia-de-aur-la-campionatul-mondial-universitar-de-la-malaga-15515687>.
27. Institutul National de Statistica, Comunicat de Presa nr. 83 [Press release no. 83]. April 5, 2024. [https://insse.ro/cms/sites/default/files/com\\_presa/com\\_pdf/popdom1ian2024r\\_0.pdf](https://insse.ro/cms/sites/default/files/com_presa/com_pdf/popdom1ian2024r_0.pdf).
28. Isăilă, Bogdan. "Ce sume de bani primesc echipele din LNBM din drepturile TV". *Baschet*. July 13, 2022. <https://baschet.ro/articole/exclusiv/ce-sume-de-bani-primesc-echipele-din-lnbm-din-drepturile-tv>.
29. "Istoric," Comitetul Paralimpic Roman. Accessed on November 26, 2024. <https://www.paralimpicromania.ro/istoric/#:~:text=%C3%8En%20decembrie%201990%2C%20un%20grup,federa%C8%9Bia%20noastr%C4%83%20la%20%C3%AEnceputurile%20sale>.
30. "Istoric – Rol – Misiune," FRSP. Accessed on November 24, 2024. <https://frspt.ro/istoric-rol-misiune/>.
31. Florin Lepădatu, "Elena Udrea, KO în dosarul Gala Bute". *Radio Romania Actualitati*. March 29, 2017. <https://www.romania-actualitati.ro/stiri/romania/elena-udrea-ko-in-dosarul-gala-bute-id95041.html>.
32. Handbalmania, "ProTv a castigat drepturile Tv pentru urmatoarele patru sezoane". August 4, 2022. <https://handbalmania.ro/2022/08/04/pro-tv-a-castigat-drepturile-de-televizare-pentru-urmatoarele-patru-sezoane/>.

33. Huțu, Mariu. "Lovitură pentru handbal: fiecare meci din Liga Națională se va vedea în cel puțin 5 milioane de case, la trei televiziuni. Federația obține o majorare a veniturilor cu 33% din drepturile TV". *Prosport*. August 23, 2016. <https://www.prosport.ro/alte-sporturi/handbal/lovitura-pentru-handbal-fiecare-meci-din-liga-nationala-se-va-vedea-in-cel-putin-5-milioane-de-case-la-trei-televiziuni-federatia-obtine-o-majorare-a-veniturilor-cu-33-din-drepturile-tv-15599928>.
34. Massiera, Bernard, and Simona Angela Ionescu. "Les effets de l'héritage de la période communiste (1946–1989) sur l'actualité du sport de masse en Roumanie". *European Studies in Sports History* 1, no. 1 (2008): 94–106.
35. Gazeta Sporturilor. "Loteria Nationala executata silit de FRF", Accessed February 14, 2024, <https://amp.gsp.ro/article/53276>.
36. Ministry of Sport, Decision No. 500/2022, "Ordinul nr. 500 din 23 iunie 2022 privind aprobarea Instrucțiunilor de stabilire a participării sportivilor de performanță români, la nivel de seniori și tineret, într-o pondere de minimum 40% din totalul de sportivi participanți la competițiile sportive naționale oficiale, la sporturile de echipă". Accessed November 23, 2024, <https://legislatie.just.ro/Public/DetaliiDocument/257397>.
37. Ministry of Youth and Sport, "Strategia de dezvoltare a sportului în România 2016–2032". Bucharest, 2016.
38. Ministry of Sport, "Strategia nationala pentru sport 2023-2032",
39. Nicolae Constantin Pompiliu, and Valentin Maier. "Sport and physical education in communist factories: from the Soviet Union to Romania". *Romanian Journal of History and International Studies* 2, no. 2 (2015): 217–232.
40. Péter, Laszlo. "Romania: Private Sport Sector at the Crossroads of Past Socialism and Present Capitalism". In *The Private Sport Sector in Europe. Sports Economics, Management, and Policy*, vol. 14, edited by Antti Laine and Hanna Vehmas, 287–308. Cham: Springer, 2017. [https://doi.org/10.1007/978-3-319-61310-9\\_17](https://doi.org/10.1007/978-3-319-61310-9_17).
41. Péter, Laszlo. "The Romanian sport system: Paths to commercialisation". In *Sport, Statehood and Transition in Europe - Comparative perspectives from post-Soviet and post-socialist societies*, edited by Ekain Rojo-Labaien, Álvaro Rodríguez Díaz, and Joel Rookwood, 77–95. London & New York: Routledge, 2020.
42. Petracovschi, Simona, and Thierry Terret. "From Best to Worst? Romania and his Nostalgia for Olympic Success". *The International Journal of the History of Sport* 30, no. 7 (2013): 774–788. <https://doi.org/10.1080/09523367.2013.773890>.
43. Petracovschi Simona, and Leon Gombos. "The Trade Union Sport Organisation in Communist Romania between 1973 and 1989: Workplace Gymnastics, Mass and Elite Sport". *The International Journal of the History of Sport* 39, no. 2 (2022): 148–73. <https://doi.org/10.1080/09523367.2022.2048819>.
44. Popa, Eduard-Nicolae. "Ce buget au cele mai importante echipe din Liga Nationala de Basket Masculin". *Baschet*. October 5, 2019. <https://baschet.ro/liga-nationala-de-baschet-masculin/stiri/ce-buget-au-cele-mai-importante-echipe-din-liga-nationala-de-baschet-masculin>.
45. Popescu, Ciprian Gheorghe. "Comparative analysis between the sports management systems in Romania and Norway". *Valahian Journal of Economic Studies* 8, no. 2 (2017): 91–102. <http://dx.doi.org/10.1515/vjes-2017-0022>.
46. "Succes la Jocurile Paralimpice Paris 2024!", Romania Regala. Accessed November 26, 2024. <https://www.romaniaregala.ro/jurnal/succes-la-jocurile-paralimpice-paris-2024/>.
47. Teleanu, Ion. "Liga Florilor, marea afacere handbalistica pe bani publici a baronilor locali PSD si USR". *Puterea*. February 12, 2024. <https://www.puterea.ro/liga-florilor-marea-afacere-handbalistica-pe-bani-publici-a-baronilor-locali-psd-si-usr/>.



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

MAXIMILIAN SELTMANN\*  
LORENZ FIEGE\*\*

UDC 321.7:796  
349:796  
DOI <https://doi.org/10.30925/slpedj.2.2.3>  
Received on November 21, 2024  
Accepted on December 11, 2024  
Preliminary communication

## 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](mailto: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](mailto:l.fiege@dshs-koeln.de).

*Acknowledgements:* This article was first presented at the Annual Sport & EU Conference 2024 in Angers. The authors are grateful to the participants and panellists for their constructive feedback.

the status of a mantra in the world of sport.”<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> Yet, athletes’ associations<sup>6</sup> and academics<sup>7</sup> 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.<sup>8</sup> 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.”<sup>9</sup> While studies in sport management research usually adopt concepts of institutionalism in organisational studies<sup>10</sup>, the political variants of the new institutionalisms<sup>11</sup> 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 dependence<sup>12</sup>, epistemic communities<sup>13</sup>, 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>.

players<sup>14</sup>, or network structure<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> As Risse-Kappen reminds us, “ideas do not float freely,” but need to be communicated by agents through language.<sup>18</sup> Therefore, ideas are endogenous to institutions, as they are themselves the “products of interaction among the members” of the institution.<sup>19</sup> 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.”<sup>20</sup> 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.'"<sup>21</sup> 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.<sup>22</sup> 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."<sup>23</sup> Similarly, agents can, through an ideas-based communication strategy, aim to change discourses in line with their interests.<sup>24</sup> 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."<sup>25</sup> 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."<sup>26</sup> 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."<sup>27</sup> 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.”<sup>28</sup>

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.<sup>29</sup> 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.”<sup>30</sup>

### 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.<sup>31</sup>

---

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.”<sup>32</sup> 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.<sup>33</sup> 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.”<sup>34</sup>

The addresses of good governance standards and frameworks usually are private sport organisations, such as national or international federations,<sup>35</sup> but also local sport clubs.<sup>36</sup> 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.<sup>37</sup> Walters and Tacon illustrate that good governance in sport is strongly characterised by an increasing level of codification.<sup>38</sup> 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.<sup>39</sup>

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.<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup> Girginov explains that the programmatic idea is firmly rooted in a neoliberal worldview, which is hardly questioned in policy practice.<sup>45</sup>

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."<sup>46</sup> Justifications of normative claims of the existing good governance frameworks can either be grounded in universalist or contextualist approaches.<sup>47</sup> 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.<sup>48</sup> 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.’”<sup>49</sup>

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.<sup>50</sup> Consequently, and of specific relevance for leading (inter-)national SGBs, good governance in sport may serve to preserve organisational autonomy from public interference.<sup>51</sup> 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.<sup>52</sup> 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.”<sup>53</sup>

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.<sup>54</sup> 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”<sup>55</sup>, “responsible”<sup>56</sup>, or “earned”<sup>57</sup> 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.”<sup>58</sup> 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.<sup>59</sup> 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.<sup>60</sup> 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.”<sup>61</sup>

### **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.<sup>62</sup>

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."<sup>63</sup> 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.<sup>64</sup> 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).<sup>65</sup>

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.<sup>66</sup>

### 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."<sup>67</sup> 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.<sup>68</sup> 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.<sup>69</sup>

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.”<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup>

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.<sup>73</sup> 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.<sup>74</sup> 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.<sup>75</sup>

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).<sup>76</sup> 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.<sup>77</sup> This ambiguity is well-reflected by the different rights enshrined in the IOC and the WPA charters.<sup>78</sup> 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).<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup>

[ama.org/sites/default/files/resources/files/athlete\\_act\\_en.pdf](https://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\\_](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"<sup>82</sup> 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.<sup>83</sup> Despite the recommendation made by an Independent Expert Report<sup>84</sup> 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.<sup>85</sup> 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.<sup>86</sup> Seeing, however, the generally limited power of independent athlete organisations in the Olympic movement, the IOC's dominant position prevails.<sup>87</sup> 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.<sup>88</sup> 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.<sup>89</sup> 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.<sup>90</sup> 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](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](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](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,”<sup>91</sup> 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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup>

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.<sup>95</sup> This has led to an increase in the number of ACs worldwide.<sup>96</sup> 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.<sup>97</sup>

### 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.<sup>98</sup> A similar process led to the adoption of WADA's Athletes' *Anti-Doping Rights Act*.<sup>99</sup> 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.<sup>100</sup>

---

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.<sup>101</sup> 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](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.<sup>102</sup> 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.<sup>103</sup>

#### **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.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup> The author here expands upon the European Commission’s notion that “governance evolves into good governance” as societies become more complex political systems.<sup>107</sup> 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.<sup>108</sup> Following the World Bank's ground-breaking reports<sup>109</sup> in the field of international development, good governance is firmly rooted in a systemic approach, targeting both public and private institutions.<sup>110</sup> 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.<sup>111</sup> Further, Musalem and Ortiz highlight that good governance of social security requires efforts from social security organisations (often private) and national governments alike.<sup>112</sup>

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.<sup>113</sup> 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.<sup>114</sup> 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.<sup>115</sup> 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."<sup>116</sup> 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.<sup>117</sup> 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.”<sup>118</sup> 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.”<sup>119</sup> 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.<sup>120</sup> 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.<sup>121</sup> 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.<sup>122</sup> 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.<sup>123</sup> 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.”<sup>124</sup> 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.<sup>125</sup> 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.<sup>126</sup> 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,<sup>127</sup> education policy,<sup>128</sup> and industrial relations,<sup>129</sup> 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.<sup>130</sup> 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.<sup>131</sup> Despite challenges to some of the central institutions before national and European authorities<sup>132</sup>, leading SGBs could manifest these and many other ideas in what is otherwise known as the key features of a European Sport Model.<sup>133</sup> 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.<sup>134</sup> 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.<sup>135</sup> 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.”<sup>136</sup> Illustrating different historical examples, in relation to, for example, LGBTIQ 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.

## Bibliography

1. Addink, G. H. *Good Governance: Concept and Context*. First edition. Oxford scholarship online. Oxford, UK: Oxford University Press, 2019. <https://doi.org/10.1093/oso/9780198841159.001.0001>.
2. Al Hussein, Zeid Ra'ad, 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\\_HumanRights.pdf](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_HumanRights.pdf).
3. Alm, Jens, ed. *Action for Good Governance in International Sports Organisations: Final Report. Play the Game/Danish Institute for Sports Studies*, 2013.
4. Athlete 365. "Athletes' Declaration Steering Committee." Accessed November 8, 2024. <https://olympics.com/athlete365/articles/athletes-declaration/steering-committee>.
5. Athlete 365. "Athletes' Declaration Implementation Guide: Practical Recommendations, Useful Resources and Best Practices for IFs and NOCs." Accessed November 18, 2024. [https://img.olympics.com/images/image/private/fl\\_attachment/primary/ftv15wqhl0o5l3vr3elc.pdf](https://img.olympics.com/images/image/private/fl_attachment/primary/ftv15wqhl0o5l3vr3elc.pdf).
6. Börzel, Tanja A., Yasemin Pamuk, and Andreas Stahn. "Good Governance in the European Union". 2008.
7. Botwina, Grzegorz, Mathieu Winand, Vassos Koutsiondas, 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>.
8. Bradish, Cheri, 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/1587574929736/2020.04.2+Olympic+Commercialization+and+Player+Compensation+FINAL.pdf>.
9. Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung. *Promotion of Good Governance in German Development Policy*. Bonn: BMZ, 2009.
10. Carrio, Alberto. "Democratic Principles and Procedures as a Requirement of Legitimacy of Sport Governance Bodies". In *Strengthening Athlete Power in Sport: A Multidisciplinary Review and Framework*, 14–17. Play the Game.
11. Carstensen, Martin B., 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>.
12. Chappellet, Jean-Loup. "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>.
13. Chappellet, 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, 222–240. Research handbooks in business and management. Cheltenham, UK, Northampton, MA, USA: Edward Elgar Publishing, 2019.
14. Chatziefstathiou, Dikaia, and Ian P. Henry. *Discourses of Olympism: From the Sorbonne 1894 to London 2012*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2012.
15. Chatzigianni, Efthalia. "Global Sport Governance: Globalizing the Globalized". *Sport in Society* 21, no. 9 (2018): 1454–82. <https://doi.org/10.1080/17430437.2017.1390566>.
16. Clifford, Bob. *Rights as Weapons: Instruments of Conflict, Tools of Power*. Princeton, Oxford: Princeton University Press, 2021.
17. 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>.

18. Council of Europe. Recommendation CM/Rec(2021)5 of the Committee of Ministers to Member States on the Revised European Sports Charter., 2021.
19. Dahl, Robert Alan. *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.
20. Dowling, Mathew, Jonathan Robertson, Marvin Washington, Becca Leopkey, and Dana Ellis. "Agency and Institutions in Sport". *European Sport Management Quarterly* 24, no. 1 (2024): 1–7. <https://doi.org/10.1080/16184742.2023.2292102>.
21. Dowling, Mathew, 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>.
22. EU Athletes. "Common Position Paper." Accessed November 4, 2024. <https://euathletes.org/project/common-position-paper/>.
23. European Commission: Directorate-General for Education, Youth, Sport and Culture, K. Dunn, D. Meszner, G. Kelly, J. Sennett, M. Butkute, A. Linter, and S. Goffredo. *Study on Athletes' Rights in and Around Big Sport Events*. Luxembourg: Publications Office of the European Union, 2024. <https://doi.org/10.2766/204495>.
24. 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/>.
25. Fiege, Lorenz, and Maximilian Seltmann. "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, 1–33. <https://doi.org/10.1080/13501763.2024.2418337>.
26. 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>.
27. Freeburn, Lloyd. *Regulating International Sport: Power, Authority and Legitimacy*. Boston: BRILL, 2018.
28. Geeraert, Arnout. *Sports Governance Observer 2015: The Legitimacy Crisis in International Sport Governance*. 1. edition. Aarhus: Play the Game, 2015.
29. Geeraert, Arnout. *National Sports Governance Observer: Final Report*. [S.l.]: [s.n.], 2018.
30. Geeraert, Arnout. *National Anti-Doping Governance Observer: Final Report*. June 2021. [S.l.]: [s.n.], 2021.
31. Geeraert, Arnout. "Introduction." In Geeraert; van Eekeren, *Good Governance in Sport*, 1–12.
32. Geeraert, Arnout, and Frank van Eekeren, eds. *Good Governance in Sport*. London: Routledge, 2022.
33. Girginov, Vassil. "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>.
34. Green, Mick, 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).
35. Haas, Peter M. "Introduction: Epistemic Communities and International Policy Coordination". *International Organization* 46, no. 1 (1992): 1–35. <https://doi.org/10.1017/S0020818300001442>.
36. Henne, Kathryn E. *Testing for Athlete Citizenship: Regulating Doping and Sex in Sport*. Critical Issues in Sport and Society. New Brunswick, NJ: Rutgers University Press, 2015.

37. Henry, Ian. "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>.
38. Henry, Ian, and Ping Chao Lee. "Governance and Ethics in Sport." In *The Business of Sports Management*. Edited by J. Beech and S. Chadwick, 25–42. Harlow: Pearson Education, 2004.
39. Hope, Mat, 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>.
40. International Labour Organization. "Points of Consensus: Global Dialogue Forum on Decent Work in the World of Sport." Accessed November 7, 2024. [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed\\_dialogue/%40sector/documents/meetingdocument/wcms\\_735388.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_dialogue/%40sector/documents/meetingdocument/wcms_735388.pdf).
41. 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.
42. International Olympic Committee. "Athletes' Rights and Responsibilities Declaration". 2018.
43. 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](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).
44. 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>.
45. 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>.
46. James, Mark. "Restricting Athletes' Voices". In *The Routledge Handbook of Mega-Sporting Events and Human Rights*, edited by William Rock, and Daniela Heerdt, 448–458. Oxon, New York: Routledge: 2024.
47. Jedlicka, Scott R. "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>.
48. Kidd, Bruce, 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>.
49. Kleingeld, Pauline, and Eric Brown. "Cosmopolitanism". In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Winter 2019. Metaphysics Research Lab, Stanford University, 2019.
50. Kornbeck, Jacob. "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>.
51. Koss, Johann. "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>.
52. Lenskyj, Helen Jefferson. *The Olympic Games: A Critical Approach*. Emerald Publishing Limited, 2020. <https://doi.org/10.1108/9781838677732>.
53. Mäkinen, Jarmo, 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>.

54. Marshall, T. H. "Citizenship and Social Class". In *Inequality and Society: Social Science Perspectives on Social Stratification*, edited by Jeff Manza, and Michael Sauder. 1. ed., 148–154. New York, NY: Norton, 2009.
55. Mataija, Mislav. "Conditional Autonomy". In *Private Regulation and the Internal Market*, edited by Mislav Mataija, 157–188. Oxford: Oxford University Press, 2016.
56. Meier, Henk Erik, 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): 421–443. <https://doi.org/10.1080/19406940.2012.656678>.
57. Mittag, Jürgen. "Good Governance." In *Sportverbände: Stand Und Perspektiven Der Forschung*. Edited by Lutz Thieme and Torsten Wojciechowski, 351–367. Beiträge zur Lehre und Forschung im Sport 196. Schorndorf: Hofmann, 2021.
58. Mittag, Jürgen, Maximilian Seltmann, Fiege, Lorenz, Leanne O'Leary, Pawel Zembura, Luiz Haas, Thiago Santos 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>.
59. Mkandawire, Thandika. "'Good Governance': The Itinerary of an Idea". In *Deconstructing Development Discourse: Buzzwords and Fuzzwords*. Edited by Andrea Cornwall and Deborah Eade, 265–268. Rugby, Warwickshire, UK, Oxford: Practical Action Pub; Oxfam, 2010.
60. Musalem, Alberto R., 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>.
61. O'Leary, Leanne, Maximilian Seltmann, and Vanja Smokvina. "Elite Athletes and Worker Status". *Industrial Law Journal*, 2024. <https://doi.org/10.1093/indlaw/dwae025>.
62. Ohlert, Jeannine, Tine Vertommen, Bettina Rulofs, Thea Rau, and Marc Allroggen. "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>.
63. 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>.
64. Palmer, Walter. "Athletes' Human Rights and Mega-Sporting Events". In *The Routledge Handbook of Mega-Sporting Events and Human Rights*, edited by William Rock, and Daniela Heerdt, 281–292. Oxon, New York: Routledge: 2024.
65. Parent, Milena M., 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>.
66. Peters, B. Guy. *Institutional Theory in Political Science: The New Institutionalism*. Fourth edition. Cheltenham, UK: Edward Elgar Publishing, 2019.
67. Phillips, Nelson, Thomas B. Lawrence, and Cynthia Hardy. "Discourse and Institutions". *Academy of Management Review* 29, no. 4 (2004): 635–652.
68. Powell, Walter W., and Paul DiMaggio. *The New Institutionalism in Organizational Analysis*. Chicago, London: The University of Chicago Press, 1991.
69. Risse-Kappen, Thomas. "Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War". *International Organization* 48, no. 2 (1994): 185–214.
70. Rittberger, Volker, and Henning Boekle. "Das Internationale Olympische Komitee — Eine Weltregierung Des Sports?" *Die Friedens-Warte* 71, no. 2 (1996): 155–188.
71. Robertson, Jonathan, Mathew Dowling, Marvin Washington, Becca Leopkey, Dana Lee Ellis, and Lee Smith. "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>.

72. Rook, William, Thays Prado, and Daniela Heerdt. "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>.
73. Rosevear, Evan, Ran Hirschl, and Courtney Jung. "Justiciable and Aspirational Economic and Social Rights in National Constitutions." In *The Future of Economic and Social Rights*. Edited by Katharine G. Young and Amartya Sen, 37–65. Cambridge: Cambridge University Press, 2019.
74. Schmidt, Vivien A. "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>.
75. Schmidt, Vivien A. "Taking Ideas and Discourse Seriously: Explaining Change Through Discursive Institutionalism as the Fourth 'New Institutionalism'." *European Political Science Review* 2, no. 1 (2010): 1–25. <https://doi.org/10.1017/S175577390999021X>.
76. Schmidt, Vivien A. "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>.
77. Schwab, Brendan. "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>.
78. Seltmann, Maximilian. "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>.
79. Seltmann, Maximilian. "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>.
80. Steffek, Jens, 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>.
81. Stringfellow, Emma. "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>.
82. Thompson, Ashley, Erik L. Lachance, Milena M. Parent, and Russell Hoye. "A Systematic Review of Governance Principles in Sport". *European Sport Management Quarterly*, 2022, 1–26. <https://doi.org/10.1080/16184742.2022.2077795>.
83. Tiwari, Vidhi K., 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>.
84. Tuakli-Wosornu, Yetsa A., Demetri Goutos, Ioana Ramia, Natalie M. Galea, Margo Mountjoy, Katharina Grimm, and Sheree Bekker. "Development and Validation of the Athletes' Rights Survey." *BMJ open sport & exercise medicine* 7, no. 4 (2021): e001186. <https://doi.org/10.1136/bmjsem-2021-001186>.
85. Tuakli-Wosornu, Yetsa A., Demetri Goutos, Ioana Ramia, Natalie R. Galea, Margo Lynn Mountjoy, Katharina Grimm, Yinfei Wu, and Sheree Bekker. "'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): e001406. <https://doi.org/10.1136/bmjsem-2022-001406>.
86. 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>.
87. van Eekeren, Frank. "Research on Good Governance: From Puberty to Adulthood." In Geeraert; van Eekeren, *Good Governance in Sport*, 250–261.



