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**Sugden, JT ORCID logoORCID: <https://orcid.org/0000-0002-0882-4042>, Sheps, S and Sugden, J (2023) Assessing governance without government: A proposal for the International Council of Sport Governance. International Journal of Sport Policy and Politics. ISSN 1940-6940**

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**To cite this article:** Jack Thomas Sugden, Stephen Sheps & John Sugden (2023): Assessing governance without government: A proposal for the International Council of Sport Governance, International Journal of Sport Policy and Politics, DOI: [10.1080/19406940.2023.2215809](https://doi.org/10.1080/19406940.2023.2215809)

**To link to this article:** <https://doi.org/10.1080/19406940.2023.2215809>



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Published online: 27 May 2023.



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RESEARCH ARTICLE



# Assessing governance without government: A proposal for the International Council of Sport Governance

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## ABSTRACT

Over the past half-century global sport governance has, in the face of hyper-commercialisation and globalisation, been found wanting. Key institutions have lurched between scandal and outright failure to address their remit and duty to employees, fans and, perhaps most importantly, participants the world over. Critical sport scholars have investigated and demanded better, yet by and large, these demands have not been met, in part, as we argue, because there has been no solution proffered, beyond principled frameworks. In the spirit of critical proactivism, and drawing from international relations praxis and Critical Theory, the following paper seeks to catalyse discussion around a potential solution. We seek to promote and further elucidate the philosophy of and justification for the establishment of an overarching, morally sustainable, and democratically accountable regulatory and enforcement apparatus for sports' global governance: namely the 'International Council for Sports Governance' (ICSG) as a much-needed credibility inoculation for global sport.

## ARTICLE HISTORY

Received 29 July 2022

Accepted 4 May 2023

## KEYWORDS

Sport governance;  
corruption; transparency;  
power; critical theory;  
international relations

## Introduction

International Sport Governing Bodies (ISGBs) existed long before the critical scholarship orientated towards them that we see today. Indeed, the absence of such scholarship made it easier for such organisations to avoid an investigative spotlight. Now exists several in-depth and critical commentaries on the disconnect between the *raison d'être* of ISGBs and their conduct within and beyond their remit on the international stage (Chappelet 2008, 2017, Gardiner *et al.* 2017, Geeraert and van Eekeren 2022, Jennings 2011). More recently, sport's enforced hiatus due to COVID-19 engendered a period of reflection and highlighted the importance of sport as a social good; in and of its role as spectacle, but also in facilitating a plethora of physiological and psycho-social goods the world over (Sugden and Sugden, 2020).

Perhaps due to this status quo, in a recent text bringing together a cross-section of valuable critical reflections on 'good governance' in sport, Geeraert (2022b, p. 2) highlights that despite a desperate need for better practices, efforts to implement such changes have brought about 'sub-optimal or downright negative outcomes such as cosmetic reforms without substantial change'. Given this history and failed efforts at reform, we are asking a simple yet loaded question: what else can be done? It is in the spirit of critical proactivism and a search for real change that we will now suggest a potential way forward: an institutional model for accountability and transparency in global

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sport, loosely modelled on existing structures such as UNESCO, but with several critical differences that focus on equity, diversity and inclusion, human rights, and anti-corruption.

Intended as a normative thought exercise rather than a traditional research paper, what we hope to achieve here is the first step towards the creation of a new kind of sport governing body that reaches beyond the boundaries of the EU via an intense and prolonged programme of research and development within and beyond academe. In doing so, we hope to, at best, bring about tangible change in global sport governance (GSG) or, at a minimum, reflect upon the troubling status quo of GSG and its implications for global sport while applying pressure on existing ISGBs to review their own isolated and opaque governance practices.