88. van Slobbe. "Institutional Enforced Board Diversity in Sport Clubs as Trigger of Us–them Divisions." In Geeraert; van Eekeren, *Good Governance in Sport*, 139–151.
89. Vento, Eetu. "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): 135–57. <https://doi.org/10.1080/18918131.2024.2313907>.
90. Wahlström, Ninni, 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>.
91. Walters, Geoff, and Richard Tacon. "The 'Codification' of Governance in the Non-Profit Sport Sector in the UK". *European Sport Management Quarterly* 18, no. 4 (2018): 482–500. <https://doi.org/10.1080/16184742.2017.1418405>.
92. Weatherill, Stephen. *Principles and Practice in EU Sports Law*. First edition. Oxford European Union law library. Oxford: Oxford University Press, 2017.
93. Wenar, Leif. "Rights". In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman. Spring 2023. Metaphysics Research Lab, Stanford University, 2023.
94. Wiles, Ellen. "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.
95. 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>.
96. World Anti-Doping Agency. "Athletes' Anti-Doping Rights Act". Accessed November 7, 2024. [https://www.wada-ama.org/sites/default/files/resources/files/athlete\\_act\\_en.pdf](https://www.wada-ama.org/sites/default/files/resources/files/athlete_act_en.pdf).
97. World Bank. *Governance and Development*. Washington D.C.: The World Bank Publication, 1992.
98. World Bank. *World Bank United Nations Development Program: Africa's Adjustment and Growth in the 1980s*. Washington D.C.: World Bank, 1998.
99. World Players Association. "Universal Declaration of Player Rights." 2017.
100. 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](https://uniglobalunion.org/wp-content/uploads/WPA-R20-Report_Digital-1.pdf).
101. Zintz, Thierry, 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*, edited by Mathieu Winand and Christos Anagnostopoulos, 53–71. Research handbooks in business and management. Cheltenham, UK, Northampton, MA, USA: Edward Elgar Publishing, 2019.



## THE MACCABIAH AS A NEW SPORTS DIPLOMACY INSTRUMENT


SOPHIA SOLOMON\*  
SHARON PARDO\*\*  
HILA ZAHAVI\*\*\*


UDC 321.7:796(569.4)  
349:796(569.4)  
DOI <https://doi.org/10.30925/slpdj.2.2.4>  
Received on November 22, 2024  
Accepted on December 20, 2024  
Original scientific paper


### Abstract

*This article examines the Maccabiah Games as a unique case study of new sports diplomacy, analyzing how this non-state sporting event functions as a significant soft power resource for Israel, while operating largely independently of state control and financing. Through analysis of historical documents, legislative frameworks, and policy decisions, we investigate the complex relationship between the Israeli state and the Maccabiah Games, which has evolved since its inception in 1932. We argue that while the Games serve as Israel's primary sporting diplomatic vehicle and enhance its international image, they operate primarily through private and civic networks rather than state direction or consistent financial support. This creates an interesting paradox: the Games' independence from state control allows the sports community to maintain autonomy in pursuing its goals, yet this same independence results in minimal state investment, shifting the financial burden onto participants and the Jewish sports community. Despite the Games' significance in promoting Jewish immigration and strengthening ties with the diaspora, Israel lacks a coherent legal framework or consistent funding mechanism for this quadrennial Olympic competition. While state officials regularly participate in ceremonial aspects and leverage the Games for public diplomacy, concrete institutional support remains limited. This situation reflects both Israel's broader underinvestment in sports infrastructure and its tendency to prioritize hard power over soft power resources. The findings contribute to the theoretical understanding of new sports diplomacy by demonstrating how non-state actors can successfully operate major international sporting events that serve national diplomatic purposes, even without substantial state support. The Maccabiah case illustrates the evolving nature of sports diplomacy, where traditional state-centered approaches are increasingly complemented or replaced by more independent, community-driven initiatives that nonetheless advance national soft power objectives.*

**Keywords:** The Maccabiah Games, Jewish Olympics, Sports Diplomacy, New Sports Diplomacy, Israel, Mega-event.

\* Senior researcher at the Center for Sports Diplomacy at Ben-Gurion University of the Negev, Israel, and a teaching professor at the Department of Politics at the University of Virginia, USA.  0000-0001-6907-1550. ✉ [sophia@post.bgu.ac.il](mailto:sophia@post.bgu.ac.il).

\*\* Professor of European studies and international relations at the Department of Politics and Government and the Chairperson of the Center for Sports Diplomacy at Ben-Gurion University of the Negev, Israel.  0000-0003-3886-3664. ✉ [pardos@bgu.ac.il](mailto:pardos@bgu.ac.il).

\*\*\* Director of The Simone Veil Research Centre for Contemporary European Studies at Ben-Gurion University of the Negev, Israel, and an adjunct lecturer at the Department of Sociology Political Science and Communication at The Open University of Israel, Israel.  0000-0001-8933-9489. ✉ [hilape@bgu.ac.il](mailto:hilape@bgu.ac.il)

## 1. INTRODUCTION

The modern nation-state recognizes national sports as a powerful source of financial, political, and sociocultural influence, capable of shaping national identity, influencing international relations, and enhancing public image. The 2022 FIFA World Cup hosted in Qatar, demonstrated how major sporting events can serve as gateways to international political recognition.<sup>1,2</sup> Sports mega-events function as showcases of national power, where both state and non-state actors generate, organize, and perform exhibitions of strength through competition.<sup>3</sup>

In Israel, national sports authorities were established in alignment with Zionist ideology, which viewed physical prowess as integral to the Jewish national revival.<sup>4</sup> Jewish sports associations emerged before the state's establishment, aiming to strengthen Jewish athletes worldwide in preparation for the formation of the Jewish state, advancing the Zionist vision of uniting Jews in their future homeland.<sup>5</sup> These sports organizations served as platforms for building sociopolitical connections with both the Jewish diaspora and the international sporting community.

The Maccabiah Games—often called the “Jewish Olympics”<sup>6,7</sup>—exemplify this mission, continuing as one of the most significant manifestations of this sporting tradition. Held every four years in Israel, the Games now attract more than 10,000 athletes from over 80 countries.<sup>8</sup> From its modest beginnings, the event has grown substantially<sup>9</sup> to become the world's third-largest sporting event and the largest Jewish sports gathering, explicitly “combining Zionism and sports.”<sup>10</sup> The Maccabiah Games, organized by the Maccabi World Union (MWU) under the International Olympic Committee (IOC) oversight, have received limited scholarly attention. Research has focused on analyzing the Games' origins, purpose, and significance through

- 1 Micheal Brannagan and Richard Giulianotti, “Soft power and soft disempowerment: Qatar, global sport and football's 2022 World Cup finals” in *Leveraging Mega-Event Legacies*, ed. J. Grix (London, New York: Routledge, 2018), 89–105.
- 2 Yoav Dubinsky, “Clashes of cultures at the FIFA World Cup: Reflections on soft power, nation building, and sportswashing in Qatar 2022,” *Place Branding and Public Diplomacy* 20, no. 2 (2024): 218–231, <http://dx.doi.org/10.1057/s41254-023-00311-8>.
- 3 Jonathan Grix and Barrie Houlihan, “Sports mega-events as part of a nation's soft power strategy: The cases of Germany (2006) and the UK (2012).” *The British Journal of Politics and International Relations* 16, no. 4 (2014): 572–596. <http://dx.doi.org/10.1111/1467-856X.12017>.
- 4 Haim Kaufman, “The National Ideas of the term muscle Judaism,” *Movement: Journal of Physical Education and Sport Sciences* 3 (1996): 261–282.
- 5 Haim Kaufman, “Jewish sports in the Diaspora, Yishuv, and Israel: Between nationalism and politics.” *Israel Studies* 10, no. 2 (2005): 147–167.
- 6 Stuart Murray, *Sports diplomacy: Origins, theory, and practice* (London, New York: Routledge, 2018).
- 7 Yair Galily, “The contribution of the Maccabiah Games to the development of sport in the State of Israel.” *Sport in Society* 12, no. 8 (2009): 1029.
- 8 “About the Maccabiah,” Maccabi World Union (b), accessed December 15, 2024, <https://www.maccabiah.com/en/>
- 9 Ron Kaplan, *The Jewish Olympics: The History of the Maccabiah Games* (New York: Simon and Schuster, 2015), 252–257.
- 10 “Who we are”, The Maccabiah 2022, Accessed December 15, 2024, <https://m21.maccabiah.com/he/maccabiah/who-we-are>.

socio-political<sup>11</sup> and historical<sup>12</sup> perspectives, particularly regarding their connection to Zionist ideology.<sup>13</sup> Galily<sup>14</sup> analyzed the historical and conceptual foundations of the Games' early period, highlighting its interconnected relationship with broader socio-political dimensions and its role in developing Israeli sports organizations. Bar-Eli and Spiegel<sup>15</sup> conducted a gender-based analysis of participating athletes, contributing to comprehensive empirical datasets that documented participant demographics, geographical distribution, and various athletic statistics.<sup>16</sup> Further research has examined the Games' nationalistic elements during opening ceremonies and investigated themes, tactical approaches, and strategic objectives related to nation branding and sports diplomacy.<sup>17</sup>

Like other cultural domains, sports communicate through a universal, nonverbal language. Sporting events facilitate dialogue and can bridge divides between nations and peoples through a shared appreciation of physical activity, competition, and games.<sup>18</sup> Through Murray's "sports diplomacy" framework, the Maccabiah Games serve as an example of a non-state actor from the sports community gaining national and international recognition, thereby enhancing the state's image and global relationships. This article examines the Maccabiah's distinct character as an emerging form of sports diplomacy by a non-state actor, analyzing its role as a significant soft power resource, while investigating the state's regulatory involvement in this premier Olympic sports institution. The research addresses three key questions: 1. How can the Maccabiah Games be understood within the theoretical framework of sports diplomacy? 2. In what ways do the Jewish Olympics serve as a source of soft power for Israel? 3. What legal framework governs the Maccabiah's operations, and what insights can be drawn about state-sports relations from this case?

## 2. SPORTS AS AN INTEGRAL COMPONENT OF THE DIPLOMATIC TOOLKIT

Sports, as an integral part of modern culture, serves as a tool for gaining soft power.<sup>19</sup> Nye coined the term "soft power"<sup>20</sup> to describe an "attractive power" that uses specific resources to "communicate with and attract the public of other countries, rather than merely their

---

11 Haim Kaufman and Yair Galily, "Sport, Zionist ideology and the State of Israel", *Sport in Society* 12, no. 8 (2009): 1013–1027, <http://dx.doi.org/10.1080/17430430903076316>.

12 George Eisen, *The Maccabiah Games: A History of the Jewish Olympics* (PhD diss., University of Maryland, 1979).

13 Hagai Harif, "Muscles Zionism", Jerusalem: Ben Zvi Institute, Ed. Katz, S. (1993). Z'abo. Tel Aviv: Kinneret, 2011 [Hebrew].

14 Galily, "Contribution of Maccabiah", 1028–1037.

15 Michael Bar-Eli and Adara Spiegel, "Israeli women in the Olympic and Maccabiah games, 1932–1992: Patterns of stability and change", *International Review for the Sociology of Sport* 31, 4 (1996): 385–403, <https://doi.org/10.1177/101269029603100403>.

16 Haim Kaufman, "The Maccabiah Games and their Importance, Past and Present," *Zemanim History Quarterly* (2013): 90–99; See also Kaplan, *Jewish Olympics*.

17 Yoav Dubinsky and Lars Dzikus, "Israel's strategic and tactical use of the 2017 Maccabiah Games for nation branding and public diplomacy," *Journal of Applied Sport Management* 11, no. 1 (2019): 5.

18 Murray, "Sports diplomacy", 2.

19 Håvard Møkleiv Nygård and Scott Gates, "Soft power at home and abroad: Sport diplomacy, politics and peace-building," *International Area Studies Review* 16, no. 3 (2013): 235–243, <https://doi.org/10.1177/2233865913502971>.

20 Joseph Nye, *Soft power: The means to success in world politics* (Public affairs: 2004). Also: Joseph Nye, "Soft power: the origins and political progress of a concept". *The Journal of International Communication* 28, no. 1 (2022): 1–7.

governments.<sup>21</sup> His framework identifies economy, technology, and culture as key resources that enhance a state's ability to achieve international objectives. Governments deploy soft power through public diplomacy to influence hearts and minds by leveraging attractive culture, coherent political values, and legitimate foreign policies.<sup>22</sup> Sports effectively meet these cultural criteria as a recognized source of such power at the practical level. For example, Vakil and Quilliam<sup>23</sup> identify various "markers" of soft power, ranging from sporting achievements and public relations to technological innovation, religious tolerance, and economic policy, in the case of the Abraham Accords, signed between Israel and the United Arab Emirates, Bahrain, and Morocco.<sup>24</sup> Sports' effectiveness in public relations stems from its role as a state's "cultural good," shaping both domestic and international perceptions.

The assimilation of soft power resources occurs through internal practices and directed policies.<sup>25</sup> States base their soft power activities on distinct resources, targeting specific audiences.<sup>26</sup> While soft power serves diplomatic purposes<sup>27</sup> and draws upon popular culture,<sup>28</sup> international sports create unique opportunities for governments to demonstrate their state power and athletic prowess.<sup>29</sup> Sports provide a platform for public exposure and influence diplomatic relations between governments, nations, and peoples.<sup>30</sup> Large-scale sporting competitions, with their global significance and mass appeal, serve states' foreign policy goals through soft power demonstrations via public diplomacy.<sup>31</sup> This reinforces the understanding that sports constitute a cultural soft power resource, intersecting with various diplomatic contexts.<sup>32</sup>

Sports mega-events function as a crucial component of governmental diplomatic strategy for generating soft power within a broader strategic framework.<sup>33</sup> Given the fundamental importance of soft power in building and shaping states' foreign relations, image, and reputation,<sup>34</sup> the sports platform facilitates communication, demonstration, and enhancement of public relations. Sports diplomacy encompasses the strategic use of consensus-building, normative practices in sports, athletic figures, sporting events, and non-state actors by foreign affairs ministries to maximize initiatives spanning people-to-people connections, commerce,

---

21 Joseph Nye, "Public diplomacy and soft power", *The Annals of the American Academy of Political and Social Science* 616, no. 1 (2008): 94–109, <https://doi.org/10.1177/0002716207311699>.

22 Nye, "Public Diplomacy", 95–96.

23 Sanam Vakil and Neil Quilliam, "The Abraham Accords and Israel–UAE Normalization." Chatham House, accessed December 15, 2024, <https://www.chathamhouse.org/2023/03/abraham-accords-and-israel-uae-normalization/03-security-landscape> (дата звернення 09.04. 2023) (2023).

24 Vakil and Quilliam, "Abraham Accords", 32.

25 Nye, "Public Diplomacy", 95.

26 Jon Dart, "Brand Israel: Hasbara and Israeli sport", *Sport in Society* 19, no. 10 (2016): 1402, <https://doi.org/10.1080/17430437.2015.1133595>.

27 Hongying Wang and Yeh-Chung Lu, "The conception of soft power and its policy implications: A comparative study of China and Taiwan." *Journal of Contemporary China* 17, no. 56 (2008): 425–47.

28 Nye, "Public Diplomacy", 96.

29 Stuart Murray and Geoffrey Allen Pigman, "Mapping the relationship between international sport and diplomacy", *Sport in Society* 17, no. 9 (2014): 1100, <https://doi.org/10.1080/17430437.2013.856616>.

30 Ibid, 1107.

31 Grix and Houlihan, "Sports Mega-events", 573.

32 Ibid, 576–578.

33 Jonathan Grix and Paul Michael Brannagan, "Of mechanisms and myths: Conceptualising states' soft power" strategies through sports mega-events." *Diplomacy & Statecraft* 27, no. 2 (2016): 251–272.

34 Murray, "Sports Diplomacy", 93.

and education.<sup>35</sup> This diplomacy manifests in various forms, from hosting and participating in significant events aligned with state interests,<sup>36</sup> to sponsoring sports exchanges and disseminating expertise.<sup>37</sup> Sports Mega-events,<sup>3839</sup> therefore, constitute an integral element of a state's cultural soft power resources.<sup>40</sup>

Murray<sup>41</sup> delineates two distinct forms of sports diplomacy. The traditional form encompasses the governmental use of sports as a diplomatic instrument, employing diplomatic messaging and public events to facilitate interstate dialogue.<sup>42</sup> The archetypal example of sports soft power emerged through "Ping Pong Diplomacy," which implemented a foreign policy that enabled the regime to transmit and reproduce its cultural image.<sup>43</sup> The non-traditional form (or "new sports diplomacy") addresses non-state actors, diplomatic representation, various communication forms, and their diplomatic implications.<sup>44</sup> This approach emphasizes networks of diverse actors in collaborative strategies, where governments no longer maintain primary agency.<sup>45</sup> Traditional and new sports diplomacy frequently "overlap on important occasions," combining multiple actors' involvement in representation and negotiation across governments, sports entities, global media, and civil society.<sup>46</sup>

As Murray argues, sports have evolved into a vital soft power resource, transcending mere spectacle to become an integral component of the diplomatic toolkit in demonstrating connections between nations, states, and divided peoples.<sup>47</sup> Consequently, comprehensive research must examine all actors performing diplomatic functions by analyzing their political actions and roles within the international sports community,<sup>48</sup> encompassing both state entities engaged in traditional diplomacy and sports organizations representing new/non-traditional diplomatic forms.<sup>49</sup> The following sections analyze the Maccabiah Games through the theoretical framework of an international sports mega-event, primarily operated by non-state entities that enhance the state's soft power image through a hybrid implementation of traditional and new sports diplomacy.

---

35 Ibid, 94.

36 Udi Carmi and Orr Levental, "Ambassadors in track suits: The public relations function of Israeli delegations to the Olympic games during the State's first decade". *Sport History Review* 50, no. 1 (2019): 17–37, <http://dx.doi.org/10.1123/shr.2018-0042>.

37 Dubinsky, "Clashes of cultures".

38 Hila Zahavi and Gal Ariely, "The Eurovision song contest and the potential of unintended events and public diplomacy: How exposure to an international mega-event shapes external views of the EU". *Journal of Contemporary European Studies* 32, no. 5: (2024): 1148–1160, <https://doi.org/10.1080/14782804.2024.2324289>.

39 Brannagan and Giulianotti, "Soft power", 89–105; Grix and Brannagan "of mechanisms"; Grix and Houlihan, "Sports Mega-events".

40 Nye, "Public Diplomacy"; Nye "Soft Power origins".

41 Muraay, "Sports Diplomacy".

42 Murray and Pigman, "Mapping the relationship", 1099.

43 Nygård and Gates, "Soft Power home", 236.

44 Murray and Pigman, "Mapping the relationship", 1099–100.

45 Murray, *Sports Diplomacy*.

46 Murray and Pigman, "Mapping the relationship", 1099–101.

47 Murray, *Sports Diplomacy*, 126.

48 Ibid, 3–5.

49 Ibid, 5–6.

### 3. ON POLICY, LEGISLATION, AND SOFT POWER MECHANISMS: THE CASE OF THE MACCABIAH GAMES

#### 3.1. State-sports relations: socio-political background

In Israel, sports function as an instrument for constructing political, ethnic, class, and gender-based identities.<sup>50,51</sup> During the nation's formative years, all sports clubs maintained explicit political-Zionist affiliations.<sup>52</sup> Prior to Israel's establishment, the Zionist movement embraced sports as an integral component in shaping Jewish cultural and national identity.<sup>53</sup> At the Second Zionist Congress in 1898, Dr. Max Nordau introduced the concept of "Muscle Judaism," an ideology that articulated the aspirational Jewish image.<sup>54</sup> This ideology sought to cultivate a "strong" and "warrior" Jew—humble and connected to nature—who would revive ancient heroism myths in the Land of Israel, in contrast to the "exiled" Jew, characterized as "weak," "oppressed," and "skinny." In response to rising antisemitism in Europe, Nordau believed that physical education for youth would facilitate the revival of the "lost muscular Judaism."<sup>55</sup> This emphasis on athletic development aligned with contemporary movements, as Muscular Christianity and German Turnen had incorporated gymnastics into educational systems throughout Germany and Eastern Europe.<sup>56</sup> This ideology catalyzed the emergence of sports clubs and significantly influenced Jewish masculinity and sports associations.<sup>57</sup>

Sports, as envisioned through Nordau's ideology, facilitated the integration of physical strength into broader national missions, connecting to Jewish history and narratives of national heroes,<sup>58</sup> while serving as an instrument for Jewish national unity.<sup>59</sup> His philosophy laid the foundation for numerous Jewish National Sports Associations, many of which were named after Jewish warriors.<sup>60</sup> The project of Jewish state-building incorporated this pragmatic utilization of sports to address security, political, and social imperatives, tasks undertaken by sports club members.<sup>61</sup>

---

50 Amir Ben Porat, 'How much did H'apoel score?' The transformation of the game to commodity: The case of Israeli soccer", *Megamot* (1999): 517–534.

51 Shlomit Guy, "Go West: The Westernization of Israeli Football in the Early Twenty-First Century", *Israel Studies Review* 34, no. 3 (2019): 34–46, <https://www.jstor.org/stable/48563851>.

52 Haim Kaufman, "'Maccabi' versus 'Hapoel', the formation of the political division in sports H'Eretz-Israeli", in *Body Culture and Sport In Israel in the 20th century*, eds. Haim Kaufman and Hagai Harif (Jerusalem: Yad Ben Zvi and the Wingate Institute, 2002): 89–112.

53 Kaufman, "National ideas", also "Jewish sports".

54 Bar-Eli and Spiegel, "Israeli women"; also, Boryana Angelova-Igova, "The Meaning of Sport as Multicultural Dialogue in Max Nordau's Philosophy", in *Sport, Identity, and Community*, eds. Andy Harvey and Richard Kimball (Leiden: Brill, 2016), 143–150, [https://doi.org/10.1163/9781848884526\\_014](https://doi.org/10.1163/9781848884526_014).

55 Kaufman, "National ideas", 262–265.

56 Tod Samuel Presner, *Muscular Judaism: The Jewish body and the politics of regeneration* (London, New York: Routledge, 2007).

57 Yoav Dubinsky, *Israel's Use of Sports for Nation Branding and Public Diplomacy* (PhD diss., University of Tennessee, 2018): 32.

58 Kaufman, "National ideas", 270.

59 Kaufman, "National ideas", 261.

60 *Bar Kochva, Samson the Hero, Bar Giora, and Yehuda the Maccabee (also: Maccabi)*, in Kaufman, "National ideas", 262–264, 271.

61 Harif, "Muscle Zionism", 125.



The “Maccabi” Sports Association was established as a Zionist sports organization<sup>62</sup> with a goal to engage Jewish youth who lacked national affiliation, reconnecting them to Judaism through athletic participation.<sup>63</sup> The first Maccabi club, “Maccabi Kushta,” emerged in Constantinople in 1895,<sup>64</sup> driven by rising antisemitism and local sports associations as mechanisms for strengthening national consciousness and the Zionist movement.<sup>65</sup> The name ‘Maccabi’ symbolized the training of its members as a “fighting force” in the national struggle to create the “new Jew.”<sup>66</sup> Members of these sports associations undertook practical responsibilities, including physical guarding and security protection, tasks essential for safeguarding Jewish settlements in what would become Israel.<sup>67</sup>

The history of sports clubs in Israel chronicles their establishment through political movements aligned with Zionist ideologies.<sup>68</sup> Following the state establishment, identification with specific sports clubs reflected affiliation with particular political perspectives, which were utilized and financially supported by the ruling party of each association.<sup>69</sup> In the unique context of “state-building,” this political framework drove development and maintained overall financial resources. Subsequently, perceptions of sports evolved gradually, adopting free market economic principles, and viewing sports as a commercial enterprise.<sup>70</sup> With the commercialization of Israeli sports,<sup>71</sup> Zionist parties’ involvement in the sports clubs diminished significantly, transferring control to private entities, state sports institutions, and civic organizations. Maccabi remained the most prominent association, expanding and enhancing its sports enterprise while continuing to implement Nordau’s vision of Muscle Judaism.

Sports as a “soft power resource” enabled Israel to establish international connections during its early years of diplomatic isolation. While Israeli national teams competed across different continents (Asia, Europe, and America), Arab nations refused to engage with Israeli teams for political reasons.<sup>72</sup> During Israel’s first decade (1948–1958), Olympic delegations were strategically utilized for public relations to project positive state values.<sup>73</sup> Despite recognizing sports as a national mission, Zionist institutions maintained indifference toward athletics, preferring to view it as an auxiliary tool for the War of Independence (1948) rather than as a field worthy of independent support, consequently withholding financial assistance from sports associations.<sup>74</sup> Prime Minister David Ben Gurion led the perspective that sports were merely “means and not a target,” distinguishing between workers’ sports and bourgeois

---

62 Kaufman, “Maccabiah games”.

63 Kaufman, “National ideas”, 275.

64 “History,” Maccabi World Union Archive, accessed December 15, 2024, <https://archive.maccabi.org/>.

65 Kaufman, “Maccabiah games”, 90.

66 Harif, “Muscle Zionism”, 127.

67 Ibid, 128.

68 Kaufman, “Maccabi versus”.

69 Ben Porat, “How much:”, see also Amir Ben Porat, “Progress and its lessons: Is there only one future?- Preface,” *Movement: Journal of Physical Education & Sport Sciences* 1, no. 22 (2006): 7–19.

70 Udi Carmi, “From Enthusiasts to professionalism: the beginning of elite sports in Israel,” *Social Issues in Israel* (2020): 193–220.

71 Amir Ben Porat, “‘Linesmen, Referees and Arbitrators’: Politics, Modernization and Soccer in Palestine”, in *Europe, Sport, World*, ed. J.P. Mangan (London, New York: Routledge, 2013): 131–154.

72 Carmi and Levental, “Ambassadors”, 21.

73 Carmi and Levental, “Ambassadors”, 18.

74 Kaufman, “National ideas”, 276.

athletics, despite sports' importance to the state and its residents and its construction within Zionist ideology. This stance conflicted with other Labor party members who viewed sports as vital for achieving political, educational, or security objectives. The broader labor movement dismissed sports as "a bourgeois amusement" that diverted resources from nationally important assignments.<sup>75</sup>

### 3.2. The Maccabiah Games

Yosef Yekutieli, a Maccabi association member, attended the Maccabi World Congress in Czechoslovakia in 1929, where he presented to the MWU the idea of the "Maccabiah" – the first-ever mass competition modeled after the Greek Olympics that would bring together Jewish athletes from around the world. Yekutieli's proposal was accepted, and the inaugural games were planned to commemorate the 1,800<sup>th</sup> anniversary of the Bar Kokhba Revolt.<sup>76</sup> The first Maccabiah, organized in 1932, in Tel Aviv under British Mandatory Palestine, brought together 390 athletes from various countries across Europe, Asia, and the United States (US). Participants competed in numerous sports, including athletics, swimming, soccer, field hockey, tennis, handball, water polo, and fencing.<sup>77</sup> The MWU cooperated with the Tel Aviv municipality and Jewish authorities to organize the event, which included the construction of a special stadium for the occasion, as documented by the Zionist Archive.

Beyond developing sports culture, the Maccabiah was intended to strengthen the connection between the Land of Israel and Jewish communities abroad and to encourage young people to immigrate there. Indeed, there were athletes, mainly from Europe, who took advantage of their stay in the country and remained there without immigration permits after the Games ended.<sup>78</sup>

The concept of "Muscle Judaism" and its manifestation in the Maccabiah Games has been extensively studied,<sup>79</sup> alongside research examining prominent Jewish athletes throughout the Games' history.<sup>80</sup> Dubinsky argues that the Maccabiah Games have evolved in parallel with the State of Israel, serving as one of the Zionist Movement's most significant tools. They persevered through "security threats and international political boycotts" while continuing to "break records of attendance and participation, bringing tens of thousands tourists to Israel, having a touristic, cultural and even diplomatic role in modern Zionism."<sup>81</sup> The Games' fundamental purpose of encouraging Jewish immigration to Israel has remained constant throughout its history.<sup>82</sup> Each tournament features a distinct public relations campaign,

---

75 Udi Carmi and Anat Kidron, "Maccabi- From Sports Association to a Political Party", in *Sportgeschichte in Deutschland-Sport History in Germany: Herausforderungen und internationale Perspektiven-Challenges and International Perspectives*, eds. Michael Krüger, Annette R. Hofmann (Heidelberg, Springer: 2020), 101–124.

76 "Maccabiah History," Jewish Sports Museum, accessed December 15, 2024, <https://history.maccabiah.com/he/maccabiah-history>.

77 "Maccabiah Games," The Central Zionist Archive, World Zionist Organization, accessed December 15, 2024, <http://www.zionistarchives.org.il/Pages/Maccabiah.aspx>.

78 "Maccabiah Games," The Central Zionist Archive, World Zionist Organization, accessed December 15, 2024, <http://www.zionistarchives.org.il/Pages/Maccabiah.aspx>.

79 Angelova-Igova, "Meaning of sports".

80 Kaufman, "Maccabiah games".

81 Dubinsky, *Israel's use*.

82 Dubinsky, *Israel's use*, 33.

complete with branded materials, advertisements, and creative themes that emphasize the Zionist ideology of connecting Jewish communities worldwide through their relationship with Israel.

In 1960, the IOC recognized the MWU as meeting Olympic standards. Despite opposition from several Arab states, the Maccabiah was granted Olympic status as a regional competition among the international sports unions.<sup>83</sup> This IOC recognition was crucial for Israel's international image and diplomatic relations, as the country faced numerous challenges due to its complex security and territorial conflict with Palestinians and neighboring states. The IOC's acknowledgment required the Maccabi Organizing Committee to adhere to international sports regulations and norms, aligning with Israel's broader commitment to Olympic values in its sports education system.<sup>84</sup>

Despite attracting thousands of Jewish athletes and Israel's aspirations for developing professional sports, the government provided limited support to these Olympic events that represented its national values. During the 7<sup>th</sup> Maccabiah in 1965, the state contributed merely 8% of the event's total budget of 4.2 million NIS, even though the Games drew 10,000 participants and visitors from 21 countries.<sup>85</sup> The 1969 organizing committee noted a decline in Olympic sports performance standards and determined that insufficient state funding had negatively impacted the Israeli delegation's competitive level. The Israeli team comprised only 25% of the total 1,450 Jewish competitors.<sup>86</sup>

Despite Israel's Olympic aspirations, the Maccabiah Games experienced a decline in their status as an international Olympic event. Although athlete participation continued to grow steadily,<sup>87</sup> the long-anticipated increase in state investment never materialized. The 1997 opening ceremony turned tragic when a bridge collapse killed four Australian athletes and injured many others.<sup>88</sup> This devastating incident highlighted the consequences of the state's diminished prioritization of sporting events relative to other concerns. In the aftermath, it became evident that the Maccabiah lacked proper legal framework and was driven more by sporting organizations than government oversight. This was exemplified during the 2001 Games when no government ministry volunteered to take responsibility for security measures. Instead, the event was treated as a local matter for the Jerusalem municipality, which hosted the opening ceremony, rather than as an international Olympic venue that could enhance Israel's standing in the Jewish world.<sup>89</sup> Nevertheless, the Maccabiah continued to attract significant participation, drawing over 7,000 athletes to both the 17<sup>th</sup> Games in 2005 and the 18<sup>th</sup> Games in 2009.<sup>90</sup>

Over time, the Maccabiah's Olympic prestige diminished among international athletes, as

---

83 Galily, "Contribution of Maccabiah", 1032.

84 Rebekka Lang Fuentes, *Olympism, and Human Rights: A Critical Analysis Comparing Different National Olympic Education Programmes in Europe* (Heidelberg: Springer Nature, 2022).

85 Galily, "Contribution of Maccabiah", 1032–1033;

86 Galily, "Contribution of Maccabiah", 1033.

87 For example, from 980 athletes in 1957 to 5,000 athletes in 1992, Kaufman, "Maccabiah games", 95–97.

88 Galily, "Contribution of Maccabiah", and Kaufman, "Maccabiah games".

89 Tal Ben Baruch, "Maccabiah: Who is responsible for safety?", *Ynet*, April 4, 2001, <https://www.ynet.co.il/articles/0,7340,L-664569,00.html>.

90 Kaufman, "Maccabiah games", 96–97.

many participants were not actively involved in competitive sports. This decline, coupled with minimal media coverage outside the opening ceremony, contributed to waning public interest in Israel.<sup>91</sup> The reduced engagement can be attributed to several factors: evolving relationships between Israel and the Jewish diaspora, with the Games reinforcing diaspora identity rather than promoting immigration to Israel; the emergence of modern antisemitism necessitating counter-events; Israel's complex position in international sports organizations, facing ongoing boycotts from some Middle Eastern states; and the broader shift toward recreational sports, rather than concentration on athletic excellence, which has impacted the Games' competitive quality.<sup>92</sup>

### 3.3 LEGISLATION AND POLICY

The evolution of Israeli foreign relations toward the end of the 20<sup>th</sup> century<sup>93</sup> paralleled two contrasting trends in the Maccabiah Games: a significant increase in overall Jewish participation,<sup>94</sup> coupled with declining involvement from internationally recognized Jewish Olympic athletes.<sup>95</sup> One explanation for this shift may lie in the growing financial burden placed on participants over the past two decades. As financial support reflects state policy priorities, an examination of government investment in the Games during this period reveals the absence of a consistent economic framework to support the Maccabiah's national significance.

In 2005, state funding for the Maccabiah amounted to just \$1.5 million, while participant fees (\$2,250 per person) generated \$13 million.<sup>96</sup> Zvi Varshevsky, chairman of the Maccabi Israel association, noted that the Maccabiah's state funding was classified as "special" and separate from the Ministry of Sports and Culture's \$17 million budget. He explained that the state lacked sufficient resources to increase sports investment, particularly for the Maccabiah.<sup>97</sup> By 2009, the Games' total budget reached \$20 million, funded primarily through participant fees of \$2,930 per athlete. Despite this limited state investment, the Games generated approximately \$40 million in revenue for Israel's economy.<sup>98</sup>

In 2013, participant fees rose to \$3,700 per person, while media outlets criticized the event as "unnecessary for Israeli society," highlighting its commercial focus at the expense of athletic quality.<sup>99</sup> State investment during this period amounted to \$5–6 million.<sup>100,101</sup> For the 2017

---

91 Kaufman, "Maccabiah games", 97.

92 Kaufman, "Maccabiah games", 97–98.

93 Uri Bialer, *Israeli Foreign Policy: A People Shall Not Dwell Alone* (Indiana: Indiana University Press, 2020).

94 Jewish Sports Museum, "Maccabiah history".

95 Kaufman, "Maccabiah games", 97.

96 Aviva Carol, "The Maccabiah is not an expense, in my opinion, it is an income," *Globes*, July 12, 2005, <https://www.globes.co.il/news/article.aspx?did=933228>.

97 Carol, "Maccabiah".

98 ONE system, "Maccabiah is supposed to bring in about NIS 140 million into the economy," *Sports ONE*, January 4, 2009, <https://www.one.co.il/Article/129811.html>.

99 Tal Volak, "120 million shekels for a side event: Isn't it time to give up on the Maccabiah?," *Globes*, July 16, 2013, <https://www.globes.co.il/news/article.aspx?did=1000862500>.

100 Walla Sports, "The government approved allocating NIS 18 million to Maccabiah", *Walla Sports*, June 12, 2012, <https://sports.walla.co.il/item/2540861>.

101 Prime Minister Office, "Holding the 19th Maccabiah events in the summer of 2013—Resolution number 4746 of the government of 10.06.2012", July 12, 2012, [https://www.gov.il/he/pages/2012\\_des4746](https://www.gov.il/he/pages/2012_des4746).

Games, the government initially approved only \$1 million, but later increased funding by 27% compared to 2013.<sup>102</sup> However, the state's contribution remained a minority share of the total budget.

The 2022 Maccabiah reached a budget of \$60–70 million, attracting 10,000 athletes from 80 countries. While the event's income matched its expenses, with both the Jerusalem municipality and the state benefiting as recipients, funding came primarily from participant and athlete fees. Beyond the financial aspects, the Games maintained their role in promoting immigration, with approximately 5% of participants reportedly relocating to Israel following the event.<sup>103</sup> The latest statistics highlight Israel's expected benefits from these traditional tournaments. While the state maintains limited direct financial investment, it capitalizes on Maccabiah's status as a national asset associated with "positive" immigration. Each tournament is commemorated through special government-issued medals available for public purchase. The Governmental Unit for Coins and Medals maintains this tradition to preserve the Games' place in Israeli sports history. For instance, in 2013, the Unit released special commemorative medals, describing them as "historical souvenirs." These medals incorporated various national symbols, including the state emblem, a stylized Maccabiah torch integrated with a Star of David pattern, and the biblical phrase "Light as an eagle, runs like a deer."<sup>104</sup> The promotional material for these medals emphasized their connection to Jewish immigration, stating:

The Maccabiah held once every four years, is the largest Jewish sporting event in the world. The feeling of belonging to the people and the country is getting stronger and some *immigrate to Israel*. For all sports enthusiasts and lovers of the Land of Israel, the medal.<sup>105</sup>

In the context of Jewish immigration, the Law of Return (1950), under which the Ministry for Diaspora Affairs and Combating Antisemitism operates, is positioned as a key beneficiary of the Maccabiah Games. The Law of Return establishes the fundamental right of all Jews in the diaspora to immigrate to Israel, subject to specific restrictions and definitions regarding Jewish heritage.<sup>106</sup> The Ministry for Diaspora Affairs and Combating Antisemitism, as the governmental institution responsible for connections with the Jewish diaspora abroad, is deeply involved in content creation, publication, and communication with potential Jewish immigrants. According to its official website, the Ministry pursues three national objectives: strengthening Jewish identity and connections to Israel among diaspora communities, combating global antisemitism, and countering delegitimization of Israel.<sup>107</sup>

The Ministry actively collaborates with Jewish communities and pro-Israel organizations

---

102 Prime Minister office, Government Decision 2167, "Holding the 20th Maccabiah events in the summer of 2017 Resolution number 831 of the government dated 13.12.2015", [https://www.gov.il/he/pages/2015\\_dec8316.6.2017](https://www.gov.il/he/pages/2015_dec8316.6.2017).

103 Uriel Deskel, "10,000 athletes, a budget of NIS 200 million: the numbers behind Maccabiah", *Calcalist*, June 7, 2022, [https://www.calcalist.co.il/sport\\_news/article/b1ecmahdq](https://www.calcalist.co.il/sport_news/article/b1ecmahdq).

104 "The 19<sup>th</sup> Maccabiah", Israel Coins and Medals Corporation, accessed December 15, 2024, <https://il.israelmint.com/he/21973390.html>.

105 "The 19<sup>th</sup> Maccabiah", Israel Coins and Medals Corporation.

106 "Law of return-1950, Nevo," Last version: September 18, 2023 [https://www.nevo.co.il/law\\_html/law00/72231.htm](https://www.nevo.co.il/law_html/law00/72231.htm).

107 "About," The Ministry for Diaspora Affairs, accessed November 20, 2024, [https://www.gov.il/en/pages/about\\_diaspora](https://www.gov.il/en/pages/about_diaspora).

to “strengthen the relationship between the State of Israel and the Jewish communities in the Diaspora and to improve their resilience [...] in increasing the number of students who study in Jewish education through the strengthening of the ‘Educational Axis’ using training, significant pedagogical moves, and economic assistance.”<sup>108</sup>

Given its responsibility for increasing annual Jewish immigration to Israel, the Ministry views the Maccabiah Jewish Olympics as a strategic platform for encouraging young Jews to relocate from their countries of origin. This connection between the Maccabiah Games and immigration has been present since the event’s early years. During the third Maccabiah Games, the official website highlighted the significance of the newly legislated Law of Return.

That year, Jerusalem was proclaimed the capital of Israel and the Knesset passed the Law of Return, permitting every Jew to immigrate to Israel and become a citizen. 170,000 Jews availed themselves of the opportunity, most of whom came from North Africa. Due to the lack of facilities, many of them were housed in tent cities.<sup>109</sup>

According to the Jewish Agency, as of 2024, the global Jewish population stands at 15.7 million, with 7.2 million residing in Israel.<sup>110</sup> The Maccabiah Games consistently serve as a platform to promote Jewish immigration to Israel. This strategic approach is also reflected in parliamentary proceedings. Prior to the 2013 Games, the chair of the Knesset’s Absorption Committee, a former Judo athlete, stressed the importance of providing support to athletes arriving with the intention to immigrate. However, despite recognizing the Games’ role in strengthening ties with the Jewish diaspora, no additional funding was allocated to the Maccabiah itself.<sup>111</sup> In recent years, this immigration pathway has become particularly relevant for Jewish athletes from Russia and Ukraine, who participated in the Maccabiah following the outbreak of war in February 2022.<sup>112</sup>

The Law of Sports (1988), which might be expected to provide the primary legal framework for a major national sporting event, notably lacks provisions for financial investments in sports events, focusing instead on infrastructure and sports facilities.<sup>113</sup> Chapter Two of the Law primarily addresses regulatory aspects of sports administration, such as the committee for position appointing (Amendment No. 7), which is established by the Minister of Culture and Sports (Section C). Significantly, the law makes no specific mention of the Jewish Olympics, nor does it address other state investments in sports. Chapter Three outlines the structure of The National Sports Council (Amendment No. 6), comprising 20 members from sports institutions (including the Olympic Committee in Israel) along with representatives from the Ministry of Treasury (Section B2) and the Ministry of Justice (Section B3) (Amendment No. 14).

---

108 “About”, The Ministry of Diaspora.

109 “The third Maccabiah”, Maccabi World Union (a), accessed November 20, 2024, <https://www.maccabiah.com/en/?view=article&id=600:third-maccabiah&catid=41>.

110 The Jewish Agency, “Rosh Hashanah Eve 5774: Approximately 15.7 million Jews in the world, of which 7.2 million live in Israel”, accessed December 15, 2024, <https://www.jewishagency.org/il/jewish-population-report-2023/>.

111 Oren Aharoni, “Razvovoz: “Athletes are ambassadors, we should invest in them”, *Ynet*, May 20, 2013, <https://www.ynet.co.il/article/4381881>.

112 Ilana Stottlend, “Their victory: Meet the new immigrants who will compete in the Maccabiah”, *Maariv*, July 14, 2022, <https://www.maariv.co.il/sport/other/Article-931583>.

113 “Law of Sports-1988”, *Nevo*, accessed December 15, 2024, [https://www.nevo.co.il/law\\_html/law01/p171m1\\_001.htm#med1](https://www.nevo.co.il/law_html/law01/p171m1_001.htm#med1).

A 2018 amendment expanded the council's responsibilities to include: advising the Minister on developing comprehensive, long-term sports policy for promoting physical activity and sports in Israel; counseling on priority-setting for sports resource allocation, including athlete identification and development; and formulating recommendations on sports-related matters as requested by the Minister or Minister of Finance, with such recommendations being submitted for ministerial review.

The absence of structured planning for preserving and investing in the largest Jewish sports event is notable in the legal framework. This lack of legal provisions regarding state support is further highlighted by ongoing struggles over financial investments in the Maccabiah. While this does not preclude involvement from the Minister of Sports and Culture in event preparations – as evidenced by the Minister's participation in revealing the new logo and emphasizing the Games' significance to Israel<sup>114</sup> – it does reflect a disconnect between ceremonial support and institutional backing. Notably, even the 2017 Maccabiah's "Charter of Service" lacks any reference to Israeli law as a source of authority for conducting the events in Israel.<sup>115</sup>

The two main governmental ministries involved in the Maccabiah focus primarily on its potential political benefits, such as promoting immigration and organizing a large-scale event independently. However, no Israeli law exists to regulate or structure the Maccabiah's operations. Prior to the 2022 Games, criticism appeared on Ynet – Israel's most popular news site – highlighting both the absence of state financing and declining athletic standards. The article noted that:

To compete in the Olympics, the athletes are required to meet international and local criteria. The Jewish Olympics works differently and is managed by "Maccabi World Union," which operates hundreds of clubs in about 80 countries [...] The amount required by the Maccabiah headquarters for each guest participant is 3,958 dollars [...] This is a kind of *unregulated* market.<sup>116</sup>

In addition, the state's financial participation in the Maccabiah is reassessed every four years through "The Budget Law," which determines actual state support based on competing priorities, particularly security matters. Israeli sports funding draws from multiple sources, including state allocations, philanthropy, civic and sports organizations, international companies, and the private sector.<sup>117</sup> The sports sector has historically suffered from insufficient budgeting and inadequate infrastructure investment,<sup>118</sup> independent of the Maccabiah events.

---

114 Walla Sports system, "In the presence of Minister Mickey Zohar: The logo of the 25th Maccabiah was launched", Walla Sports, May 18, 2023, <https://sports.walla.co.il/item/3579772>.

115 The 20th Maccabiah", Maccabi World Union (c), accessed November 20, 2024, <https://m20.maccabiah.com/maccabiah/service-legal-agreement>.

116 Amir Peleg, "The Schnorr Olympics: How the Maccabiah Became an Event for the Rich- Investigation", Ynet, November 14, 2021, <https://www.ynet.co.il/sport/article/skeujs6wk>.

117 Valeria Siegel Sheffer, "Changing the game's rules: Gender perspective on Sports' budget in Israel" (Adva Center, 2012), <https://adva.org/wp-content/uploads/2015/02/sport-site1.pdf>.