We will first provide a preliminary discussion of INGOs, good governance and the connection to sport. We will follow this discussion with the methodological framework – in this case, the *integrative literature review* model (Torraco 2016) – and an outline of the theoretical basis for a new global council for sport. The literature review is divided into thematic categories: The first part is a selective, critical overview of existing literature on sport governance, such as recent publications by Geeraert (2018, 2019), Geeraert and van Eekeren 2022, Manoli *et al.* (2020), Meier and García (2021) and Verschuuren (2021), as well as policy documents and recommendations from organisations including the UN, WADA, the IOC, and the Sport Governance Observer reports from 2015, 2018 and 2019. We also include a review of current sport governing bodies' practices, including the role of WADA, the CAS, the IOC, and the Sports Group of the European Parliament, and highlight the guiding principle of organisational autonomy that is pervasive across all ISGBs, despite the problems this principle creates. In addition, we highlight a selection of recent cases that we believe indicate a critical need for not just better governance within existing organisations, but a new organisation dedicated to protection, enforcement, and human rights. Upon completion of the literature review, we conclude with a discussion around the issues and potential means and mechanisms for developing such a paradigm-altering global sport governing body. But first, a look at the state of power global sport finds itself in.

## States of power

Discussions around the concept of power enliven much international relations discourse, with disagreement on its primary form but consensus on its many forms, shapes, and levels of visibility (see Baldwin 2016). Lukes (1974) developed three dimensions of power useful for our analysis, there is first 'decision-making power', the power to make policy that reveals a clear face of political action. Second is the 'non-decision-making power' to set the agenda along with the terms and structures of a given socio-political system. To a degree ISGBs and National Federations (NFs) hold such powers quite clearly, some even democratically; yet, the motivations of their decisions and morality of their processes have proven suspect. Indeed, despite virtuous and principled rhetoric from organisations such as the IOC, such elevated principles forge a gold standard of morality for others that they themselves cannot attain (Jennings 2011). This brings us to the third dimension 'ideological power', power's most important yet most insidious form (Lukes 2005). This dimension occurs not only when there is domination but also when there is acquiescence. In his conceptualisation, Lukes drew inspiration from Gramsci's work on manufacturing consent, which according to Femia (1981, p. 35) can 'flow from a profound sense of obligation, from wholesale internalisation of dominant values and definitions . . . from an uneasy feeling that the status quo, while shamefully iniquitous, is nevertheless the only viable form of society'. Incidentally, this conception prompted a generation of neo-Marxism (i.e. the Frankfurt school) and emergent Critical Theory to be discussed.

Yet while the first and second dimensions of power are undoubtedly at work, it is the third face of power that we feel is most relevant in conceptualising GSG today. It is the position of this paper that several major ISGBs operate through a combination of coercion and seduction to uphold a hegemonic system that ultimately benefits the organisations themselves more so than the athletes, fans and employees that sustain them. There is an ambivalence towards this status quo that is born

out of governance scandals and flagrant displays of corruption and abuse that have either gone unchecked or are merely self-checked. By utilising the language of integrity and organisational ethics, ISGBs show they have the *potential* to change but lack the capacity and/or organisational desire to implement these changes (Verschuuren 2021). Moreover, ISGBs, such as Europe's soccer governing body UEFA, have unbridled supranational powers to set the rules/agenda for their respective sports, which makes a further case for the need for curtailment (Włoch 2013).

This level of control and unaccountability is sustained by a network of global sport power relations which feeds off hyper-commercialisation and the accumulation of capital within and across sports organisations and private equity firms. Conceptualised initially as 'network football' (Sugden and Tomlinson 2002), built and sustained by advanced transnational networks and interdependent relationships between football property owners, sponsors, media conglomerates and more recently, state wealth funds, 'network football' has become 'network sport', with transnational networks of power and capital spreading through and across the sporting world to derive huge profits from it (Chadwick and Widdop 2019). The wealth, power and reach of the network paradoxically limit the (non)decision-making powers of ISGBs yet bolster their ideological supremacy as a neoliberal engine of wealth creation. Through such a system consent is manufactured, and a sense of powerlessness is endemic, but resignation need not be so. International non-governmental organisations (INGOs) have played a valuable role in checking and balancing the global state system, and this might be an option for global sport.

## INGOs and good governance

Good governance is defined by Rothstein (2011, p. 22) as when the civil service is 'guided by the public interest instead of by self-interest or loyalty to any group, party, or "special interest"'. The formation of a global civil society that frames contemporary global governance is defined by the interactions between governments, global governance institutions and INGOs, with the latter an important influence on the values and norms of the former. This applies to international law and collaborative treaties wherein INGOs play a significant role in the formation and maintenance of public interest through international standards of human rights and in protecting the planet. For example, the International Committee of the Red Cross is integral to the Geneva conventions and Amnesty International serves as a human rights violations watchdog based on these principles and precedents; while the majority of international climate agreements depend on the knowledge, oversight, and expertise of key climate INGOs (Lewis *et al.* 2020). Such interdependence points to a realisation by state actors that collective global challenges (climate change, nuclear weapons proliferation, deep poverty persistence, disease, etc., ...) cannot be faced alone.