118 Shmuel Deklo, "High Court of Justice agrees: Local Government Center will establish a committee to determine procedures for local authority support in sports", Globes, December 6, 1996, <https://www.globes.co.il/news/article.aspx?did=119959>.

A government decision regarding the 2022 Maccabiah reflected a policy of budget reduction compared to previous years. While the government “welcomed the MWU decision to perform the opening ceremony in Jerusalem, and the other competitions across the country,” it allocated 32.6 million NIS for “holding of international sports gatherings, in a way that will allow adequate support in organizing for the holding of the 21<sup>st</sup> Maccabiah events.”<sup>119</sup>

Regarding the upcoming 2025 Maccabiah Games, the government continues to rely on the “Budget Law” (Section 40A), which enables financial support for specific events through allocations from various government offices.<sup>120</sup> The state is expected to contribute 48 million NIS towards the total Maccabiah budget of 270 million NIS.<sup>121</sup> However, an ongoing debate persists among ministries pledged to participate in state financing, particularly concerning the 10 million increase from 2022.<sup>122</sup>

The Maccabiah’s significance as a source of political influence is further demonstrated by the consistent presence of prime ministers and state presidents at opening ceremonies over the years<sup>123</sup> along with the symbolic relocation of the opening ceremony to Jerusalem – a decision carrying profound Zionist and political meaning. The 2022 Games particularly highlighted this political prominence, featuring appearances by U.S. President Joe Biden, the Israeli prime minister and president, and various international ambassadors.<sup>124</sup> This high-level participation underscores the Maccabiah’s importance as a platform for public visibility, diplomatic engagement, and international sports competitions.

#### 4. THE MACCABIAH GAMES AND NEW SPORTS DIPLOMACY

The Maccabi World Organization exemplifies Murray’s concept of “non-state sporting actors and diplomacy,” with Murray identifying the Maccabiah Games as Israel’s “chief sporting diplomatic vehicle.”<sup>125</sup> Sporting tournaments can help reshape national stereotypes by providing opportunities for nations to celebrate their distinct cultural identity, history, and religion. The Jewish Olympics serves a diplomatic function by unifying the Israeli nation through connections with Jewish communities worldwide.<sup>126</sup> Given the Maccabiah’s reliance on independent operational mechanisms, we contend that Israel’s primary soft power resource has developed, endured, and continues to function through private and civic networks rather than through state direction, financing, or explicit supporting policy. As stated on the Maccabiah website:

---

119 Prime Minister’s office, Holding the 21st Maccabiah events in the summer of 2022 Government Decision No. 660 dated December 22, 2022, accessed December 1, 2024, [https://www.gov.il/he/pages/dec660\\_2020](https://www.gov.il/he/pages/dec660_2020).

120 Prime Minister’s office, “Holding the 22nd Maccabiah events in the summer of 2025 Government Decision No. 1910 dated June 26, 2024, accessed December 1, 2024, <https://www.gov.il/he/pages/dec1910-2024>.

121 Stav Livne, “Maccabiah 2025 chairman estimates it will be the largest: “Everyone understands the magnitude of the hour,” *Globes*, August 31, 2024, <https://www.globes.co.il/news/article.aspx?did=1001487859>.

122 Gidi Lipkin, “The government owes another 10 million NIS to hold the Maccabiah,” *ONE Sports*, June 14, 2024, <https://www.one.co.il/Article/465275.html>.

123 Kaplan, *Jewish Olympics*.

124 “Twenty-first Maccabiah,” Maccabi World Union (d), accessed December 15, 2024, <https://www.maccabiah.com/en/?view=article&id=582:twenty-first-maccabiah&catid=41>.

125 Murray, *Sports Diplomacy*, 151.

126 *Ibid*, 151–152.



"The goals of the Maccabi World Movement are to strengthen the Jewish people as a national body, emphasize the centrality of Israel in the life of the Jewish people, and ensure the continuity and strengthening of Jewish communities around the world. All this should be accomplished through extensive community activity in the fields of education, culture, and sports."<sup>127</sup> As Nye emphasizes, soft power resources emerge from a state's national values, manifesting through culture, which he describes as "the set of practices that create meaning for a society," and it has many manifestations. "It is expected to distinguish between high culture, such as literature, art, and education, which appeals to elites, and popular culture, which focuses on mass entertainment."<sup>128</sup> Building on this concept of mass entertainment and popular culture, hosting of major successful sporting events enhances a country's international image by bolstering its soft power resources and establishing sports as a significant tool for foreign policy.<sup>129</sup> As demonstrated in this analysis, no specific legislation exists that governs state support for the Maccabiah Games' Olympic operations. Despite the Games' significant impact on Israel's international standing and soft power resources, the Maccabiah operates primarily through the sports society engagement rather than being established as a national resource. This situation reflects the broader underinvestment in sports and, more specifically, creates an impression of state passivity regarding financial support for the Jewish Olympics.

When examining reasons for the state's limited involvement, one of the most fundamental political explanations applies: actors operate as they do simply because they can. It appears that the Maccabiah will continue its quadrennial cycle regardless of state involvement, as it relies not on state engagement, but on the active participation of the sports community. This situation may partially reflect Gilboa's<sup>130</sup> observation that Israel lacks a coherent policy regarding the utilization and benefits of its soft power while focusing its investments and approaches on hard power.

Despite the elevated costs of hosting such an event in Israel, the MWU emphasizes the Games' significance as part of a broader ideology aimed at connecting Jews in Israel and the diaspora through sports. In doing so, it exemplifies Murray's concept of non-traditional sports diplomacy, which has evolved since the Games' inception in the previous century. While one might expect Israel to leverage the world's largest Jewish sporting event for political interests, a broader perspective reveals that Israel has yet to prioritize cultural investments through legislation and permanent policy-making, largely due to geopolitical considerations.

The consistent presence of state officials at Maccabiah opening ceremonies indicates its recognition as a powerful platform for public relations in the international arena and foreign relations. As the Maccabiah creates an Olympic-style setting, it aligns with other large-scale events that attract political elite attention. According to Abdi et al.,<sup>131</sup> Olympic opening ceremonies serve as a research field for examining how participating states utilize such events for national purposes. Through extensive media coverage, global audiences are exposed to

---

127 "What is the Maccabiah?," Maccabi World Union (e), accessed December 15, 2024, <https://m21.maccabiah.com/he/maccabiah/who-we-are>.

128 Nye, "Public Affairs", 96.

129 Grix and Brannagan, "Of Mechanisms", 255.

130 Eitan Gilboa, "Public diplomacy: The missing component in Israel's foreign policy", in *Israel's Strategic Agenda*, ed. Efraim Inbar (London: Routledge, 2013), 102–134, <https://doi.org/10.4324/9781315878652>.

131 Kamzi Abdi et al., "Identifying sports diplomacy resources as soft power tools". *Place Branding and Public Diplomacy* 15 (2019): 148, <https://doi.org/10.1057/s41254-019-00115-9>.

various representations of each actor's geography, culture, history, and other attributes.

Sports hold greater potential than other cultural domains to effect change and provide a platform for social and political advocacy.<sup>132</sup> They function as "a potent vector of change, value, principle, solidarity, a symbol, means, and arena through which a plurality of views can be listened to."<sup>133</sup> Sports facilitate the goal of uniting people through their shared love of competition while simultaneously serving government policy objectives.<sup>134</sup>

## 5. CONCLUSION

Prior to the 2022 Maccabiah Games, Ben Gurion International Airport hosted a photographic exhibition featuring Jewish and Israeli athletes from the past and present.<sup>135</sup> As sports constitute an element of cultural diplomacy, the placement of this exhibition in such a high-traffic international space demonstrates the socio-political significance of the Jewish Olympics' public image. However, this emphasis on image-building appears to contrast with the Games' relatively low priority in terms of concrete political support and resource allocation.

The state's involvement with each Maccabiah event takes various forms, however, no coherent legal framework exists to govern this quadrennial Olympic competition. Financial participation fluctuates according to the state's budget and its ability to provide necessary support, resulting in unstable resources. The state's primary role manifests through promoting Jewish immigration from the diaspora and branding the event as a Zionist national tradition aimed at unifying Israel with the diaspora.

The Maccabiah exemplifies new sports diplomacy, operating without an assigned state budget allocation while still serving national purposes. This dual nature creates an interesting dynamic: the Games' independence from state support preserves the sports community's autonomy in setting its own goals and ambitions without political subordination. However, while the Maccabiah Games function as a national asset for Israel, minimal state investment shifts the financial burden of participation onto the Jewish sports community and the athletes themselves.

---

132 Grant Jarvie, "Sport, soft power and cultural relations", *Journal of Global Sport Management* 9, no. 4 (2021): 670-687, <https://doi.org/10.1080/24704067.2021.1952093>.

133 Jarvie, "Sports, soft", 10.

134 Murray and Pigman, "Mapping the relationship", 1,101.

135 Ben Goldfreund, "Until August 1: Special exhibition at Ben Gurion Airport in honor of the Maccabiah", *Mako*, May 17, 2022, [https://www.mako.co.il/news-sport/sports\\_others-2022\\_q2/Article-3e423bc2db1d081026.htm](https://www.mako.co.il/news-sport/sports_others-2022_q2/Article-3e423bc2db1d081026.htm).

## Bibliography

1. Kamzi Abdi, Mahdi Talebpour, Jami Fullerton, Mohammad Javad Ranjkesh & Hadi Jabbari Nooghabi. "Identifying sports diplomacy resources as soft power tools". *Place Branding and Public Diplomacy* 15 (2019): 148, <https://doi.org/10.1057/s41254-019-00115-9>.
2. Aharoni, Oren. "Razvozov: "Athletes are ambassadors, we should invest in them", *Ynet*, May 20, 2013. <https://www.ynet.co.il/article/4381881>.
3. Angelova-Igova, Boryana. "The Meaning of Sport as Multicultural Dialogue in Max Nordau's Philosophy". In *Sport, Identity and Community*, edited by Andy Harvey and Richard Kimball, 143-150. Leiden: Brill, 2016. [https://doi.org/10.1163/9781848884526\\_014](https://doi.org/10.1163/9781848884526_014).
4. Bar-Eli, Michael, and Adara Spiegel. "Israeli women in the Olympic and Maccabiah games, 1932-1992: Patterns of stability and change". *International Review for the Sociology of Sport* 31, no. 4 (1996): 385-403. <https://doi.org/10.1177/101269029603100403>.
5. Ben Baruch, Tal. "Maccabiah: Who is responsible for safety?", *Ynet*, April 4, 2001. <https://www.ynet.co.il/articles/0,7340,L-664569,00.html>.
6. Ben Porat, Amir. 'How much did H'apoel score?' The transformation of the game to commodity: The case of Israeli soccer". *Megamot* (1999): 517-534.
7. Ben Porat, Amir. "Progress and its lessons: Is there only one future? Preface", *Movement: Journal of Physical Education & Sport Sciences* 1, no. 2 (2006): 7-19.
8. Ben-Porat, Amir. "'Linesmen, Referees and Arbitrators': Politics, Modernization and Soccer in Palestine." In *Europe, Sport, World* edited by J.P. Mangan, 131-154. London & New York: Routledge, 2013.
9. Bialer, Uri. *Israeli Foreign Policy: A People Shall Not Dwell Alone*. Indiana: Indiana University Press, 2020.
10. Brannagan, Paul Michael, and Richard Giulianotti. "Soft power and soft disempowerment: Qatar, global sport and football's 2022 World Cup finals." In *Leveraging Mega-Event Legacies*, edited by Jonathan Grix. London & New York: Routledge, 2018.
11. Carmi, Udi. "From Enthusiasts to professionalism: the beginning of elite sports in Israel". *Social Issues in Israel* (2020): 193-220.
12. Carmi, Udi, and Orr Levental. "Ambassadors in track suits: The public relations function of Israeli delegations to the Olympic games during the State's first decade". *Sport History Review* 50, no. 1 (2019): 17-37. <http://dx.doi.org/10.1123/shr.2018-0042>.
13. Carmi, Udi, and Anat Kidron. "Maccabi- From Sports Association to a Political Party". In *Sportgeschichte in Deutschland-Sport History in Germany: Herausforderungen und internationale Perspektiven- Challenges and International Perspectives*, edited by ed. Michael Krüger, Annette R. Hofmann, 101-124. Heidelberg: Springer, 2020.
14. Carol, Aviva. "The Maccabiah is not an expense, in my opinion, it is an income", *Globes*. July 12, 2005. <https://www.globes.co.il/news/article.aspx?did=933228>.
15. Dart, Jon. "'Brand Israel': hasbara and Israeli sport." *Sport in Society* 19, no. 10 (2016): 1402-1418, <https://doi.org/10.1080/17430437.2015.1133595>.
16. Deklo, Shmuel. "High Court of Justice agrees: Local Government Center will establish a committee to determine procedures for local authority support in sports", *Globes*, December 6, 1996. <https://www.globes.co.il/news/article.aspx?did=119959>.
17. Deskel, Uriel. "10,000 athletes, a budget of NIS 200 million: the numbers behind Maccabiah", *Calcalist*, June 7, 2022. [https://www.calcalist.co.il/sport\\_news/article/b1ecmahdq](https://www.calcalist.co.il/sport_news/article/b1ecmahdq).
18. Dubinsky, Yoav. *Israel's Use of Sports for Nation Branding and Public Diplomacy*. PhD diss., Knoxville: The University of Tennessee, 2018.

19. Dubinsky, Yoav. "Clashes of cultures at the FIFA World Cup: Reflections on soft power, nation building, and sportswashing in Qatar 2022". *Place Branding and Public Diplomacy* 20, no. 2 (2024): 218-231. <http://dx.doi.org/10.1057/s41254-023-00311-8>.
20. Dubinsky, Yoav, and Lars Dzikus. "Israel's strategic and tactical use of the 2017 Maccabiah Games for nation branding and public diplomacy." *Journal of Applied Sport Management* 11, no. 1 (2019).
21. Eisen, George. *The Maccabiah Games: A History of the Jewish Olympics*. PhD diss., University of Maryland, College Park, 1979.
22. Fuentes, Rebekka Lang. *Olympism and Human Rights: A Critical Analysis Comparing Different National Olympic Education Programmes in Europe*. Springer Nature, 2022.
23. Galily, Yair. "The contribution of the Maccabiah Games to the development of sport in the State of Israel". *Sport in Society* 12, no. 8 (2009): 1028-1037. <https://doi.org/10.1080/17430430903076324>.
24. Gilboa, Eitan. "Public diplomacy: The missing component in Israel's foreign policy". In *Israel's Strategic Agenda*, ed. Efraim Inbar, 102-134. London: Routledge, 2013. <https://doi.org/10.4324/9781315878652>.
25. Grix, Jonathan, and Paul Michael Brannagan. "Of mechanisms and myths: Conceptualising states' 'soft power' strategies through sports mega-events." *Diplomacy & Statecraft* 27, no. 2 (2016): 251-272.
26. Grix, Jonathan, and Barrie Houlihan. "Sports mega-events as part of a nation's soft power strategy: The cases of Germany (2006) and the UK (2012)". *The British Journal of Politics and International Relations* 19, no. 4 (2014): 572-596. <http://dx.doi.org/10.1111/1467-856X.12017>.
27. Guy, Shlomit. "Go West: The Westernization of Israeli Football in the Early Twenty-First Century". *Israel Studies Review* 34, no. 3 (2019): 34-46. <https://www.jstor.org/stable/48563851>.
28. Israel Coins and Medals Corporation, "The 19<sup>th</sup> Maccabiah". Accessed December 1, 2024. <https://il.israelmint.com/he/21973390.html>.
29. Israel Knesset. "Law of return-1950", *Nevo*, Last version: September 18, 2023. [https://www.nevo.co.il/law\\_html/law00/72231.htm](https://www.nevo.co.il/law_html/law00/72231.htm).
30. Israel Knesset. "Law of Sports-1988", *Nevo*. Accessed December 1, 2024. [https://www.nevo.co.il/law\\_html/law01/p171m1\\_001.htm#med1](https://www.nevo.co.il/law_html/law01/p171m1_001.htm#med1).
31. Jarvie, Grant. "Sport, soft power and cultural relations". *Journal of Global Sport Management* 9, no. 4 (2021): 670-687. <https://doi.org/10.1080/24704067.2021.1952093>.
32. Jewish Sports Museum. "Maccabiah History". Accessed December 1, 2024. <https://history.maccabiah.com/he/maccabiah-history>.
33. Kaplan, Ron. *The Jewish Olympics: The History of the Maccabiah Games*. New York: Simon and Schuster, 2015.
34. Kaufman, Haim. "The National Ideas of the term muscle Judaism." *Movement: Journal of Physical Education and Sport Sciences* 3 (1996): 261-282.
35. Kaufman, Haim. "'Maccabi' versus 'Hapoel', the formation of the political division in sports H'Eretz-Israeli". In *Body Culture and Sport in Israel in the 20th Century*, edited by Haim Kaufman and Hagai Harif, 89-112. Jerusalem: Yad Ben Zvi and the Wingate Institute, 2002.
36. Kaufman, Haim. "Jewish sports in the Diaspora, Yishuv, and Israel: Between nationalism and politics." *Israel Studies* 10, no. 2 (2005): 147-167.
37. Kaufman, Haim, and Yair Galily. "Sport, Zionist ideology and the State of Israel." *Sport in Society* 12, no. 8 (2009): 1013-1027. <http://dx.doi.org/10.1080/17430430903076316>.
38. Kaufman, Haim. The Maccabiah Games and their Importance, Past and Present. *Zemanim History Quarterly* (2013): 90-99.
39. Maccabi World Union (a). "The third Maccabiah". Accessed November 20, 2024. <https://www.maccabiah.com/en/?view=article&id=600:third-maccabiah&catid=41>.

40. Maccabi World Union (b), "About the Maccabiah". Accessed December 1, 2024. <https://www.maccabiah.com/en/>.
41. Maccabi World Union (c). "The 20th Maccabiah". Accessed November 20, 2024. <https://m20.maccabiah.com/maccabiah/service-legal-agreement>.
42. Maccabi World Union (d). "Twenty-first Maccabiah"- Accessed December 1, 2024. <https://www.maccabiah.com/en/?view=article&id=582:twenty-first-maccabiah&catid=41>.
43. Maccabi World Union (e), "What is the Maccabiah?". Accessed December 15, 2024. <https://m21.maccabiah.com/he/maccabiah/who-we-are>
44. Maccabi World Union Archive, "History". Accessed December 15, 2024, <https://archive.maccabi.org/>
45. Murray, Stuart. *Sports diplomacy: Origins, theory and practice*. London, New York: Routledge, 2018. <https://doi.org/10.4324/9781351126960>.
46. Murray, Stuart, and Geoffrey Allen Pigman. "Mapping the relationship between international sport and diplomacy". *Sport in Society* 17, no. 9 (2014): 1098-1118. <https://doi.org/10.1080/17430437.2013.856616>.
47. Nye, Joseph S. *Soft power: The means to success in world politics*. New York: Public affairs, 2004.
48. Nye Jr, Joseph S. "Public diplomacy and soft power". *The annals of the American academy of political and social science* 616, no. 1 (2008): 94-109.
49. Nye Jr, Joseph S. "Soft power: the origins and political progress of a concept". *The Journal of International Communication* 28, no. 1 (2022): 1-7.
50. Nygård, Håvard Mokleiv, and Scott Gates. "Soft power at home and abroad: Sport diplomacy, politics and peace-building." *International area studies review* 16, no. 3 (2013): 235-243. <https://doi.org/10.1177/2233865913502971>.
51. ONE system. "Maccabiah is supposed to bring in about NIS 140 million into the economy". *Sports ONE*, January 4, 2009. <https://www.one.co.il/Article/129811.html>.
52. Peleg, Amir. "The Schnorr Olympics: How the Maccabiah Became an Event for the Rich- Investigation", *Ynet*, November 14, 2021. <https://www.ynet.co.il/sport/article/skeujs6wk>.
53. Presner, Tod Samuel. *Muscular Judaism: The Jewish body and the politics of regeneration*. London, New York: Routledge, 2007.
54. Prime Minister Office. "Holding the 19th Maccabiah events in the summer of 2013- Resolution number 4746 of the government of 10.06.2012." July 12, 2012. [https://www.gov.il/he/pages/2012\\_des4746](https://www.gov.il/he/pages/2012_des4746).
55. Prime Minister's office. "Government Decision 2167, "Holding the 20th Maccabiah events in the summer of 2017 Resolution number 831 of the government dated 13.12.2015." December 13, 2017. [https://www.gov.il/he/pages/2015\\_dec8316.6.2017](https://www.gov.il/he/pages/2015_dec8316.6.2017).
56. Prime Minister's office. "Holding the 21st Maccabiah events in the summer of 2022 Government Decision No. 660 dated December 22, 2022." Accessed December 1, 2024. [https://www.gov.il/he/pages/dec660\\_2020](https://www.gov.il/he/pages/dec660_2020).
57. Prime Minister's office, "Holding the 22nd Maccabiah events in the summer of 2025 Government Decision No. 1910 dated June 26, 2024." accessed December 1, 2024. <https://www.gov.il/he/pages/dec1910-2024>.
58. Siegel Sheffer, Valeria. "Changing the game's rules: Gender perspective on Sports' budget in Israel". Tel Aviv: Adva Center, 2012. <https://adva.org/wp-content/uploads/2015/02/sport-site1.pdf>.
59. Stotlend, Ilana. "Their victory: Meet the new immigrants who will compete in the Maccabiah", *Maariv*, July 14, 2022. <https://www.maariv.co.il/sport/other/Article-931583>.
60. The Jewish Agency. "Rosh Hashanah Eve 5774: Approximately 15.7 million Jews in the world, of which 7.2 million live in Israel". Accessed December 1, 2024. <https://www.jewishagency.org/il/jewish-population-report-2023/>.

61. The Central Zionist Archive. "Maccabiah Games", World Zionist Organization. Accessed December 1, 2024. <http://www.zionistarchives.org.il/Pages/Maccabiah.aspx>.
62. The Ministry for Diaspora Affairs. "About". Accessed November 20, 2024. [https://www.gov.il/en/pages/about\\_diaspora](https://www.gov.il/en/pages/about_diaspora).
63. Vakil, Sanam, and Neil Quilliam. "The Abraham Accords and Israel-UAE Normalization". *Chatham House* (2023). Accessed December 1, 2024. <https://www.chathamhouse.org/2023/03/abraham-accords-and-israel-uae-normalization>.
64. Volk, Tal. "120 million NIS for a marginal event: isn't it time to give up Maccabiah?", *Globes*, July 16, 2013. <https://www.globes.co.il/news/article.aspx?did=1000862500>.
65. Walla sports. "The government approved allocating NIS 18 million to Maccabiah". *Walla Sports*, June 12, 2013. <https://sports.walla.co.il/item/2540861>.
66. Walla Sports system, "In the presence of Minister Mickey Zohar: The logo of the 25th Maccabiah was launched", *Walla Sports*, May 18, 2023, <https://sports.walla.co.il/item/3579772>.
67. Wang, Hongying, and Yeh-Chung Lu. "The conception of soft power and its policy implications: A comparative study of China and Taiwan". *Journal of Contemporary China* 17, no. 56 (2008): 425-447, <https://doi.org/10.1080/10670560802000191>.
68. "Who we are". The Maccabiah 2022. Accessed December 1, 2024. <https://m21.maccabiah.com/he/maccabiah/who-we-are>.
69. Zahavi, Hila, and Gal Ariely. "The Eurovision song contest and the potential of unintended events and public diplomacy: how exposure to an international mega-event shapes external views of the EU". *Journal of Contemporary European Studies* 32, no. 5: (2024): 1148-1160, <https://doi.org/10.1080/14782804.2024.2324289>.