However, while INGOs have a vital role to play in assisting 'good' global governance, they are just as likely as state actors to promote good causes or be selfish and competitive (Karns *et al.* 2015). Moreover, INGOs can be instruments of hegemonic states by assisting in the concentration of power and preservation of the status quo rather than agents of democratised governance (Heins 2008). In terms of global sport, while the Sport for Development and Peace movement has in many respects added more nuance to the ISGB ecosystem (Schulenkorf *et al.* 2016), in governance terms key ISGBs such as the IOC, ASOIF, IAAF and FIFA have served to uphold this critique of INGOs more broadly – preserving the status quo and the centralisation of power. While INGOs and state actors can act as important checks and balances on each other, there have been few successful attempts by inter-governmental institutions and/or state actors to bridle ISGBs.

The European Union (EU) might be considered an exception, however, as its position on sport evolved in the latter part of the 20th Century from apathy – sport receives no mention in the foundational EU treaties – to engagement, mainly in an attempt to regulate the internal market (Weatherill 2022). This is perhaps due to the EU's somewhat unique position as an intergovernmental organisation with significant economic and judicial jurisdiction over a transnational area host to many of global sport's most powerful organisations, leagues, competitions, and competitors; Europe

is the home base for many of the most powerful ISGBs, including FIFA and the IOC.<sup>1</sup> Beyond the EU but remaining within Europe, in 2009 the Council of Europe made its first notable foray into sports governance by offering ‘an institutional framework for the development of sport at European level’ (Siekmann and Soek 2010, p. 93), an attempt to regulate the market.

The Sport Intergroup of the European Parliament was created to address themes relevant to both sport and European values and policy (Eurolympic.org 2015) and, by extension work towards the sport-based goals of the Erasmus+ programme developed from the 2009 Treaty of Lisbon (Garcia *et al.* 2018). In the first meeting of this intergroup in 2015, Tibor Navaracsics, then the European Commissioner for Education, Culture, Youth and Sport stressed the limits of sport autonomy, stating ‘nobody should stay above the law’ (Eurolympic.org 2015). The European Parliament has also hit out at scandal plagued ISGBs, calling on them to reform towards ‘effective, transparent, ethical, and democratic management, participatory governance processes and structures with the participation of stakeholders’ (2017, cited in Chappelet and Mrkonjic 2019, p. 10). Most recently, the successor group to the Sport Intergroup, the ‘SportsGroup 2019–24’ of the European Parliament has been mandated secure the budget for sport in the next Erasmus+ project (2021–27) and perhaps most significantly, to ratify the Macolin Convention against match-fixing in sport (EFCS.org 2020, Europeactive.eu 2020; See also Vandercruysse *et al.* 2022).

Increased cooperation between the European Commission and UEFA, particularly around Financial Fair Play (FFP) is notable (Geeraert and Drieskens 2015). Yet beyond economic regulation, the EU has limited powers concerning the direction of global sport governance or indeed redress over the various issues discussed above. Private companies can and do have a role; for example, in Switzerland, it is common practice for non-profit organisations to hire external auditors (Chappelet 2017). Sport Scotland also engaged KPMG to conduct a financial and development audit, yet the transactional nature of such a process raises some ethical questions. As legal entities, the European Court of Justice (EU), European Court of Human Rights (Council of Europe) and the Swiss Federal Tribunal, have had foundational roles in the evolution of *lex sportiva* through high-profile cases that fell under these jurisdictions, including the 1995 Bosman ruling and the 2006 Meca-Medina case (Chappelet 2016; see also Weatherill 2022).<sup>2</sup> There is potential in elevating the EU beyond its current extemporaneous orientation towards sport to one of more processual and codified stewardship, yet this would feed worthwhile critique of the global sport system as overly Western-centric (Henry 2022). Furthermore, while European law performs a vital function to stymie the financial largess and ambitions of the organisations within its remit, the problems in global sport are more diverse and, by nature, global.