## **DISTRIBUTION AND ANALYSIS OF THE AUTONOMY OF SPORTS IN THE EGYPTIAN LEGAL SYSTEM**

AHMED SAAD MOHAMED HUSSEIN

UDC 349:796(620)

DOI <https://doi.org/10.30925/slpdj.2.2.5>

Received on June 24, 2024

Accepted on December 11, 2024

Professional paper

### **Abstract**



*This paper presents a descriptive and analytical examination of the elements of sports independence in the Egyptian legal system. It includes the texts of legal articles that address the elements of sports independence, such as the competence of general assemblies of sports bodies to set their regulations, texts ensuring non-interference of government agencies in the affairs of sports bodies (except for what relates to governance, financial corruption, and crimes), and texts resorting to sports arbitration rather than the state judiciary. Furthermore, the paper also focuses on articles of the unified financial regulations that were issued to implement the elements of sports bodies' governance in the absence of these elements in sports law. The analysis includes rulings of various judicial bodies in the Egyptian system by presenting landmark decisions in selected cases. The analysis of rulings issued by the Egyptian State Council (Administrative Judiciary), the Court of Appeal, and the Court of Cassation, as well as the rulings of the Egyptian Supreme Constitutional Court is introduced. It comprises a ruling on the unconstitutionality of part of Article 69 of the Sports Law related to the Egyptian Olympic Committee setting the regulatory frameworks for the Egyptian Sports Settlement and Arbitration Center, leading to the fall of the center's regulatory frameworks. Additionally, the ruling of the Egyptian Supreme Constitutional Court on a jurisdictional conflict is discussed including the previous ruling on the unconstitutionality of the text (Article 69) deeming the Sports Arbitration Center non-existent and calling for a legislative amendment to resolve the matter.*

**Keywords:** Autonomy of sport in Egypt, Sports arbitration in Egypt, Legal regulation of sports in Egypt, Position of the Egyptian judiciary on sports arbitration.

## **1. INTRODUCTION**

Sports activity in Egypt is regulated by two primary laws: the Egyptian Sports Law issued by Law No. 71 of 2017 and the Youth Organizations Law issued by Law No. 218 of 2017, which are the two basic laws regulating sports activities in Egypt.

---

\* Ahmed Saad Mohamed Hussein, PhD, Faculty of Law, Helwan University; Attorney before the Court of Cassation and the Supreme Constitutional Court, Egypt.  0000-0002-6065-0633.  [saadebaid@gmail.com](mailto:saadebaid@gmail.com)  
This paper is from my doctoral thesis entitled: Hussien, Ahmed Saad Mohammed. "The balance between state sovereignty and the autonomy of sport", Faculty of Law, Helwan University.

There are other laws that govern specific aspects of sports activity in Egypt. For example, Law No. 3 of 1987, establishes and regulates the Sports Professions Syndicate. There are also laws addressing the rights of priority groups to practice sports, such as articles in the Child Law No. 12 of 1996 (amended by Law No. 126 of 2008), and articles in Law No. 10 of 2018 (amended on 18 December, 2021 issuing the Law on the Rights of Persons with Disabilities). Additionally, Law No. 10 of 1932, addresses betting on horse racing, pigeon shooting, and other games and sports.

The articles of the Egyptian Constitution of 2014 address sports and the care of children and youth, as it stipulates articles that protect the right to practice sports and set the constitutional framework for regulating sports activities in accordance with international sports standards.

By studying the principle of 'Autonomy of Sport,'<sup>1</sup> which is stipulated in various international sports standards, such as the Olympic Charter, it becomes clear that its elements are: sports bodies must set their own regulations, manage their own affairs without interference from national governments, and resolve disputes through sports arbitration without resorting to national judiciary.

An analysis of Egyptian legal articles related to sports reveals the presence of these elements, which this research seeks to clarify and present.

The Egyptian judiciary has played a role in aligning with international sports standards. This research seeks to clarify judicial trends by presenting some of the rulings issued by various Egyptian judicial bodies.

## 1.1. SPORTS IN THE EGYPTIAN CONSTITUTION ISSUED IN 2014 AND AMENDED IN 2019

The contemporary Egyptian constitution addresses sports directly in Article 84 and indirectly in provisions that protect the most vulnerable groups, as the articles of the constitution refer to the protection of their rights in general, while the laws issued by the Parliament clarify these rights, including the rights to practice sports. This protection includes various groups, such as children, youth, women, and people with disabilities.

Article 84 of the Egyptian Constitution states:

*"Everyone has the right to exercise sports. The State institutions and civil society shall endeavor to discover and sponsor talented athletes and take the necessary measures to encourage the exercise of sports. The Law shall regulate the affairs of sports and non-governmental sporting agencies in accordance with international standards and shall regulate the manner of settling sporting disputes."*<sup>2</sup>

The affairs of private sports bodies are regulated by law in accordance with international standards, which exclude government sports bodies governed by the Youth Bodies Law.

---

1 In Arabic, articles on sports Act 71/ 2017 use (independence) استقلال *isteklal*, and autonomy not founded in this Act, (hokm zaty) إدارة ذاتية, حكم ذاتي, so in Arabic استقلال *isteklal* (independence) is used to indicate the meaning.

2 The Egyptian Constitution (2014), Art. 84.



The Egyptian Constitution has incorporated international sports standards into its legal system, in a way that laws regulate sports affairs and sports bodies (civil) according to international standards. Therefore, the laws of government sports bodies are not constitutionally subject to conform to international standards. The internationalization of laws occurs either in a traditional manner by establishing texts through constitutional provisions that refer to international charters, treaties, and international standards, such as a text in the Egyptian Constitution of 2014 that refers to a commitment to international sports standards, or through the influence of international organizations, whether governmental or non-governmental organizations.

The legislation in Egypt also stipulates the adoption of international sports standards.

Article 82 of the Egyptian Constitution states:

*“The State shall guarantee the provision of care to the youth and youngsters sha strive to discover their talents; develop their cultural, scientific, psychological, physical and creative abilities, encourage their engagement in group and volunteer activities and enable them to participate in public life.”<sup>3</sup>*

This article discusses sports bodies that were affiliated with the Supreme Council for Youth before merging with the Supreme Council for Sports to form one council. It also emphasizes youth welfare, as evidenced in the Youth Organizations Law (Law No. 218 of 2017), which reflects the legislative implementation of this article. The law ensures the youth’s right to participate in sports and the availability of youth centers to facilitate the exercise of this right.

It should be noted that sports bodies under Egyptian law are private bodies of public benefit, which subjects them to the rules of private law. However, under the previous law, which was repealed by the current law in 2017, the Egyptian State Council (Administrative Judiciary) intervened with its authority to supervise sports bodies. It considered its non-intervention as one form of the administrative decision called “negative decision,” wherein the administrative silence is considered an administrative decision, subject to certain conditions. Under the new law, the right of the administration to intervene was eliminated following the law and the Olympic Charter, pointing out the independence of sports bodies. Thus, the administrative judiciary no longer holds jurisdiction over such issues. The new sports law includes settling sports disputes through mediation, negotiation, and arbitration through the Sports Dispute Settlement Center. Under the organizational regulations of various sports bodies, arbitration became mandatory as set forth in regulatory texts, which conflicts with the constitutional right to litigation. This was addressed in rulings by the Constitutional Court under the 1971 Constitution, which declared arbitration provisions unconstitutional, including the ruling by the Supreme Constitutional Court:

*“Imposing arbitration by force based on a mandatory legal rule is a violation of the right to litigation guaranteed by the Constitution to every citizen in Article (68).”<sup>4</sup>*

Is there a constitutional conflict between Article 84 (international standards) and Article 97 on the right to judicial recourse as a fundamental right?

---

3 The Egyptian Constitution (2014), Art. 82.

4 The Egyptian Supreme Constitutional Court. “Case No. 55 / 23 y, “Constitutional”, 13 Jan 2002.

*Article 97: " Litigation is a right that is safeguarded and an inalienable right for all. The State shall guarantee the accessibility of judicature for litigants and rapid adjudication on cases. It is prohibited to immunize any administrative act or decision from judicial review. No person may be tried except before the ordinary judge. Special courts are prohibited."<sup>5</sup>*

In fact, international standards do not impose mandatory arbitration, but provide the resolution of disputes in the field of sports through arbitration specific to athletes and in subjects of a sporting nature. However, the Egyptian legal regulations for sports bodies made arbitration mandatory for all its members, which raises the problem of violating the Constitution and international standards.

There is no constitutional conflict between the two provisions of the constitution considering that the Egyptian Constitution denies any conflict between its articles and assumes that its articles complement each other. As the Supreme Constitutional Court has tended:

*"The origin of constitutional texts lies in their interpretation through the assumption of integration. It is essential to consider that each text is not isolated from the others. Therefore, it is necessary to reconcile them in a way that eliminates any suspicion of conflict. This reconciliation should not involve imposing additional restrictions that were not originally addressed in the constitutional text."<sup>6</sup>*

The Egyptian Constitutional Court tends to believe that rights are of equal rank, stating that:

*"The fundamental principle of the rights guaranteed by the Constitution is that they are not differentiated from one another, nor are they organized by a hierarchy that makes some of them less important than others or at a lower rank than them, rather they are equal in that each of them has a vital area that may not be invaded by the restrictions imposed by legislative texts, this area was determined with respect to the rights stipulated in the Constitution in its core in light of the nature of each right and taking into account the ultimate purposes that the Constitution intended to achieve through its enactment."<sup>7</sup>*

However, there may be unconstitutional regulations that infringe on the right to litigation. If an athlete resorts to the Sports Dispute Settlement Center for a sports dispute, the Center is his or her natural judge. However, if a non-athlete social member of a sports club, who is not involved in sports, enters into a non-sports dispute with the club's board of directors, it would not be reasonable to resort to the Sports Dispute Settlement Center.

Therefore, when the case involves a sports-related matter and one of the parties to the dispute is an athlete, then the arbitrators of the Sports Arbitration Center are its natural judges. However, in other cases that are not sports-related, resorting to arbitration is generally optional because it is not their natural court for such disputes. They can agree to arbitration through agreement, or resort to the national judiciary.

The distinction between sports and non-sports matter is based on membership in the national

---

5 The Egyptian Constitution 2014, Art. 97.

6 The Egyptian Supreme Constitutional Court. "Case No. 2 /16 y, "Constitutional", 3 Feb 1996.

7 The Egyptian Supreme Constitutional Court. Case No. 6 /13 y, "Constitutional", 16 May, 1992.

sports federation for the game, or the proposal to separate the organizational structure between social memberships and sports memberships within the club. Sports clubs in Egypt are not purely sports clubs, rather they are part of their various activities, which are predominantly social in nature.

Sports arbitration in Egypt is not imposed by law. However, sports bodies, when developing their regulations, have the freedom to choose between resorting to arbitration or the judiciary. Indeed, there are sports clubs in Egypt that have chosen not to include arbitration in their regulations and prefer to resort to the national judiciary within the local framework. However, in cases of sports disputes abroad or within the framework of the sports federation, the regulations of the sports federation are implemented, which stipulate resorting to sports arbitration.

In one of the rulings of the Egyptian State Council:determined

*"The conditions and systems of sports bodies have become more advanced, especially when considering their membership in international bodies and federations that require non-governmental interference in their affairs and the independence of sports. This is achieved by granting their general assemblies the right to set their own bylaws. Egypt is one of the countries that signed the statement issued by the United Nations General Assembly on 16 October, 2014, which confirmed the principle of the independence of sports and the self-management of sports bodies. Additionally, Egypt also approved the statement issued by the United Nations General Assembly on 20 October, 2015, as a member of the General Assembly in the presence of the President of the Republic. Egypt is also a member of the Olympic movement which fully guarantees the independence of the Olympic Committee and the sports movement in Egypt including the Egyptian national federations. This provides the opportunity for each sports body to set its regulations and approve them through its general assemblies and international federations without interference. This led to the necessity of regulating sports conditions and adapting to the international community, updating the legal status in Egypt to be in line with developments. The new Sports Law 71 of 2017 and the new Youth Organizations Law 218 of 2017 were issued, updating the regulations and decisions to align with the new laws. This includes the necessity of resorting to the Center for Settlement of Disputes and Sports Arbitration in all disputes that occur, to which the Sports Law and its executive regulations apply, Government intervention has become very limited according to the trends of international sports bodies and federations."*<sup>8</sup>

The Supreme Constitutional Court ruled that:

*"Imposing arbitration by force based on a mandatory legal rule is a violation of the right to litigation guaranteed by the Constitution to every citizen by Article 68 of the 1971 Constitution."*<sup>9</sup>

*"If the legislator enforces arbitration based on a mandatory legal rule without the option of resorting to the judiciary, this is a violation of the right to litigation guaranteed by the Constitution to every citizen by Article 97."*<sup>10</sup>

*"If the legislator imposes arbitration by force based on a mandatory legal rule, this is a*

---

8 The Egyptian State Council. Case No. 2175 / 73 y, 12 Feb 2018, the Administrative Court, Second Circuit.

9 The Egyptian Supreme Constitutional Court. "Case No. 55 / 23 y, "Constitutional", 13 Jan 2002.

10 The Egyptian Supreme Constitutional Court. Case No. 33 / 36 y, 8 May 2021.

*violation of the right to litigation guaranteed by the Constitution.”<sup>11</sup>*

The Egyptian Administrative Court has a tendency in its rulings to distinguish between members of the General Assembly of a sports body and the sports body itself. It has ruled that arbitration is optional for General Assembly members, not compulsory. Even if the body's organizational regulations require arbitration, this condition only applies to the sports body and not the General Assembly members who approved the regulations. The court relied on the Constitutional Court's rulings on the unconstitutionality of mandatory arbitration clauses in legal regulations. Any other interpretation would render the arbitration regulations unconstitutional.<sup>12</sup>

The Egyptian Court of Cassation – the Economic Circuit – has referred the provisions of the law and regulations of the Dispute Settlement Center to the Constitutional Court. This referral is to argue their unconstitutionality, particularly in relation to the invalidation of arbitration before the Dispute Settlement Center. Additionally, the lack of independence of the center from the Olympic Committee and its violation of international sports standards are also being challenged.<sup>13</sup>

## **2. THE AUTONOMY OF SPORTS IN EGYPTIAN PARLIAMENTARY LEGISLATION**

In this article, the roles of the central and competent administrative authorities, such as the Ministry or the Regional Youth and Sports Directorate are discussed, as outlined in Sports Law No. 71 of 2017 and Youth Organizations Law No. 218 of 2017. Sports Law No. 71 of 2017 stands out for its emphasis on the autonomy of sports, with the state's role limited to financial oversight. This approach mirrors modern theories of the state's role in the economy, where it is often referred to as a guardian state. In this model, the state focuses on maintaining public order, fighting corruption, and fulfilling its primary responsibilities for security, without getting involved in resolving disputes.

The Youth Organizations Law 218 of 2017 stands out for highlighting the role of the state in carrying out various tasks related to youth development, sports services, and physical education. The state actively participates in raising youth and providing these services, ensuring they reach all regional areas and all segments of society, without discrimination based on class, color, gender, or any other factor. Therefore, the Youth Organizations Law plays a crucial role in representing the state, preserving its sovereignty, and maintaining a balance between state sovereignty and the autonomy of sports. It also works towards guaranteeing the right to participate in sports for all individuals.

### **2.1. THE 2014 STAGE AND THE AUTONOMY OF SPORTS**

The International Olympic Committee requested Egypt to implement a new law. In February 2014, Egypt was informed by the International Olympic Committee that any elections for clubs or sports federations conducted under the previous law would not be recognized. A total

---

11 The Egyptian Supreme Constitutional Court. Case No. 68 / 40 y, "Constitutional", 4 May 2019.

12 The Egyptian State Council. Case No. 5367 / 71 y, January 20, 2019. Administrative Court.

13 The Egyptian Court of Cassation. Case No. 1458 / 89 Y, 24 December, 2019.

of 118 clubs accepted nominations for elections and completed the necessary procedures for organizing the elections. To address this issue, several meetings were conducted with officials from the International Olympic Committee to facilitate elections for Egyptian clubs. This was sanctioned with the stipulation that these elections would be the final ones held under the old sports law for clubs and federations, which took place in March 2014.

The old law did not comply with international charters and standards, nor did it uphold the principle of autonomy in sports.

According to Article 84 of the Egyptian Constitution:

“The Law shall regulate the affairs of sports and non-governmental sporting agencies in accordance with international standards.”<sup>14</sup>

There was a clear threat that if the international sports standards were violated in the law, sports activities in Egypt would be suspended.

## **2.2. SPORTS LAW NO. 71 OF 2017**

The most important features of the new Sports Law No. 71 of 2017 are that it enhances the role of general assemblies, allows sports bodies to establish their own statutes through their general assemblies, provides an opportunity for the private sector to participate in sports federations, maximizes private investments in development and sports activities, and establishes the Sports Arbitration Center to settle sports disputes. These changes aim to achieve the principle of sports independence from the state’s judicial authority in accordance with international standards.

### **2.1.1. Sports Law No. 71 of 2017**

Article 1 clarifies that:

“Competent Administrative Quarter: This quarter is responsible for supervising sports organizations within their designated area, overseeing all financial and administrative aspects.

The Central Administrative Quarter: This quarter is entrusted with establishing financial regulations for all sports organizations as well as the penalties entailing upon their infringement, which should be approved by the appropriate minister. Likewise, they are responsible for ensuring that organizing laws, regulations, and decrees are enforced by the competent administrative authorities and quarters.”<sup>15</sup>

The sports institution has the right to practice and engage in any activity that generates income for the institution without needing approval from the competent administrative authority. The authority to monitor and supervise is limited to financial aspects only in sports institutions.

---

14 The Egyptian Constitution 2014, Art. 84.

15 Egyptian Sports Law No. 71 of 2017, Art. 1.

### *2.2.2. Manifestations of sports autonomy*

Article 4 of the issuance articles stipulates the following:

“The Egyptian Olympic Committee shall lay down guiding regulations for the sports organizations articles of association and shall dispatch them to these organizations.

The General Assemblies of sports organizations shall hold a special meeting within three months of the date of enacting the attached law, particularly for laying down their articles of association.

The Egyptian Olympic Committee shall fix the quorum necessary for holding these assemblies and for approving these articles of association in various cases. In case of the lapse of the time limit referred to above without holding these assemblies, whether for the non-achievement of the necessary quorum or for any other reason, the provisions of the guiding articles of association referred to shall be applied, after publishing thereof in the Egyptian Chronicles at the State expense, without prejudice to the right of the General Assembly to amend its articles of association, in compliance with the procedures stipulated in the provisions of the attached law.”<sup>16</sup>

The autonomy of sports is represented in this article by the fact that the general assemblies of sports bodies set their own bylaw. However, a question is raised about the setting of guiding regulations by the Egyptian National Olympic Committee for other sports bodies and whether it affects the independence of those bodies.

The regulations are simply guidelines for guidance and assistance, and are not mandatory. They were established to help in setting bylaws, and are only implemented if sports bodies do not set their own bylaws within a specified period. The general assemblies of sports bodies reserve the right to amend their bylaws in accordance with legal procedures.

Does the autonomy of sports bodies affect the Egyptian Olympic Committee’s determination of the quorum required for the general assemblies of sports bodies to be held, as well as the quorum needed to approve their bylaws?

If the necessary quorum is set by law legislatively, it will be criticized for the legislative authority’s interference in the independence of sports. If it is set by the state authority (Ministry of Sports, Supreme Council for Sports, Youth and Sports Directorates, etc.), it will be criticized for the executive authority’s interference and its assault on the independence of sports. The Egyptian Olympic Committee’s setting of the quorum is a decision made by one sports body to another. This does not conflict with independence because there is no potential dispute or conflict, It is only for the first general assembly that will set the bylaws. The statement that is better for sports bodies to set the quorum for themselves may raise concerns due to the possibility of a lack of transparency and the potential for manipulation. There must be a neutral body of a sports nature to set, supervise, or monitor this process. The best entity to do this is the Egyptian Olympic Committee.

The General Assembly has the right to amend its bylaws in accordance with a single procedural

---

16 Egyptian Sports Law No. 71 of 2017, Art. 4.

restriction, which is the procedures stipulated in the law.

The bylaws determine the procedures and the legal quorum in accordance with what is stated in Articles 15 and 16. The General Assembly is the one that establishes the bylaws, and therefore, it is the one that determines the procedures and the necessary quorum later.

Article 3 determined that:

"The General Assemblies of the Egyptian Olympic Committee, the Egyptian Paralympic Committee, sports clubs, federations, and all members of the General Assemblies of the Egyptian Sports Federations shall lay down their articles of association, in compliance with the Olympic Charter and international standards. These articles of association should comprise all the rules and regulations that govern their operations.

These articles of association are to be published in the Egyptian Chronicles at the expense of the parties concerned.

Before being published in the Egyptian Chronicles, the articles of association of these organizations should be approved by both the international organizations they are joining and the Olympic Committee of Egypt.

Likewise, the approval of the Olympic Committee of Egypt should be obtained regarding the articles of association of the sports federation general assembly members, before publishing thereof in the Egyptian Chronicles."<sup>17</sup>

The general assemblies of the bodies specified in the article shall establish their bylaws. These bodies include the Egyptian Olympic Committee, the Egyptian Paralympic Committee, sports clubs, sports federations, and members of the General Assemblies of Sports Federations. Only these bodies can establish their statutes themselves. Other sports bodies are not subject to this article.

There is an objective restriction in establishing the fundamental regulations, which includes compliance with the Olympic Charter and the applicable international standards. It is important to highlight the commitment to international standards. Additionally, there is a procedural requirement for the approval of certain parties regarding the basic regulations. These parties include the international bodies of which these sports bodies are members, as well as the Egyptian Olympic Committee.

Article 19: "*The Extraordinary General Assembly shall be competent to lay down the articles of association for sports organizations and amend them.*"

Article 20: "*The competent administrative quarter and all parties concerned may resort to the Sports Arbitration and Dispute Resolution Center of Egypt, stipulated in Article 66 of this Law, sixty days of being informed, to challenge any resolution adopted by the organization's general assembly that violates the provisions of this law and its executive decrees.*"<sup>18</sup>

---

17 Egyptian Sports Law No. 71 of 2017, Art. 3.

18 Egyptian Sports Law No. 71 of 2017, Arts. 19, 20.

One manifestation of sports independence is the non-interference of the judiciary in sports affairs. The Sports Settlement and Arbitration Center was established in accordance with Egyptian Sports Law to uphold this important aspect of sports independence. However, there is an issue with arbitration being optional by nature, as forced arbitration through a legal text is considered unconstitutional and goes against international arbitration treaties. This has led to disputes at both the local and international level. The principle of the special and specific nature of sports, which dictates that sports cases should not be subject to national jurisdiction, continues to face controversy in national and regional courts.