It is also worth noting that while the global governance of sport through the ISGB network is dysfunctional, pockets of good practice abound – away from the commercial spotlight. For example, Transparency International has highlighted how Netball New Zealand has professionalised a skills-based and rotating boardroom membership; how the Badminton World Federation has become an exemplary model for democratisation; and how the South African Rugby Union has built a system of robust annual reportage (Transparency.org 2016). However, broadly speaking, ISGBs have fallen short when held against all and any of the 35+ lists of governance principles that have been put together by scholars of sports governance (Geeraert 2015).

Jedlicka (2018b, p. 287) sees the GSG network or ‘system’ as something ‘that should be studied in the same way as other international governance institutions, such as the United Nations ...’ Yet this highly networked system is just that and not, therefore, subject to the same oversight, checks, and balances as institutions such as the UN, WHO, OECD etc. Global sport is a system of governance without government wherein key actors are guided by self-interest rather than the stakeholder populous. It is therefore perhaps time to move beyond good governance lists and ‘the proliferation of [sport] governance frameworks’ (Chappelet and Mrkonjic 2019, p. 23), towards the operationalisation of processes to bring about consensus-orientated and impactful change. Institutionalising global sport governance might alter this reality for the better by acting as an arbiter for and a centre-point of ‘good’ governance principles in global sport.

Institutionally speaking, the UN Office on Drugs and Crime (2021) investigation makes no less than 12 calls for independent organisational body/bodies to combat rampant issues of corruption, illegal betting, abuse, and organised crime endemic to global sport, an area that the European Parliament's 'SportsGroup' is focused on via its increased efforts to ratify Macolin throughout the EU and abroad. Thus far, Australia and Morocco are the only non-members of the EU or European Council to sign the convention as of 2022 (Vandercruysse *et al.* 2022), which suggest a lack of global motivation to address a problem that threatens the integrity of all sports.<sup>3</sup> Academically, Geeraert and van Eekeren 2022 assess the challenges by drawing upon a variety of knowledge and experiences to develop a meaningful critique of existing sport governance structures, drawing from diverse perspectives including feminist theories of governance, unintended issues with Equity, Diversity, and Inclusion (EDI) initiatives on ISGB boards, integrity systems, and a critique of the transferability of western principles and values into a global system. Verschuuren (2021) also highlights the inability of ISGBs to self-regulate and engage in meaningful reform through the concept of 'integrity washing'. Though not wholly new, such critiques are worthwhile, and it is standing on such shoulders that we might be able to envisage new ideas – hence why an integrative literature review was foundational to our proposal for change.

## Methodology

This article is intended as the first in a multi-stage project geared towards bringing about change and, perhaps, building a new organisation. As this article is more of a position paper than a traditional research article, the literature review will act as our methodology and our data collection tool (Onwuegbuzie and Frels 2016). An attempt to review and discuss everything written on sport governance, governing bodies and corruption would be too exhaustive to undertake. As such, we have chosen a semi-structured literature review model that focuses on critical analysis of the main ideas and relationships that does not require a completely exhaustive review of the entire body of knowledge (Snyder 2019).

The specific approach we have utilised is the *integrative* literature review. An integrative review is a method that 'summarises past empirical or theoretical literature to provide a more comprehensive understanding of a particular phenomenon or social problem' (Broome 1993, in Whittemore and Kna? 2005). This model has the capacity to generate new knowledge from pre-existing studies and provide new directions for policy and practice; moreover, this approach gels with a critical theoretical frame in re-examining the normative cultures and, in this case, structures of power that have underpinned/overridden a contemporary reality. Torraco (2016) argues that integrative literature reviews are best served in studying mature topics by 'first reviewing and critiquing the literature and then synthesising and reconceptualising knowledge in its current state' (p. 409) in order to offer a new perspective on the subject.

Torraco (2016) suggests that integrative literature reviews can be accomplished using the following structural models: Temporal, Methodological or Thematic. Temporal focuses on historical or chronological similarities across the chosen body of knowledge; Methodological focuses on similar methods utilised, while Thematic focuses on broad issues that 'encompass streams of related ideas in the literature' that 'often transcend the time periods covered' (p. 414–15). The thematic structure best fit our project, as it allowed us to see broad thematic categories in the literature emerge across multiple disciplines, though they were also partially defined in advance of our data collection through our own observations from working in the fields of sport for development and sport governance and as sport sociologists in academic institutions.

We conducted our search primarily from English language academic journals, edited volumes and scholarly monographs in the fields of sport sociology, sport policy, politics, and international relations, and gradually expanded our net to include sport history and sport law. In addition, we utilised English language print sport media outlets such as *The Athletic* for real-time updates in ongoing investigations too current for peer-reviewed, scholarly research. Keywords in our searches



included: sport governance, corruption, IOC, WADA, CAS, UNESCO and sport, sport autonomy, good governance, and integrity governance.

We implicitly recognised the problems that sport autonomy and '*lex sportiva*' create, including a lack of accountability; the increasing levels of corruption within and across some organisations; and the pitfalls of organisations such as the IOC, WADA, and the CAS in exacting meaningful sanctions for such charges. Several studies have pointed to autonomy as a major issue across the sport governance sector for decades, particularly within the Olympic Movement (Chappelet 2016, Jedlicka 2018b, 2018a, 2020); issues with integrity and enforcement in governance (i.e. Geeraert 2015, 2019, Verschuuren 2021; Geeraert and van Eekeren, 2022); and accountability in sport law (Foster 2005, Downie 2011). As such, the broad thematic categories we developed are: ISGBs, sport autonomy and human rights; The CAS – trials and tribulations; and Integrity, enforcement, and governance – who watches the watchers? Each category will be explored using our theoretical framework as both a guide and as a means of appraisal.

## A Critical Theory of Global Sport

Given the critique levelled at the GSG network, it is sensible to employ a theoretical frame to our integrative review of the field that seeks to emancipate societal stakeholders from built-in pathologies of power and control. Critical Theory has a history of doing just that. While the inner workings of a global sport arbiter will need further theoretical engagement to reflect the challenges of universal morality and communitarian democracy, for example, this approach represents a collection of lenses that have informed the journey to this proposal. Originating in the Frankfurt school (Jay 1973), Critical Theory was conceived to go beyond highlighting imperial abuse and to investigate the underlying social and philosophical scaffolding with the goal of rebuilding (Horkheimer 1975). This thread of critical proactivism can be traced from Kant through to Marx who wrote 'philosophers have only interpreted the word in various ways, the point is to change it' (cited in Devetak 2013, p. 171) and neo-Gramscian ideas around the manufacturing of consent (Cox 1983). Yet contemporary critical international theory looks to move beyond Marx's focus on class-based exclusion and towards a perspective that critiques the political nature of knowledge and the international governance structures that have emerged from them (Linklater 1992). With this in mind, we apply the three dimensions through which critical theory reimagines the international community to Global Sport Governance to reveal its emancipatory potential.

The first, normative dimension of critical theory questions the underlying assumptions around the ethical and political systems through which we live. In international relations, Linklater (2007) was concerned with the primacy given to the state and citizenship over the rights of individuals. Applied to sport, one can see that the prevalence of sports governing bodies and not governing (bodies of) sport, or the collective recognition of individuals' right to participate, support, work freely and fairly regardless of the sporting system they belong to, geographic location or position within such a hierarchy.

Moreover, the normative role of INGOs and the system they belong to leave little space to deal with collective challenges that impact all sporting stakeholders. This leads to the second, sociological dimension, which points to the intersubjective existence of governance structures which posits that 'structures are socially constructed' (Cox 1992, p. 138). Even if social structures are not real in the tangible sense, people behave as if they are. The GSG system is socially constructed through the history of sports globalisation, conditioned by its economic by-products, and maintained by a neoliberal international system it has expanded into. Capital, as the organising social principle of the contemporary world order, is reflected directly in the GSG network of power (see Cox 1983).