Article 23: *"The competent administrative quarter and the persons involved may resort to the Sports Arbitration and Dispute Resolution Center of Egypt, as stipulated in Article 66 of this Law, to challenge any decision adopted by the organization's board of directors that violates this law, its executive decrees, the organization's articles of association or any of its regulations."*<sup>19</sup>

It is clear that there is no provision for a time period that protects the decisions of the Board of Directors from being challenged by cancellation, the absence of specifying the period of appeal refers to procedural laws (such as the Code of Civil Procedure) or other. The article clarified that the Board of Directors of the Sports Authority, in addition to the law and the decisions implementing it, is subject to the Authority's system or any of the Authority's regulations. Any decision issued by the Board of Directors of the Authority is subject to appeal, i.e. all decisions, whether a decision in an internal regulation, an individual decision, a collective decision, or any other decision, the article explains resorting to the Settlement and Arbitration Center to challenge the decisions of the Board of Directors of the Authority as a manifestation of the independence of sports. The scope of violation includes violation of the provisions of the Sports Law, violation of the decisions implementing it (such as the Unified Financial Regulations, etc.), the Authority's bylaws, or any of the Authority's regulations. The article clarifies the scope of the gradation of illegality, starting with the law, then the decisions implementing the regulation, then the Authority's bylaws, and finally the regulations.

### **2.2.3. Manifestations of financial autonomy**

Chapter Six of Part One of the law clarifies the resources and funds of sports bodies from Article 24 to Article 31. Article 24 specifies the budget and the financial year, while Article 25 explains the resources of the sports body. Article 30 addresses the rights concerning the public's communication with sporting events, and Article 31 clarifies the use of sports body names, badges and registered marks.

Artistic autonomy is addressed in Article 38: *"The Federation is solely responsible for this game technically at all the organizations referred to and for enhancing its level within the rules and regulations decided by the World Federation of this game."*

Article 39 clarifies the powers of the Sports Federation in setting the general policy that has promoted the growth of the game in the Arab Republic of Egypt.

"The Sports Game Federation shall have the following powers to:

---

<sup>19</sup> The Egyptian Sports Law No. 71 of 2017, Art. 23.



1. Establish the general policies for promoting the game in the Arab Republic of Egypt and improving its technical level,
2. Manage the technical, financial and organizational aspects of the game.
3. Establish rules and principles for training in the Arab Republic of Egypt, in collaboration with the Olympic Committee,
4. Maintain international rules and principles of the game,
5. Organize championships in the Arab Republic of Egypt and set guidelines for their organization.
6. Qualify the national teams representing the Arab Republic of Egypt in Olympic, world, continental, and regional tournaments, as well as world and international championships, and supervise the training thereof.
7. Coordinate between the various clubs and organizations that are members of the Federation, especially in programs related to competing against foreign teams in the Republic and abroad.
8. Provide consultations to member clubs and organizations, and resolve any disputes that may arise among them or between one of them and any employees associated with the sports field, including players, administrators, or umpires.
9. Represent the Arab Republic of Egypt in international sports meetings and conferences and organize such meetings and conferences if held in Egypt. This must be done after notifying the Olympic Committee, and being ratified by the Central Administrative Quarter.
10. Organize competitions and matches, and grant titles of merit and prizes.
11. Ratify the registration of players in the federation member clubs and organizations and their representation in its competitions.
12. Establish rules and principles for organizing, dispensing with players, or their transfer. The Articles of Association Regulations shall lay down the terms of assuming the powers and competencies referred to above and the restrictions thereof.
13. Regulate professionalism.
14. Any other powers pertaining to the federation.”<sup>20</sup>

Sports activities are introduced in companies and factories through Article 49 “of the Companies & Factories General Sports Federation. This federation is made up of sports clubs and committees that are affiliated with various companies and factories. Each of these organizations shall be independent in assuming their competences, as stipulated in the articles of association of each of them. Each organization is granted legal personality.”

Article 58 of the Law specifically addressed unions:

*“Each member of the federation shall be independent in terms of practicing the various aspects of its activities and the exploitation of its funds for the achievement of its objectives, within the limits of the general policy and the federation’s plan.”*

Article 60 states that:

*“Each sports organization affiliated with the Central Administrative Quarter and its appendages shall have a board of trustees. This board will be formed by a decree issued by the competent minister. The Board of Trustees shall lay down the general policy for the organization’s management and operation, as well as provide sports services to all sectors of society. The Central Administrative Quarter shall lay down the regulations*

---

20 The Egyptian Sports Law No. 71 of 2017, Art. 39.

*governing management, operation, and service fees, which shall be ratified by the competent minister."*

## 2.3. LAW REGULATING YOUTH ORGANIZATIONS

Youth Organizations Law No. 218 of 2017, which was amended by Law No. 7 of 2020 regulates various entities, with a focus on youth centers. This law reflects the state's dedication to providing sports opportunities for all, recognizing the right to participate in sports as a fundamental human right. It aims to support the development of young people and enhance their skills. Initially, the law exempted youth centers affiliated with sports federations from its regulations, placing them under the jurisdiction of Sports Law 71 of 2017. These centers were allowed to establish their own bylaws and seek resolution through the Egyptian Sports Dispute Resolution and Arbitration Center. However, the law was later amended in 2020 to once again bring youth centers under the purview of the Youth Organisations Law. This change may lead to youth centers disaffiliating from sports federations, as they are government-run facilities and do not have the autonomy to set their own bylaws. The bylaws of youth centers that are not part of sports federations were now referred to as "the bylaws of the bylaws of youth centers."<sup>21</sup>

However, youth centers did not disaffiliate from sports federations. This was because certain groups were unable to join clubs that were members of sports federations. As a solution to this issue, the state provided youth centers as an alternative for those who could not afford the expensive club memberships. The entities affected by this law are inherently governmental bodies, despite being classified as private bodies of public benefit. They are owned by the state (whether private or public property) and are subject to state supervision in all administrative, technical, and financial matters. Consequently, disputes involving these entities are typically resolved through the Egyptian administrative judiciary.

Article 3:

*"Except for youth bodies that are members of the general assemblies of sports federations and have regularized their status in accordance with the provisions of the Sports Law issued by Law No. 71 of 2017, the Central Administrative Body shall establish the basic regulations for youth bodies subject to this l. These regulations shall be approved by a decision of the competent minister, and shall include all the rules and provisions regulating the work of these bodies."<sup>22</sup>*

### 2.3.1. Amendment to Law no. 7 of 2020

Article 3: *"The central administrative authority shall establish the fundamental regulations for youth organizations that fall under the scope of this law. These regulations shall be approved by a decision made by the appropriate minister. They shall include all the rules and provisions that govern the operations of these organizations."<sup>23</sup>*

---

21 The decision of the Minister of Youth and Sports No. 80 /2020, 3 May 2020.

22 The Regulating Youth Organizations Law No. 218 of 2017, Art. 3

23 Amendment by Law No. 7 / 2020.

The amendment evoked the exception to the application of the law that exempted youth bodies who are members of the general assemblies of sports federations from Law 218 of 2017. Instead they are now subject to Sports Law 71 of 2017. This change allows them to benefit from the principle of sports independence by establishing their own bylaws through their general assembly, the amendment aimed to eliminate legislative duplication and discrimination that these youth bodies were facing. It also opened up the possibility for youth centers to leave sports federations if they were not able to establish their own bylaws. However, this has not occurred yet, as these centers continue to be members of sports federations. Prior to the amendment, youth centers were governed by the "Youth Centers Bylaws."<sup>24</sup>

Article 40: *"The youth body is subject to the supervision and control of the competent administrative authority and the central administrative authority. In order to ensure this, they have the right to review all of the authority's books and documents, as well as monitor its activities and other aspects of oversight to make sure they are not violating any policies. The competent administrative authority is required to prepare a report on each body under its jurisdiction at least once a year. If any violations are found, the autonomy must be notified so that they can address and correct them within thirty days of being informed"*<sup>25</sup>.

Article 41: *"The head of the competent administrative authority may nullify any decision issued by the Board of Directors or the General Assembly of the Authority that violates the provisions of this law, its implementing decisions, the Authority's system, or any of its regulations. Any interested party may file a grievance with the competent minister against this decision within fifteen days from the date of being notified. An interested party may also appeal the Minister's decision before the Administrative Court within sixty days from the date of notification of the rejection of the grievance or from the date of the expiration of the fifteen-day period following the submission of the grievance without a decision being made"*<sup>26</sup>

Article 42: *"The competent minister may issue a reasoned decision to dissolve the Authority's Board of Directors and appoint a temporary Board of Directors for a period of one year from among its members, to assume the powers granted to its Board of Directors, in the following cases: The Board of Directors and each member of it have the right to appeal the dissolution decision before the Administrative Court. This must be done within the deadlines and in accordance with the procedures stipulated in Article 41 of this law."*<sup>27</sup>

The amendments included the establishment of youth development centers, which are organizations for young people with the ability to join different sports federations as members. Disputes governed by the Youth Organizations Law fall under the jurisdiction of the state's judiciary, rather than the Sports Arbitration Center, which handles cases in the administrative judiciary.

## **2.4. REGULATIONS**

A specific regulation has been issued for every sports body governed by Sports Law No. 17 of

---

24 The decision of the Minister of Youth and Sports No. 80 / 2020, 3 May 2020.

25 The Regulating Youth Organizations Law No. 218 of 2017, Art. 40.

26 The Regulating Youth Organizations Law No. 218 of 2017, Art. 41.

27 The Regulating Youth Organizations Law No. 218 of 2017, Art. 42.

2017. Each sports club established its organizational regulation through its general assembly, which was then approved by the Egyptian Olympic Committee. The decision to publish it in the official gazette was made by the Ministry of Youth and Sports. Similarly, each national sports federation issued its organizational regulation through its associations. General Assembly, in coordination with the Egyptian Olympic Committee.

#### **2.4.1. Guidance regulations**

A guideline has been created to assist in the development of regulatory regulations. If the Sports Authority is unable to reach a decision on a regulatory issue, this guideline will be used to establish the regulation. All members of the general assemblies are subject to an arbitration clause outlined in the organizational and guiding regulations.

#### **2.4.2. Financial regulations**

The Ministry of Youth and Sports has issued unified financial regulations for clubs and sports bodies. In response to the controversy that arose within the sports community, particularly among clubs, following the enactment of Sports Law No. 71 of 2017. Dr. Ashraf Sobhi, Minister of Youth and Sports, officially announced the decision in Gazette No. 159 of 2021, dated 1 April, 2021, to implement new financial regulations for sports bodies.

The second article of the decision states that all previous financial regulations for sports bodies will be cancelled. The third article specifies that the new regulations will come into effect on the date of the decision's issuance, which is 4/1/2021.<sup>28</sup> This regulation aims to implement the principle of sports governance, a principle that is currently lacking in the legislation.

The Ministry of Sports has decided to exempt the Olympic Committee from adhering to the new financial regulations for sports bodies. As a result, the Olympic Committee will be able to continue operating under its existing financial regulations without any changes being imposed.

Additionally, the new financial regulations involve transferring the responsibility of monitoring the financial activities of clubs and federations from the Olympic Committee back to the Ministry. This will allow the Ministry to resume its role as the central administrative body overseeing financial matters in the sports sector.

One of the most important regulations is the regulation for the Egyptian Sports Settlement and Arbitration Center, which was issued by the Egyptian Olympic Committee through Resolution No. 88 of 2017 and later amended by Resolution No. 2 of 2018. The issuance of this regulation by the Egyptian Olympic Committee, and the subordination of the Egyptian Sports Settlement and Arbitration Center to it, violates international standards regarding the autonomy of the Arbitration Center and does not follow the historical development of the Center.

A similar situation can be seen with the Court of Arbitration for Sport (CAS), which faced

---

28 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies.

a similar problem. They decided to cancel their affiliation with the International Olympic Committee and instead created the International Council of Arbitration to take over the organization and management of the arbitration center. This decision came after significant legal battles. And ultimately led to the removal of the center from the jurisdiction of the Supreme Constitutional Court.

Here, it is pointed out that the organizational regulations for sports bodies include a provision for resorting to the Center for Dispute Resolution and Sports Arbitration. This text may be considered unconstitutional because it conflicts with the right to litigation and resorts to a natural judge on the one hand. The rulings of the Egyptian Constitutional Court are accustomed to ruling that the forced arbitration condition included in a regulatory regulation is unconstitutional. In violation of the forced arbitration clause of international arbitration agreements, the regulations of the Egyptian Arbitration Center deprive litigants of resorting to the judiciary by appealing against arbitration decisions. They transfer the appeal to an appeals chamber within the center. Additionally, they are deprived of appealing the invalidity of the arbitration award before the ordinary judiciary and making the appeal of the invalidity of the award before a chamber within the arbitration center.

The regulations prohibit arbitrators from appealing the Center's rulings, whether before the Egyptian judiciary or the CAS. However, in practice, the CAS operates based on the regulations of sports bodies. If the authority's regulations state that appealing to the CAS after the Egyptian Arbitration Center is competent to hear the appeal, like Abdullah Al-Saeed's case, which was accepted by the CAS based on the Football Association's regulations.

This indicates that the process involves resorting to the Dispute Resolution Chamber in the Federation, from the Egyptian Settlement Center, and finally appealing before the CAS.

The center is affiliated with the Egyptian Olympic Committee, which means it lacks autonomy and violates international sports standards. There has been historical controversy over the autonomy of the CAS from the International Olympic Committee, but this was resolved with the establishment of the ICAS.

According to the definitions in Financial Regulations for Sports Bodies No. 159 of 2021, the minister referred to is the minister responsible for sports affairs.

*"The state's regulatory authorities are the central and competent administrative authority: the Central Auditing Organization, the Administrative Control Authority, the Public Funds Investigations, the Tax Authority, and the Insurance Authority."<sup>29</sup>*

The Labor Office of the Ministry of Manpower was not include in the definition.

It was clarified that the entities covered by the provisions of these regulations include the Olympic Committee. the Para and Olympic Committee, the sports federations and their branches, the Para and Olympic federations, specific federations, sports clubs, and sports committees.

---

<sup>29</sup> The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies.

It is considered a unified financial regulation rather than a separate one. This regulation falls under the Sports Law and takes precedence over the internal regulations of sports bodies, serving as a guide for them. It is structured similarly to the Sports Bodies Governance Manual.

Financial regulations clarify the relationships among the state, represented by the competent administrative authority, the central administrative authority, and the various sports bodies. They specify the powers of those bodies in relation to the sports bodies, as well as the elements of control and supervision, including dates and methods. The regulations also outline when approval from the competent or central administrative authority is necessary, and when notifications will suffice. Additionally, they clarify the penalties that may be imposed for noncompliance with approval or notification requirements, and explain the various penalties associated with the organization of sports bodies.

Notably, this regulation addressed many of the criticisms of the previous regulation. The Ministry of Sports specifically excluded the Olympic Committee from being subject to the new financial regulations for sports bodies. This means that the Olympic Committee will continue to operate according to its own financial regulations, without having to adhere to the new ones.

Additionally, the new financial regulations also include the removal of the Olympic Committee's powers to monitor clubs and federations financially. These monitoring powers have now been returned to the Ministry as they are the central administrative body responsible for overseeing financial matters in sports.

### **2.4.3. The new financial regulations division**

The first chapter covered the definitions and properties of the authority, internal regulations, and privileges. The second chapter included the estimated budget, the budget, and the auditor. The third chapter focused on the electronic payment system, revenues, and expenses. The fourth chapter dealt with transportation expenses and travel allowances, while the fifth chapter addressed purchases, services, and business.

Chapter six regulated membership affairs in sports clubs. Chapter seven organized warehouse affairs, and Chapter eight included organizing records and book collections. Chapter nine included a set of general provisions, while Chapter ten outlined punishments and penalties.

Financial regulations are being challenged in a lawsuit for their alleged illegality and unconstitutionality before the administrative judiciary. This is due to government interference in sports bodies, which is said to violate international standards.

Article 2 of the Financial Regulations stipulates that:

*"The Authority's properties include all the lands, funds, buildings, facilities, equipment, and all of these funds and properties are the responsibility of the members of the Board of Directors, the Executive Director, the Financial Director of the Authority, and the Trustees. It is not permissible to dispose of any of the Authority's properties by sale, mortgage, assignment, exchange, or otherwise, except by a decision of the Board of*

*Directors and the approval of the competent administrative authority.*<sup>30</sup>

Article 3: *"The Authority's properties should be recorded in special records ... and that the relevant authorities should be done coordinated in accordance with what the competent administrative authority deems appropriate. The facilities affiliated with these bodies must be monitored to ensure the application of approved standards, security and safety procedures, and services."*<sup>31</sup>  
*"The Authority is not allowed to spend its funds for purposes other than those for which it was established. It can invest its surplus fixed or movable funds to increase its resources, provided that this does not affect its activity. This must be done after obtaining approval from the competent administrative authority and following the rules set by the central administrative authority."*<sup>32</sup>

Article 5: *"The Authority's funds are considered public funds when the Penal Code is applied, and they belong to the Authority and not its members. The Authority may not enter bets or any investments that involve financial speculation in any way."*<sup>33</sup>

Article 6 includes internal regulations, internal financial regulations, activity lists, and health regulations and stimulants.

*"These regulations shall be implemented after being approved by the Authority's ordinary general assembly in a manner that does not conflict with the provisions of the law, these regulations, or the decisions issued by the central administrative authority. They will not be implemented until approved by the competent administrative authority and the central administrative authority."*<sup>34</sup>

Article 7: *"The Authority's management is obligated to notify the competent administrative authority of the agenda of the ordinary and extraordinary general assemblies and its annexes before issuing invitations to hold them. This notification should be provided at least one month in advance, allowing the administrative authority time to review the administrative and financial aspects and indicate the extent of their agreement with the relevant laws, regulations, and decisions issued by the central administrative authority. If the competent administrative authority does not provide feedback on the agenda within 15 days of receiving it, their silence will be considered as approval of the topics contained therein. The authority must then make any necessary amendments to agenda items that have financial implications based on the feedback received from the method through which the original agenda was announced. This process should be followed in accordance with the regulations outlined in this document. A competent minister has the right to take legal action against the Authority's Board of Directors if the administrative authority's observations are not implemented in accordance with regulations."*<sup>35</sup>

Article 8: *"Sports bodies are considered private entities for public benefit, and their finances are deemed public funds when subject to the Penal Code."*<sup>36</sup>

---

30 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 2.

31 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 3.

32 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 4.

33 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 5.

34 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 6.

35 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 7.

36 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 8.

Article 10: *"The Authority is responsible for creating a budget...and in the event that the General Assembly does not approve it, the budget will be referred to the Central Auditing Organization for its affairs."*

Article 11 states that: *"...it is not permissible to transfer expenses from one financial year to another unless it is absolutely necessary and approved by the Board of Directors of the Sports Authority and the competent administrative authority. The Board of Directors may not exceed the value of their future contracts beyond the value of their expected financial inflows, as approved by the Authority's auditor. This decision must be made in consultation with an independent financial consultant registered with the Financial Supervision Authority, who is selected and approved by the central administrative authority as indicated in the executive regulations."*

Article 25: *"...members' subscriptions and donations shall be made after approval from the competent administrative authority and centralized. Subsidies, donations, and gifts from natural or legal persons within the Arab Republic of Egypt require approval from the competent administrative authority. Similarly, subsidies, donations, and gifts from parties outside the Arab Republic of Egypt must be approved by the central administrative authority. Subsidies provided by the central or competent administrative authority are used for tools or facilities for the Authority. Any additional revenue sources are determined by the board of directors and approved by the competent administrative authority."<sup>37</sup>*

Article 26: *"The Authority is prohibited from receiving funds under any name or transferring any of its funds abroad without the approval of the central administrative authority. This excludes amounts related to international subscriptions that are tied to the Authority's activities and have been approved by the competent central administrative authority."<sup>38</sup>*

Article 27: *"The Authority may establish companies that operate in sports fields and services in compliance with the law, but only after obtaining approval from the central administrative authority."<sup>39</sup>*

Article 46: *"The Authority is committed to following the provisions and procedures stipulated in the Law Regulating Contracts Concluded by Public Bodies No. 182 of 2018, along with its executive regulations and any amendments. It is important to note the absence of a representative from the Ministry of Finance and a member of the Fatwa and Legislation Department of the State Council. The competent administrative authority is responsible for matters that do not exceed 500 thousand pounds in movables and services or one million pounds for business contracting. The central administrative authority is responsible for matters with a value not exceeding one million pounds in movables and services and three million pounds for business contracting. The competent minister is responsible for matters not exceeding that."<sup>40</sup>*

Introduction to Chapter ten Penalties and Sanctions: Article 97 clarifies that the competent minister has the authority to take legal action against the Authority's Board of Directors in

---

37 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 25.

38 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 26.

39 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 27.

40 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 46.



case of the following violations:

*“Failure of the Authority to return the financial funds allocated for any activity by the competent or central administrative authority within 30 days after the end of the event, including any surplus funds.*

*Violation of the laws, regulations, and decisions issued by the competent and central administrative authority is also prohibited.*

*Failure to respond to reports from regulatory authorities or to remove the causes of violations contained therein.*

*No one can influence or prevent supervisory authorities from performing their supervisory work.*

*Financial or administrative violations contained in the reports of the auditor and regulatory authorities in the country.*

*Failure to fulfill financial obligations was attributed to various government agencies and bodies, including the Insurance Authority, Tax Authority, and other entities.*

*Failure to comply with final court rulings or decisions from the Settlement and Arbitration Center within 60 days of being notified of the executive formula through legally prescribed methods.*

*Traveling abroad without prior permission from the central administrative authority.*

*Collecting donations or holding parties of any kind for the Authority in violation of the provisions of the law and the decisions issued in implementation thereof.*

*He wrote, kept, or presented a document or record—which this law or the decisions issued in implementation thereof obligates him to provide or keep—containing false data, knowing that, or deliberately concealing a statement that he is required to prove by the law or the decisions issued in implementation thereof.*

*If any body subject to the provisions of this law conflicts with the purpose for which it was established, spends its funds in a way that does not achieve this purpose, or causes material loss due to negligence, they will be held accountable.*

*The authors also restrain themselves from withholding the Authority’s funds, documents, records, or documents from its Board of Directors.*

*If the Authority fails to call for a General Assembly meeting or take necessary measures to hold one, the competent minister may intervene. The minister has the authority to prevent the Authority’s Board of Directors from accessing the Authority’s bank accounts.*

*May also temporarily suspend or exclude all or some members of the Board of Directors and the Executive and Financial Director, and refer them to the Public Prosecution in the event of any of the aforementioned violations. This will remain in effect until the Public Prosecution completes its investigations or until the Board of Directors term ends.<sup>41</sup>”<sup>42</sup>*

Article 98: *“In accordance with the provisions of the basic sports systems regulations, in the event that members of the club’s Board of Directors are suspended under Article 97 of these regulations, a temporary committee will be formed to manage the club’s affairs. The committee will consist of members from the general assembly, as decided by the competent minister, until the reasons for the suspension are lifted or the term of the Board of Directors is no longer valid.”<sup>42</sup>*

Article 99: *“If an incident of embezzlement or theft of the Authority’s funds or tasks occurs, the*

---

41 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 97.