Finally, the praxiological dimension asks us to rethink the moral anxieties we are faced with when appraising the hegemonic power systems that we are at once complicit in and members of. This requires us to reconstitute the state within alternative frameworks of 'political action' by asking states to 'locate themselves in overlapping forms of international society' (Devetak 2013, p. 181). By



engaging in critical proactivism in GSG, we propose a recognition of sporting stakeholder agency, an understanding of why the current global sport ecosystem is constructed as it is and a recognition of overlapping interests between public and private sport organisations, governance structures, nation-states and non-sport stakeholders and industry partners. Thus, a cosmopolitan civil society of sport emerges; one which might be contained within an institutional arrangement that is powered by more progressive and inclusive currencies than the status quo.

We can therefore consider ISGBs rather than nations as primary units of analysis; they are not in direct competition for resources, *per se*, and are not beholden to quite the same overlapping interests as nation-states. Because such organisations are not *as* competitive as state units, ISGBs have more freedom and opportunity to build a collective system of oversight that does not need to wrestle with economic, territorial, or military supremacy, though there are other challenges. What major (and minor) stakeholders need to do on the international stage is agreed to a set of principles by which they should all be held to account; yet no such universal code exists (Chappelet and Mrkonjic 2019). If nation-state actors, born and raised in (violent) competition, can agree to numerous collective trade agreements, conventions, protocols and treaties, the sport system is then capable of operating similarly. In many ways, this has already been proven possible with the formation of both the World Anti-Doping Agency (WADA) and the Court of Arbitration for Sport (CAS), though these two organisations are both limited in scope and capacity.

We argue that such an approach is necessary for developing praxis to reduce corruption, improve transparency and attempt to tackle more global issues like climate change and human trafficking, abuse, and exploitation but it is not the only approach. A narrow focus on sports organisations at national and international levels has blockaded new ideas and approaches to protect sport. By starting conversations around such a solution, we might envisage beyond the protection of sports integrity and towards visions of sport as a source of integrity around issues such as inclusion, decolonisation and social justice, gender equality, climate change and human rights.

## Sport Autonomy and the Rights of Stakeholders

The first theme from our review revealed how rights are central to any discussion around robust international sport governance. Currently, the rights of stakeholders in sport are represented through the jurisprudence of sport itself and the organisations that hold sway – based on the principles of *lex sportiva* and autonomy. Though there is much debate, this has functioned for sport-specific issues such as doping or redress for violent conduct in play, for example. However, in the hyper-commercialised, networked, and globalised world of sport, this system is ill-suited when it comes to protecting the rights and agency of athletes (at all levels and abilities), employees, fans etc.

Even as the desire for integrity within a good governance framework, organisations struggle with enforcement and compliance to mitigate corruption. The creation of the International Partnership Against Corruption in Sport (IPACS) in 2017 was a first step, but involvement from and partnerships with nation-states and other governing bodies remain limited and implementation guidelines for the Sport Governance Benchmarks have still not been created ([ipacs.sport](http://ipacs.sport)). WADA and the CAS, the EU, and European Council courts, along with UNESCO's involvement in maintaining global anti-doping standards are some of the only active spaces for international legislation on sport (Chappelet 2017), which suggests that a significant gap in both legislation and implementation exists (Verschuuren 2021). In addition, scholars have asked why sports organisations involved in huge corruption scandals have been shielded from long-term damage and/or meaningful investigation from outside (Wagner and Storm 2021). Combined with smaller federations' dependency on IOC recognition and funding (Verschuuren 2021, p. 18), one of the barriers to the development of a viable global sport governing body is the principle of autonomy and the desire for the IOC, IFs, NOCs, and other major sporting bodies to remain private, non-political entities.

The perceived need for, and the use of, autonomy in sports law and governance is one of the key ideological tools wielded to preserve hegemony in global sport. To borrow the language of critical

theory, it is a key principle, value and belief that lends support to the dominant system of management that sits neatly within a free market culture (Fierke 2015). This perspective has been long held by the IOC, yet according to Meier and García (2021, p. 503), the IOC is becoming a more pragmatic and collaborative organisation, either out of necessity or because the nature of sport autonomy is shifting. They argue that the concept of autonomy has never been truly defined by the organisations that claim to require it, relying more upon definitions created externally by academics and legal experts than their internal logic. The principle of autonomy was codified in Principle 5 of the Olympic Charter in 2011, yet IOC itself has never explained why 'sports organisations should enjoy autonomy as a right', and now uses the language of 'responsible autonomy' and 'universal law' as part of its doctrine (Chappelet 2016, pp. 18–19).