42 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 98.

*competent director must immediately report the incident to the Chairperson of the Authority and the Treasurer. In this case, the following measures must be taken:*

*The chairperson of the Authority's Board of Directors shall order the formation of an experienced committee to inventory the embezzled or stolen amounts and assets, and to determine who is responsible for the embezzlement or theft. The committee shall submit a report on its findings to both the Executive Director and the Treasurer. This report must include the value of the embezzled, lost, or stolen assets, the ones responsible for them, the reasons for the incident, and proposed measures to prevent their recurrence in the future. The Chairperson of the Authority may refer the report to either the Treasurer or the Executive Director to conduct a preliminary investigation into its contents.*

*The Chairperson of the Authority must present the committee's report, along with the results of the preliminary investigation, to the Board of Directors at its first meeting for the Board to take necessary action regarding the incident.*

*The public prosecution must be informed of the incident, and all the papers and documents related to it must be submitted to assist in the investigation.<sup>43</sup>*

The regulation clarifies the role of administrative authorities in monitoring and supervising sports bodies, particularly in terms of financial and administrative supervision, rather than technical supervision. It clarifies the violations that may result in the imposition of sanctions. In my opinion, this regulation strikes an important aspect of the balance between state sovereignty and the autonomy of sports. It allows the state to address corruption and violations within sports bodies, marking a crucial step toward developing a system for the governance of sports bodies. This is distinguished by the fact that it avoided multiple financial regulations consolidating them into a unified list. Despite facing legal challenges, claiming their illegality and violation of the law or constitution, they are compatible with the Olympic Committee Charter regarding the governance of sports institutions.

This came after the previous list of canceled clubs, which experienced successive amendments. The most important change was in Article 53 of the regulations, which grants the Minister of Sports the authority to take legal measures against the club's Board of Directors in a number of cases. They include violations of the provisions of these regulations, failure to respond to reports from regulatory authorities, or responding in a way that represents procrastination or delays in taking all the legal measures regarding the financial irregularities outlined in those reports.

Likewise, regulatory authorities are neither enabled nor prevented from performing their duties. Violations are reported in the auditor's reports and the reports of regulatory authorities that have a financial impact, and the failure to meet financial obligations owed to government agencies and bodies (such as the Insurance Authority, the Tax Authority, and other bodies).

Egyptian law lacks the principles of sports governance contained in the Olympic Charter. Good governance is linked to the principle of the autonomy of sports in the Olympic Charter, as there is no sports Autonomy without good governance. Good organizational governance aims to ensure that the Board of Directors seeks to achieve results for the benefit of the organization and its members, while making sure that these results are effectively monitored.

---

43 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 99.

Poor performance and management are often attributed to an inexperienced director, conflict of interest, failure in risk management, inadequate or inappropriate financial control, poor internal systems, and reporting. Good governance in sports organizations is "the essential basis for securing the independence of Olympic and sports organizations and ensuring that this independence is respected by stakeholders (point 6 of the resolution). The IOC deliberations from February 2008 resulted in the introduction of the 'Basic Universal Principles for Good Governance of the Olympic and Sports Movement' (BUPs)' organized into seven chapters. BUP 7 is called "harmonious relations with governments while maintaining independence. Accountability, transparency, integrity, and responsibility are among the most important principles of governance."<sup>45</sup>

In my opinion, financial regulation contributes to the implementation of some principles of governance, but it still lacks some principles of governance that confront match-fixing, organized crime, limits on player transfer amounts, sponsorship, etc."<sup>44</sup>

### **3. TRENDS IN THE EGYPTIAN JUDICIARY REGARDING THE AUTONOMY OF SPORTS**

The Egyptian judicial system is a dual system. Each branch consists of its own jurisdiction and independence. One branch deals with administrative disputes. The other is known as the ordinary judiciary, which deals with legal matters other than administrative disputes.

The courts are graded as follows: the ordinary judiciary (including partial, primary, appellate, and cassation courts), and the criminal judiciary (including violations, misdemeanors, felonies, and cassation courts).

The administrative judiciary consists of the State Commissioners Authority, Administrative and Disciplinary Courts, Administrative Judiciary, and Supreme Administrative Judiciary.

The Supreme Constitutional Court is the highest court in the Egyptian judicial system, as it is responsible for monitoring the constitutionality of laws and their interpretation, and resolving conflicts in jurisdiction and implementation.

Regarding the relationship between sports activities and the state judiciary, sports bodies governed by the Youth Bodies Law and owned by the state for youth development and sports are subject to the state courts and administrative judiciary, as they are considered government bodies and facilities. Additionally, the Ministry of Youth and Sports is also subject to judicial oversight through the State Council (Administrative Judiciary).

The organizational regulations of sports bodies governed by Sports Law No. 71 of 2017 are reviewed, and what is stipulated in the regulations established by each sports body are applied.

---

44 Hussien, Ahmed Saad Mohammed. "The balance between state sovereignty and the autonomy of sport," PhD Thesis, Faculty of Law, Helwan University, 2023.

Regarding the cancellation of decisions, according to the law, in order to cancel the decisions by the General Assemblies or the Board of Directors, the interested party, along with the administrative authority, central or competent, must resort to the Center for Sports Settlement and Arbitration.

Regarding contracts and various disputes, the Authority's regulations are considered, and we found that most, if not all, regulations stipulate those disputes must be referred to the Center for Sports Settlement and Arbitration.

In addition, central government regulations indicate that the Center specializes in sports disputes.

The judiciary of the State Council tended to interpret that the obligation and coercion in arbitration are limited to the sports body, not its members within the General Assembly. It ruled that if jurisdiction is lost, the lawsuit should be referred to the Court of Appeal in the geographical scope of the sports body. With the amendment of the regulations of the Center for Sports Settlement and Arbitration, the jurisdiction for lawsuits seeking the invalidation of an arbitration decision was made to the Center, including the appeal case. As a result, it is not permissible to resort to the Court of Appeal to challenge the arbitration decision, as this would contradict both the Egyptian Arbitration Law and international arbitration treaties, especially the New York Treaty, as well as the regulations of the Court of Arbitration for Sport (CAS). Furthermore, the Egyptian Supreme Constitutional Court removed the Egyptian Arbitration Centre from its list.

The controversy over judicial oversight of sports bodies continues in Egypt. Looking at the historical development of sports autonomy, we find that the main catalyst for using the principle of sports autonomy was the Bosman case and the subsequent intervention of the European Union Court. The most important element in sports autonomy is the consideration of its disputes by a dedicated sports body, such as the Center Sports Arbitration.

In my personal view, regarding the decisions of the central and competent administrative authority regarding administrative and financial supervision, a lawsuit may be filed before the State Council in the event that the administrative authority refrains from making decisions and procedures related to financial oversight. Such a failure could be viewed as a negative decision by the administration, without formal administrative decisions.

Below are selections from the most important judicial rulings issued by the Egyptian judiciary in light of modern law, which explain the direction of the judiciary on the autonomy of sports, its jurisdiction to hear lawsuits related to sports, and its vision of the role of the state in sports. This includes studying trends in the administrative judiciary, the approach of the arbitrator of appeals, the Court of Cassation, and the Sports Settlement and Arbitration Center. Then, I will discuss the opinions of sports legislation jurists on the role of the judiciary and the arbitration center in settling sports disputes.

Trends in the Egyptian administrative judiciary, the direction of Cairo Court of Appeal. the direction of the Egyptian Court of Cassation, the direction of the Sports Arbitration Centre, and the direction of the Supreme Constitutional Court will be discussed further.

### **3.1. TRENDS IN THE ADMINISTRATIVE JUDICIARY IN EGYPT**

The rulings of the administrative judiciary in Egypt, following the issuance of the Sports Law, dealt with the issue of the autonomy of sports with some caution. While their rulings adhere to legal texts, they determine that they are not competent to consider disputes related to non-governmental sports bodies. We find that they are competent at considering disputes related to governmental bodies in full, such as the Ministry of Youth and Sports, its administrative decisions, the central administrative authority, and the competent administrative authorities (such as the Youth and Sports Directors). Its rulings were based on the lack of jurisdiction over sports disputes related to nongovernmental sports institutions such as sports clubs, the Egyptian Olympic Committee, and Egyptian sports federations. While they affirm this lack of jurisdiction, but they refer these disputes to the Cairo Court of Appeal. The court bases its rulings on the Egyptian Arbitration Law, and relies on the fact that referral to the Sports Arbitration Center, without the consent of the party involved in the dispute. and based on the regulations of the Sports Authority involves forced arbitration and is in violation of the Constitution. It is believed that the regulations of the Sports Authority obligate itself to resort to arbitration, even without the members of the General Assembly agreeing to it. Therefore, the members of the General Assembly have the right to turn to the ordinary judiciary if there is no arbitration clause or arbitration charter outside the regulations of the Sports Authority.

The issue of referring jurisdiction to the Court of Appeal and the extent of its acceptance of jurisdiction is a matter of controversy, especially regarding the principle of sports autonomy and the regulations of the Egyptian Arbitration Center and the correspondence from the International Football Association (FIFA), which states that sports disputes are not to be submitted to any national court other than the Arbitration Centre. Therefore, it is worth noting the examples of rulings and comment on them in this article. The rulings address the controversy between the judiciary and sports autonomy, not only in terms of jurisdiction, but also in terms of various issues, such as adherence to international sports standards and the authority and powers of the Egyptian Olympic Committee.

#### **3.1.1. The ruling 2175 of 73 c 12-2-2018**

The Minister of Youth and Sports' decision not to dissolve the Egyptian Olympic Committee was halted after the implementation of Article 2 of Law No. 71 of 2017, along with the resulting consequence.

*"In accordance with the provisions of Article (3) of the current law, the legislator has decided to grant the Olympic Committee new jurisdiction that was not assigned to it in the repealed law. The legislator stipulated that the regulations and basic rules of sports bodies, as established by their general assemblies under normal conditions and after a period of conciliation, should be enforced.*

*The Olympic Committee must approve the study before issuing and publishing it in the Egyptian Gazette to ensure compliance with the Olympic Charter and applicable international standards. In doing so, it exercises a supervisory and guardianship role over the general assemblies of sports bodies in the regulations it sets for their basic systems. These powers and authorities were previously assigned the administrative authority in Article 4 of repealed Law No. 77 of 1975. By granting these powers to the Olympic Committee, the legislator aims to achieve the public interest and remove*

*the contradiction between the repealed law, the Olympic Charter, and international standards. This aims to enhance the role of general assemblies and boards of directors of sports bodies, granting them autonomy.*

*Although the legislature has granted the Egyptian Olympic Committee these powers, it does not undermine the state's national sovereignty over it, unlike other state-affiliated entities. Even as a member of an international organization, the legitimacy of the Olympic Committee's existence comes from state laws. Its decisions must align with the powers legally defined for it, focusing on organizing Olympic sports activities and related technical matters in accordance with international conventions. The Committee should not intervene in administrative or social aspects of sports bodies unrelated to organizing sports activities. Any decisions made by the Olympic Committee must adhere to the Constitution and the law. Violating of these principles would go against the rule of law, which requires state authorities to act within the limits of the law (Article 94 of the Constitution)<sup>45</sup>."*

In addition to the above, considering the legislature's philosophy in the current sports law, the intention is to grant sports bodies self-management of their affairs in accordance with international standards by maximizing the role of their general assemblies. As a result, the decisions made by the general assemblies of these bodies and their boards of directors have become stand-alone decisions. They are not subject to guardianship oversight from the administrative body or any other party for enforcement. Articles 15, 16, 17, 18, 19, 21, or 22 of this law, which regulate the provisions of the general assemblies and the provisions of the Board of Directors, do not include guardianship—except for matters related to setting basic regulations and financial decisions within the limits of the legal texts regulating them. If the administrative authority and concerned parties wish to object to these decisions, they may either seek recourse through the competent judiciary or the Sports Settlement and Arbitration Center as stipulated in Article 66 of this law. This is outlined in Articles 20 and 23, provided that all requirements and conditions are met, as stipulated in Articles 70, 69, 68, 67, and 66 of this law. To state otherwise would render this law null and void, as it goes against its intended purpose and undermines its foundation.

"Therefore, the refusal of the defendant's administrative authority to issue a decision to dissolve the Egyptian Olympic Committee, write it off, and erase its registration from the records of sports bodies is justified based on the information presented in the papers. As a result, it is unlikely that the contested decision will be canceled when the merits of the case are considered, which undermines the necessary element of seriousness. In order to halt the implementation of the decision, the court had decided to reject the request to stop its implementation due to the lack of seriousness, without needing to consider the element of urgency as it would be futile.

The court emphasizes that by rejecting the request to halt the implementation of the contested decision, the Egyptian Olympic Committee will retain its legal personality and continue to exercise its powers as outlined in Sports Law No. 71 of 2017."<sup>46</sup>

---

45 Ruling of the Administrative Court of the State Council, Second Circuit, in Case No.2175 of 73 C 12-2-2018

46 The Egyptian State Council. Case No. 2175 / 73 y, 12 Feb 2018, the Administrative Court, Second Circuit.

### **3.1.2. Analysis of the trend of the Egyptian administrative judiciary**

By analyzing the rulings of the Egyptian administrative judiciary, we find that heading toward the fact that the arbitration clause in the Sports Authority is a condition specific to the authority itself, not its members. This direction was followed until it was considered coercive arbitration, and the regulations are considered unconstitutional if interpreted differently. In the CAS International Arbitration Law, contracts and regulations are included in the text.

Disputes involving a federation, association, or other sports-related body are subject to arbitration under this Code, only if their statutes, regulations, or a specific agreement allow for it. Therefore, international arbitration law extends beyond just arbitration agreements and contracts, encompassing the incorporation of an arbitration clause in a law or regulation.

In a comparative study, the German Supreme Court ruled on a matter related to the forced arbitration clause mentioned in the second section of the study. The court clarified that the arbitration clause could also be included in the statute of the sports authority. An issue to consider is the arbitration agreement contained in the statute of an association. These agreements are not voluntarily entered into by the athletes or clubs affected by them.

This argument was raised in the hotly debated case involving the German speed skater Claudia Pechstein, who sought damages before a German state court against the International Skating Union (ISU) after being banned for doping by the governing body and losing subsequent proceedings at the Court of Arbitration for Sport (CAS) in Lausanne and the Swiss Federal Court. In 2016, the German Supreme Court confirmed that in sporting matters the need for international uniformity of decisions trumps the requirement of a “voluntary” arbitration agreement. In my opinion, it is not permissible to completely exclude state courts from considering sports issues. However, the first stage of considering sports disputes should be specific to sports bodies, such as conciliation and mediation within the sports body or sports federation. If the athlete is not satisfied with the outcome, they have the right to resort to the state’s litigation system to review the fairness of the decision taken in their case as a next level of appeal or to challenge the invalidity of the arbitration ruling.

If there is no ability to resort to the state’s judicial system to consider the invalidity of the arbitration award, then the matter relates to the sovereignty of the state and affects the right to litigation. However, if recourse to the national judiciary is available to challenge the invalidity of the arbitration award, the right to litigation is still guaranteed. The Constitutional Court ruled to invalidate the regulations of the Sports Arbitration Center.

## **3.2. THE DIRECTION OF THE CAIRO COURT OF APPEAL**

The Court of Appeal is responsible for hearing appeals against rulings where one of the parties involved in the case believes there was a mistake in the initial decision. Moreover, the Court of Appeal has the authority to review appeals against arbitration rulings within its geographical scope as outlined in the Egyptian Arbitration Law.

A candidate running for elections in an Egyptian sports club has filed a lawsuit to challenge an arbitration award before the Cairo Court of Appeal. The arbitration award in question was

issued by the Egyptian Sports Arbitration Center. The candidate's reasons to invalidate the award are twofold:

- (a) The absence of an arbitration agreement pertaining to the dispute in question.
- (b) The alleged unconstitutionality of the sports arbitration system as outlined in Articles 66 and 67 of Egyptian Sports Law No. 71/2017.

It was argued that the issue of invalidity should be considered inadmissible in light of the recent modifications to the rules of the Egyptian Sports Arbitration Center, which were amended in March 2018.

Surprisingly, the Cairo Court of Appeal ruled against accepting claims of invalidity related to arbitration decisions issued by the Egyptian Sports Arbitration Center in the December 2018 Appeal Ruling.

The court found no legal issues with the confusing rules. It explained that the cancellation procedures outlined in the Egyptian Arbitration Law No. 27/1994 do not apply to sports arbitration decisions. Instead, sports arbitration decisions follow a special cancellation system as stipulated in the new amendments to the Egyptian arbitration rules by the Sports Arbitration Centre. In brief, the Cairo Court of Appeal followed the literal interpretation of the newly amended rules of the Egyptian Center for Sports Arbitration without any reservations.<sup>47</sup>

Then, its direction changed after the ruling of the Supreme Constitutional Court invalidated the list of arbitration centers. This ruling was based on the invalidation of the list, leading to the invalidation of the formation of the center (Abdullah Al-Saeed).

### **3.3. THE DIRECTION OF THE EGYPTIAN COURT OF CASSATION**

The Egyptian Court of Cassation is the final stage for appealing judgments in the regular judiciary, specifically in criminal cases. It was not a specialized court until a few years ago. In December 2019, the Commercial and Economic Chamber of the Court of Cassation ruled to refer the constitutionality of Articles 66 and 69 of Sports Law No. 71 of 2017 to the Supreme Constitutional Court. This was to determine the extent of authority granted to the Board of Directors of the Egyptian Olympic Committee in issuing regulations for the statute of the Egyptian Sports Settlement and Arbitration Center, without prejudice to the sole autonomy of its arbitration bodies.

The court also referred to Articles 2, 81, 92 bis B, and 92 bis C of the Centre's bylaws, regarding their violation of the legislative mandate outlined in Articles 69 and 70 of the Sports Law, failure to adhere to international standards, and the protection of sports arbitration rulings issued by the Center from judicial oversight. Additionally, the court noted the principle of equality between citizens before the law regarding filing a lawsuit to invalidate the arbitration award issued by the Center before state courts.

The dispute arose before the Court of Cassation when the Egyptian Sports Settlement

---

<sup>47</sup> Ibrahim Shehata; Sports Arbitration in Egypt: The Utterly Baffling Experiences, Kluwer Arbitration Blog, 21 December, 2019, [http://arbitrationblog.kluwerarbitration.com/2019/12/21/sports-arbitration-in-egypt-the-utterly-baffling-experience.](http://arbitrationblog.kluwerarbitration.com/2019/12/21/sports-arbitration-in-egypt-the-utterly-baffling-experience/) /



and Arbitration Center decided to annul the results of the Mansoura Sports Club Board of Directors elections for the 2017–2018 term. This decision was made because the name of the candidate was not included on the ballot for the presidency. Following this, the president of the winning club, the head of the Egyptian Olympic Committee, and the executive director of the Mansoura Club resorted to the Cairo Court of Appeal. The Court of Appeal deemed the arbitration center's ruling invalid. Thus, the excluded candidate appealed This decision to the Court of Cassation. The Center's bylaws hen were amended after the appeal ruling to specify that only the Center itself could file an invalidation lawsuit.

Given the merits of its ruling, the court pointed that "Article 66 of the Sports Law incorrectly classified the Sports Settlement and Arbitration Center as affiliated with the Olympic Committee, despite claiming it was independent. Additionally, Article 69 II granted the President of the Olympic Committee the authority to issue regulations for the center's statute. These regulations established many connections between the two sides. including the formation of the Center's Council Management by the Olympic Committee and the shared presidency between the two organizations. Furthermore, the regulations specified that the center's board of directors would supervise its affairs in all financial and administrative aspects."<sup>48</sup>

The court explained that "all the links between the Sports Arbitration Center and the Olympic Committee would raise serious doubts about the extent of the center's autonomy, especially in cases where the Olympic Committee may be a party to the lawsuits presented to any of the arbitration bodies. The court noted that the structure is supposed to allow the Center's organizational structure to provide the necessary autonomy for its arbitration bodies, as they are bodies with judicial jurisdiction. This structure should also reassure the hearts of the arbitration parties and everyone who resorts to the Center to settle a sports dispute."<sup>49</sup>

The court added that this is achieved by the arbitration bodies enjoying the autonomy and impartiality necessary to perform their mission fully. Merely having autonomy and seriousness in the arbitration bodies affiliated with the Center from the Olympic Committee and the parties to each dispute are insufficient and require the autonomy of the Center from the committee at both the organizational and financial levels.

The court ruled that Articles 2 and 81 of the Center's regulations, exceeded the scope of the authority granted in Article 69 of the Sports Law. This Article gives the Olympic Committee's Board of Directors the authority to create rules and procedures for mediation, conciliation, and arbitration in accordance with international standards. The court also found that these articles deviated from the Center's obligations outlined in Article 70 of the Sports Law. Article 70 references the Olympic Charter, international standards, the Sports Law texts, guarantees, and the basic principles of litigation found in the Civil and Commercial Procedures Law. It also requires compliance with Law No. 27 of 1994 on Arbitration in Civil and Commercial Matters, known as the Egyptian Arbitration Law, which is the primary law governing arbitration in the country.

---

48 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

49 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

The court noted that *"in principle, there is nothing wrong with the Sports Law or the regulations implementing its provisions in seeking to remove sports disputes from the jurisdiction of international courts to decide them through arbitration or any of the alternative methods for settling disputes. This can be achieved by stipulating this in sports contracts or regulations of bodies and federations. The various sports rules and principles grant them a great degree of autonomy and freedom. This also aims to keep pace with the international trend of limiting state interference in the affairs of sports bodies and federations, by establishing a special authority that has the mandate to settle sports disputes with quick, reasonable, flexible procedures. and costs. However, the Center's regulations did not comply with international standards regarding claims for the invalidity of arbitration awards."*<sup>50</sup> "

The court explained that the articles of the regulations regulated the filing of invalidity lawsuits against the Center's rulings in a way that raises doubts about the immunity of sports arbitration rulings from judicial oversight. The regulations were found to violate Article 53 of the Constitution and clearly abolished the possibility of referring to the Egyptian Arbitration Law in regard to the invalidation lawsuit, even though this law is the general law of arbitration in the country.

The cassation cited, "the Court of Arbitration for Sports in Switzerland as the most prominent international model in the field of sports dispute settlement. It stated that the Court does not have jurisdiction to consider invalidation claims, and the Swiss Federal Court remains competent to hear invalidation claims on those rulings. This is because according to the rules of the Court of Arbitration for Sport, the arbitration always takes place in the city of Lausanne, Switzerland. It is preferable to follow international standards that state claims for the invalidity of sports arbitration rulings should not be considered within the framework of the Center as stipulated in Sports Law. This is especially important due to legal doubts raised about the Center's autonomy from the Egyptian Olympic Committee."<sup>51</sup>

On the other hand, the cassation stated "the amended Article 92 bis C of the Center's regulations allows the Center to invalidate sports arbitration awards, even if they are foreign. This contravenes the provisions of the "1958 New York Convention" regarding the recognition and implementation of foreign arbitrators' awards. In follow-up, it was mentioned, "This article authorizes what is called the Center of Invalidation - which is merely a center for arbitration - to have an authority that the courts of the Republic themselves do not have."<sup>52</sup> The court explained that the article also violates the Egyptian Arbitration Law. Its application would ignore the concept of the legal seat of arbitration and allow the Nullification Department at the Egyptian Settlement Center to challenge the authority of the competent court of nullity in the country chosen by the parties as the legal seat of foreign sports arbitration issued by any sports arbitration body. This creates a situation of unjustified conflict in jurisdiction.

Egyptian law transfers regulatory supervision of sports bodies from the competent government authority, such as the Directorate of Youth and Sports, the National Sports Center, or the Ministry, to the National Olympic Committee. When it comes to setting regulations for the Sports Authority, it is evident that most participants adhered to the relevant regulations.

---

50 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

51 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

52 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

For example, the Zamalek Club presented various articles that led to the option of resorting to the Sports Dispute Settlement Center, which were later revoked.

The current law mandates the approval from the Olympic Committee on the regulations for the sports body to show the extent of its conformity with international standards and the Olympic Charter.

The list must be approved by the Olympic Committee and published in the official gazette by the ministry. In the context of State Council Ruling 3996 of 1973 BC, failure to publish the list is considered a negative administrative decision by the competent administrative authority.

### **3.4. THE DIRECTION OF THE CENTER FOR SPORTS SETTLEMENT AND ARBITRATION**

Based on the merits of the ruling, Article 67 of Sports Law No. 71 of 2017 includes members of the general assemblies of these federations.

*"The center's jurisdiction is established based on a condition or stipulation for sports arbitration contained in a contract or based on a body's regulation or a regulation related to a sporting activity. The Egyptian Sports Settlement and Arbitration Center, whenever jurisdiction is established, has the authority to settle the following disputes:*

- 1. Disputes that arise from the application of the provisions of this law and the statutes of the Egyptian Olympic Committee, the Egyptian Paralympic Committee, sports clubs and federations, and the members of the general assemblies of these federations."*
- 2. Disputes that arise from the interpretation or implementation of contracts in the sports field..."*

Article 2 of Resolution No. 88 of 2017, concerning the statute of the Egyptian Sports Settlement and Arbitration Center, has been replaced by Olympic Committee Resolution No. 2 of 2018. This resolution states, "Taking into consideration Article 70 of the Sports Law issued by Law No. 71 of 2017, the regulations outlined in this document are applicable to all sports disputes. Parties involved in a dispute must adhere to these regulations, and by resorting to the Egyptian Sports Settlement and Arbitration Center they agree to submit their arbitration claim, any appeals, and any challenges to the validity of the arbitration decision to the rules outlined in these regulations."<sup>53</sup>

### **3.5. THE DIRECTION OF THE SUPREME CONSTITUTIONAL COURT IN EGYPT**

We have found that the Egyptian Constitutional Court is considering cases related to the Sports Law. In August 2021, Law No. 137 of 2021 was issued, amending certain provisions of the Supreme Constitutional Court Law No. 48 of 1979.

Article 27 bis now permits *"the Supreme Constitutional Court to monitor the constitutionality of decisions made by international organizations and bodies, as well as rulings from foreign courts that are to be enforced against the state."*<sup>54</sup>

Article 33 bis permits "the Prime Minister to ask the Supreme Constitutional Court to declare

---

<sup>53</sup> The Egyptian Sports Settlement and Arbitration Center. Case No: 12 / 3 y, 2020.

<sup>54</sup> The Egyptian Supreme Constitutional Court Law No. 48 of 1979, Amendment by Law No. 137 of 2021.

that decisions and rulings mentioned in Article 27 bis should not be considered, along with any obligations stemming from their execution.”<sup>55</sup>

Any concerned party shall dispute this request, and a copy of the decision or ruling in question must be included, along with a certified translation thereof. The request must state the constitutional text or provision alleged to be breached, and the rationale for the breach. The court shall promptly decide on the request.

The Constitutional Court has oversight over foreign decisions and rulings through a mechanism similar to the adjudication of implementation disputes. Therefore, it may monitor the rulings and decisions of international sports bodies in relation to the Egyptian state. However, the CAS Court and its rulings do not apply to this text because the text does not include international arbitration rulings, so they have been excluded. The draft law violates the provisions of the New York - RC Arbitration Agreement and international standards. As a result, oversight of arbitration decisions does not extend to the Egyptian state.

The body recommended that Commissioners in the Constitutional Court review the constitutionality of Articles 66, 67, and 69 of Sports Law No. 71 of 2017 in lawsuit No:16/43.

*The ruling of the Supreme Constitutional Court was issued on January 14, 2023, in Constitutional judicial case no. 61 of 42*

First: Article 69 of the Sports Law, as promulgated by Law No. 71 of 2017, was deemed unconstitutional. It stated that “The Board of Directors of the Egyptian Olympic Committee shall issue a decision on the statute. The Center regulates the rules and procedures for mediation, conciliation, and arbitration therein.”

Second, “the bylaws of the Egyptian Sports Settlement and Arbitration Center issued by the Egyptian Olympic Committee’s Board of Directors Resolution No. 88 of 2017, and its amendments”<sup>56</sup> have been cancelled.

The court provided the following reasons for its ruling:

“According to Article 84 of the Constitution, the legislature is empowered to regulate sports affairs and sports bodies eligibility based on international standards and fairness. This includes granting the legislature the authority to establish a mechanism for resolving sports disputes, and utilizing international standards for athlete arbitration. The legislature has approved the use of arbitration as a means to settle sports disputes, as outlined in the Seventh Law of Sports. Athlete arbitration serves as a tool for resolving sports disputes, while adhering to international standards to ensure fairness and objectivity in the arbitration process, distinguishing it from other forms of arbitration.

The judiciary is amazing in its ability to assign rights and authority under the Constitution. The court may run on the premise that if the Constitution grants legislative authority, then no one can take away from that. However, the Executive Authority should not restrict their judiciary with general controls and foundations. The legislator should work within the framework of the Constitution, rather than abandoning their specialty. The original decision in Article 101 of the Constitution, has fallen into a violation of Constitutionalism.

---

55 The Egyptian Supreme Constitutional Court Law No. 48 of 1979, Amendment by Law No. 137 of 2021.

56 The Egyptian Supreme Constitutional Court. Case No. 61 / 42 y, 14 Jan 2023.

In addition, I included Article 69 of the Sports Law. The previous one *The remembrance*, where I included it to delegate the council administration to the Egyptian Olympic Committee in issuing a resolution by the Basic Center for Settlement and Arbitration. The Egyptian athlete organizes rules and procedures for mediation, good luck, and arbitration. However, it is important to note that the legislator should not take away the authority to organize the chapter on sports disputes. This is in accordance with the Constitution's mechanism, which specifically addresses this issue. Therefore, it is necessary for the legislator to organize this matter and establish rules for sports disputes from both procedural and objective perspectives. This should be done without delegating authority to any organization, as the organization must remain impartial and objective in order to ensure judicial satisfaction that is proportionate to the type of disputes in question. It is important to closely adhere to the truth in litigation and ensure that the rights of all parties involved are protected. This specialization should be exclusively organized by the legislator without interference, as taking away this authority would violate Articles 8 and 4 of the Constitution.

When a decision is made by the Constitutional Court, its specialization lies in reviewing the constitutionality of decisions and regulations issued by private entities. Without legislative preparation, the court's role in Constitutional Censorship is significant, and it has jurisdiction to either uphold or overturn decisions made by competent judicial bodies. Any decisions or regulations that do not comply with the Constitution may be revoked based on legislation. If private decisions and regulations are found to be unconstitutional, they must be reviewed by the Constitutional Censorship branch. It is essential to ensure that private decisions and regulations comply with legislation to prevent a violation of the Constitution. Otherwise, the branch of origin may be required to intervene and communicate a resolution in connection with the matter.

When the progress was assessed, it was listed in the Basic System for the Settlement and Arbitration Center. The Egyptian athlete, unable to separate himself from Articles 81, 92, and 92 Bis of the Constitution prepared to appear before this court through immanence. Secondary matters are inevitably related to the constitutionality of Article 19 of the Sports Law, Law No. 71 of 2017. The previous range was defined, leading to a judicial review of the legislative text's demise. The legal bond to issue regulations referred to in the text requires a complete fall of its provisions by the judiciary."<sup>57</sup>

This ruling did not address the principle of autonomy in sports. Instead, it was ruled unconstitutional for violating the mandate given to the legislature to set the method for resolving sports disputes, a responsibility assigned to them by the constitution. The court believes that it is the legislator's role to set the general framework for resolving sports disputes and regulate this matter.

Moreover, when anchoring rules are utilized in the procedures and objectives of sports disputes from both sides, he delegates authority to this organization or a part of it, as the organization is involved in the procedural and objective aspects of judicial satisfaction that correspond to this type of dispute. He emphasizes the importance of truth in litigation and asserts that rights should always be organized exclusively by the legislator without interference from others.

---

<sup>57</sup> The Egyptian Supreme Constitutional Court. Case No. 61 / 42 y, 14 Jan 2023.

The ruling does not address the issue of the Arbitration Center's affiliation with the Olympic Committee being contrary to the principle of sports autonomy. In my opinion, this ruling failed to address an important point. It is crucial to distinguish between the bylaws governing the Sports Arbitration Center, which should be established by its general assembly in accordance with the principle of sports autonomy, and the laws applicable to sports disputes, which may differ from the regulations governing the Sports Arbitration Centre.

This ruling, which pertains to the legislature establishing a law for sports arbitration in Egypt, raises suspicions of a constitutional violation of Article 84 of the Constitution. This article addresses international sports standards and includes the principle of autonomy in sports. The drafting of a sports arbitration law by the House of Representatives could be seen as state interference in sports affairs. Therefore, in my opinion, the legislature should refrain from setting specific guidelines and instead allow the Sports Arbitration Center to develop its own system.

To ensure that sports arbitration complies with Egyptian arbitration laws, as the ruling stated, athletes should use it as a tool to resolve sports disputes while adhering to international standards, unless there are differences in procedural and objective aspects that set it apart from other types of arbitration. This highlights the illegality of the regulations for sports arbitration, as they violate Egyptian Arbitration Law by not allowing for appeals of invalidation decisions before Egyptian courts or any other court. Additionally, the creation of an invalidation department within the center to review the validity of its decisions further complicates the situation.

The ruling indicated that the jurisdiction for appeals against regulations of private sports bodies does not fall under the Constitutional Court, but rather the competent court. The decision emphasized that the Constitutional Court's expertise lies in reviewing the constitutionality of decisions and regulations made by public entities, not private ones. Since there is no legislative framework in place for this specific issue, it is within the jurisdiction of the competent judiciary to address and potentially overturn such decisions.

In the case of sports bodies, the competent court is the Sports Arbitration Centre. However, what about the regulations of the Sports Arbitration Centre itself? Do authorities have the ability to appeal to organizational regulations? These regulations fall under the jurisdiction of private bodies and are delegated regulations in which the legislator entrusts a body to regulate certain issues within the scope of legislation.

In my opinion, the ruling overlooked the materials that were necessary to request a judgment on its constitutionality. It did not address this issue in either the cause or the text of the ruling Articles 66 and 67.

Here arises a question: Did the legislator violate the constitutional mandate as stated in the ruling's statement of reasons for unconstitutionality?

In my opinion, the legislator did not exceed the limits of the constitutional mandate. The legislator did not delegate executive authority in clarifying the arbitration center regulations. Instead, in the beginning of Article 69, which was ruled unconstitutional, the responsibility to issue the regulations was given to the Board of Directors of the Egyptian Olympic Committee,

"The Board of Directors of the Egyptian Olympic Committee shall issue a decision on the basic system of the center that regulates the rules and procedures for mediation, conciliation, and arbitration. This decision will be in accordance with international standards based on the proposal of the Center's Board of Directors."<sup>58</sup>

The Egyptian Olympic Committee is not part of the executive authority, but rather a private body of public benefit. Despite my agreement on the unconstitutionality of the article, I believe that its violation of the principle of the independence of sports, is the reason for its unconstitutionality. The center should be independent of the Olympic Committee in accordance with international standards, as stipulated in the constitution which requires "the law to regulate the affairs of sports and private sports bodies in accordance with international standards."<sup>59</sup>

The legislator did not leave the mandate completely without a framework or definition. He restricted the Olympic Committee to general controls and main foundations within which it is obligated to work. He clarified the commitment of the Sports Arbitration Center to the Egyptian Code of Civil Procedure and the Egyptian Arbitration Law in Article No. 70 of the law. This article stated:

*"The Sports Arbitration & Dispute-Resolution Center of Egypt abides by the provisions and regulations of the Olympic Charter, World Standards, and the articles of associations of the sports organizations addressed and governed by the provisions of this Law. It abides by the texts of the Law, as well as all the decrees and regulations issued in implementation thereof, and the basic principles and guarantees of litigation as stipulated in the Law of Civil & Commercial Procedures. The provisions of the Law governing Arbitration in Civil & Commercial Issues, promulgated by Law No. 27 of 1994, shall be applied to all matters for which no specific text is stated in this Part and the Center regulations."<sup>60</sup>*

Therefore, the legislator did not leave the Sports Arbitration Center or the Olympic Committee free in the mandate directed to them. Instead, he set a general framework. If the center's regulations are in violation of Egyptian arbitration law and the New York Convention, the regulations are tainted by illegality. There is a possibility of their invalidity in what they stipulated regarding the inadmissibility of appealing their decisions for invalidity before the Egyptian judiciary. Therefore, the one who violated the constitutional mandate is not the legislator, but the Olympic Committee and the Sports Arbitration Center itself in its regulations. What should be done?

The Sports Arbitration Center should be independent of the Olympic Committee by establishing a higher independent body to manage it instead of the Olympic Committee. The center should set its own regulations within the framework of the legitimacy of compliance with the Sports Law and the Egyptian Arbitration Law. Its regulations may not be set by the legislator or the Olympic Committee because that would conflict with its autonomy.

The Supreme Sports Arbitration Authority, which I propose to be established, will be composed of members representing the Egyptian Olympic Committee, members representing the

---

58 The Egyptian Sports Law No. 71 of 2017, Art. 69.

59 The Egyptian Constitution (2014), Amendment (2019), Art. 84.

60 The Egyptian Sports Law No. 71 of 2017, Art. 70.

Egyptian sports federations, members representing the clubs, and members representing the athletes and sports professions. The Authority will supervise the Sports Arbitration Center administratively only.

There are still other appeals before the Supreme Constitutional Court that address articles related to the independence of the arbitration center from the Olympic Committee, such as Articles 67, 68, and 90 of the Sports Law.<sup>61</sup>

### ***3.5.2. The ruling of the Supreme Constitutional Court regarding a conflict of jurisdiction between the administrative judiciary and the Arbitration center***

In the ruling of the Supreme Constitutional Court regarding a conflict of jurisdiction between the administrative judiciary and the arbitration center, it was decided not to accept the case. The decision was based on the following reasoning:

*"The consequence of this ruling is the elimination of the Egyptian Sports Arbitration and Settlement Center and the termination of Arbitration Case No. 81 of 2021 Sports Arbitration. As a result of the authority of the Supreme Constitutional Court, the substantive dispute can now only be addressed before the Administrative Court in Cairo in the aforementioned case. Therefore, the basis for a positive dispute that would require the Supreme Constitutional Court to intervene is no longer present, leading to the conclusion that the case is inadmissible."*<sup>62</sup>

In my opinion, the court overlooked the fact that the ruling of unconstitutionality did not address the nonexistence of the Sports Arbitration and Settlement Center. This is because the part of the article deemed unconstitutional is not specific to the establishment of the center. The ruling was related to the unconstitutionality of Article 69 of the Sports Law which pertains to the issuance of the center's regulations by the head of the Egyptian Olympic Committee. Furthermore, the ruling on the lapse of the regulations specific to the center does not imply the nonexistence of the center or the absence of a legal system regulating it. This is because the Sports Law refers to the Egyptian Arbitration Law and the Procedural Litigation Law.<sup>63</sup>

The court did not rule on the unconstitutionality of Article 66 and the subsequent articles, which establish the center and define its jurisdictions. It did not pay attention to the requests or references regarding this issue. Therefore, the court should have considered the dispute before it and determined whether there is an arbitration condition or not. Instead of ruling on inadmissibility, the court should have ruled on the dispute itself. The Sports Arbitration Center currently exists and is in effect from a legal perspective. However, it is not using its regulations for arbitration, but rather the Egyptian Arbitration Law. This is until a new arbitration regulation is issued to avoid unconstitutionality. The dispute over jurisdiction should be considered in this case. It is important to note that as a result of this ruling, the General Assembly for Fatwa and Legislation issued an opinion stating that the center does not exist and it is not permissible to continue its work.

---

61 The Egyptian Supreme Constitutional Court. Cases No. 88/43, 89/43, 38/44, 41/44, 69/44.

62 The Egyptian Supreme Constitutional Court. Case No. 12/44y, "Execution Dispute," 3 Nov 2023.

63 Hussien, Ahmed Saad Mohammed. "The Balance between State Sovereignty and the autonomy of sport in Some Arab Sports Arbitration Centers," *Scientific Journal of Applied Research in the Sports Field*, Ministry of Youth and Sports, Egypt, 2025, 11– 86, [https://journals.ekb.eg/article\\_363012.html](https://journals.ekb.eg/article_363012.html)



## **4. RESULTS**

The Egyptian legal system has diversity in dealing with the legal regulation of practicing sports. Private sports bodies are regulated by the Sports Law, giving them great independence. Additionally, there is the Youth Bodies Law, which regulates youth centers where young people can practice sports.

Egyptian sports bodies have significant autonomy in setting regulations, managing institutions, and using sports arbitration rather than the state judiciary. The state's role is limited to financial and administrative oversight to combat corruption and crimes.

The national judiciary has not fully embraced the idea of not resorting to it for dispute resolution. There is still controversy over the conflict with the right to litigation if arbitration is mandatory, and the acceptance of this concept has not been fully established.

## Bibliography

1. Hussein, Ahmed Saad Mohammed. "The Balance between State Sovereignty and the autonomy of sport in Some Arab Sports Arbitration Centers", Scientific Journal of Applied Research in the Sports Field, Ministry of Youth and Sports, Egypt, 2025, 11-86. [https://journals.ekb.eg/article\\_363012.html](https://journals.ekb.eg/article_363012.html).
2. Hussien, Ahmed Saad Mohammed. *The balance between state sovereignty and the autonomy of sport*, PhD Thesis, Faculty of Law, Helwan University, 2023.
3. International Olympic Committee. "Basic Universal Principles of Good Governance of the Olympic and Sports Movement". <https://stillmed.olympic.org/>. February 11-12, 2008. Accessed 30 May 2024. [https://stillmed.olympic.org/Documents/Conferences\\_Forums\\_and\\_Events/2008\\_seminar\\_autonomy/Basic\\_Universal\\_Principles\\_of\\_Good\\_Governance.pdf](https://stillmed.olympic.org/Documents/Conferences_Forums_and_Events/2008_seminar_autonomy/Basic_Universal_Principles_of_Good_Governance.pdf).
4. Sarieldin, Hani. "Law Number 71 for the year 2017 - Promulgating The Sport Law", 31 May, 2017. [http://sarieldin.com/sites/default/files/2018-06/Law%20Number%2071%20for%20the%20year%202017%20-%20Promulgating%20The%20Sport%20Law\\_0.PDF](http://sarieldin.com/sites/default/files/2018-06/Law%20Number%2071%20for%20the%20year%202017%20-%20Promulgating%20The%20Sport%20Law_0.PDF).
5. Shehata, Ibrahim. "Sports Arbitration in Egypt: The Utterly Baffling Experience. Kluwer Arbitration Blog." Kluwer Arbitration Blog.2019, 12-21. Accessed April 30, 2021. <https://arbitrationblog.kluwerarbitration.com/2019/12/21/sports-arbitration-in-egypt-the-utterly-baffling-experience/>.
6. The decision No. 159 of 2021, 1 April 2021, The financial regulations for sports bodies.
7. The decision No. 80 of 2020 dated 3 May 2020.
8. The Egyptian Constitution (2014), Amendment (2019).
9. The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.
10. The Egyptian Regulating Youth Organizations Law No. 218 of 2017, Amendment by Law No. 7 of 2020.
11. The Egyptian Sports Law No. 71 of 2017.
12. The Egyptian Sports Settlement and Arbitration Center. Case No: 12 / 3 y, 2020.
13. The Egyptian State Council. Case No. 2175 / 73 y, 12 Feb 2018, the Administrative Court, Second Circuit.
14. The Egyptian State Council. Case No. 5367 / 71 y, 20 January 2019. Administrative Court.
15. The Egyptian Supreme Constitutional Court Law No. 48 of 1979, Amendment by Law No. 137 of 2021.
16. The Egyptian Supreme Constitutional Court. "Case No. 2 /16 y, "Constitutional", 3 Feb 1996.
17. The Egyptian Supreme Constitutional Court. "Case No. 55 / 23 y, "Constitutional", 13 Jan 2002.
18. The Egyptian Supreme Constitutional Court. Case No. 33 / 36 y, 8 May 2021.
19. The Egyptian Supreme Constitutional Court. Case No. 6 / 13 y, - Constitutional – 16 May1992.
20. The Egyptian Supreme Constitutional Court. Case No. 61 / 42 y,14 Jan 2023.
21. The Egyptian Supreme Constitutional Court. Case No. 68 / 40 y, "Constitutional", 4 May 2019.
22. The Egyptian Supreme Constitutional Court. Case No: 12/44y, "Execution Dispute", 3 Nov 2023.
23. The Egyptian Supreme Constitutional Court. Cases No: 88/43, 89/43, 38/44, 41/44, 69/44.



*Sports Law, Policy & Diplomacy Journal 2, no. 2 (2024)*

Lindsay Sarah Krasnoff & Daniel G. Kelly II:

*AN INSIDE LOOK AT THE FRENCH FOOTBALL FEDERATION'S WOMEN'S  
FOOTBALL DIPLOMACY PROJECT WITH IRAQ: INSPIRING EVERY GIRL IN IRAQ  
TO PLAY FOOTBALL*

Andrei Antonie, Marko Begović & Simona Petracovschi:

*SPORT POLICY IN ROMANIA*

Maximilian Seltsmann & Lorenz Fiege:

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

Sophia Solomon, Sharon Pardo & Hila Zahavi:

*THE MACCABIAH AS A NEW SPORTS DIPLOMACY INSTRUMENT*

Ahmed Saad Mohamed Hussein:

*DISTRIBUTION AND ANALYSIS OF THE AUTONOMY OF SPORTS IN THE EGYPTIAN  
LEGAL SYSTEM*

**PRAVRI**

Pravni fakultet Faculty of Law



Sveučilište u Rijeci  
University of Rijeka



SLPD Institute



Co-funded by  
the European Union

ISSN (Online) 2975-6235



9 772975 623003