There are three academic approaches to understanding sport autonomy: Legal; policy and governance studies; and empirical mapping approaches studying the relationship between sport and public authorities (Meier and García 2021, p. 504). Legal scholars tend to be more critical, in some cases even arguing that hiding behind the idea of autonomy was simply a method to avoid accountability and keep regulatory bodies such as the EU and the European Court of Justice at bay (Wolf 2017). Sport policy and governance studies such as Geeraert (2015) identify competing and often contradictory subdimensions of autonomy and claim that autonomy has eroded anyway, particularly as governing bodies have reacted to levels of corruption within the IOC. Finally, there is the issue of National Olympic Committees (NOCs) that do not always have the same levels of independence as the IOC, depending on the local political context of each nation-state – in particular, NOCs located in the global south tend to have much higher levels of state involvement and political ties, indicating a complex often politically fraught relationship between local and national sport bodies and the nation-state, including the temporary suspension of NOCs after complaints about state intervention were levied by local sport organisations in India, Afghanistan and Kuwait (Chappelet 2016).<sup>4</sup> However, the emphasis on autonomy creates a paradox where rights are concerned; by seeking to protect international human rights and progress alongside collective challenges facing those embedded across the sporting world, it requires the dilution of individual rights at the (sport) organisational level. While this dilution has already taken place in respect of the CAS and WADA (for example), the superordinate protection of said rights may work as a force for good rather than a safeguard for the current system.

## The CAS: Trials and tribulations

A battleground begins to emerge concerning sport between the status quo – where power and agency at the individual level is 'protected' by the sport organisation (i.e. a national federation) – and a new model where some of those rights are surrendered to a moral arbiter. As Arendt (Cited in Chandler 2003, p. 301) argues, 'We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights'. But who decides what these new universal goods are and how can they be both universal and yet representative of more marginalised groups? Claringbould *et al.* (2022, p. 56) argue that good governance models 'are usually drawn up and executed by persons with relatively high levels of freedom, rights, and influence ... this may mean that underlying power relations between groups involved in doing good governance remain hidden'. Through our analysis, the Court of Arbitration for Sport (CAS) emerged as both a focal point in the sport governance debate and an example of the production of both hegemonic and hidden power relations.

Established in 1984, CAS was formed as a testament to the concept of 'specificity' regarding sport, which allows national and international law courts to be unencumbered with sporting disputes for which they lack specific experience, knowledge, and expertise to fully adjudicate (Siekman 2012). CAS decisions are legally binding under the New York Convention, which allows the sport its much-guarded autonomy and maintains powers of self-policing for the most part (Kronke *et al.* 2010).

However, due to its location in Lausanne Switzerland, it is permissible for claimants to appeal CAS decisions to the Swiss Federal Tribunal (SFT), but on limited grounds relating to natural justice principles of fairness and bias as well as some issues around public policy and very specific instances of private and off-field corruption under the Swiss Criminal Code (Chappelet 2016). A major appeal happened in 1992 with the case of Gundel vs The International Equestrian Federation (FEI). The details of the case are extensive (Blackshaw 2013), but the reasons for the appeal are more relevant here, revealing a perennial issue with CAS and GSG more broadly. Gundel claimed that CAS did not meet the conditions of impartiality and independence needed to render a fair hearing due to its interdependence with the IOC, towards which the FEI is orientated. The SFT concurred, not least because at this stage CAS was financed primarily by the IOC. This decision led to the Paris agreement (1994) and reform with the formation of the International Court of Arbitration for Sport (ICAS) to safeguard the independence of CAS and oversee the upkeep of the CAS code of ethics (Reeb 2004).

Yet the organisation's proximity to and dependence on the IOC remains. For example, of the 20 members of ICAS, the IOC appoints four; the International Federation of Olympic Sports appoints four; the Association of National Olympic Committees appoints four and then ICAS self-selects the remainder. Perhaps more importantly, the overall picture remains financially circumspect with the entire Olympic movement putting forward CHF 7,500,000 of a total CAS budget of CHF 16,000,000 (Palermo and Sokolovskayan 2018). As Downie (2011, p. 328) puts it, 'the absence of clear structural independence is a concern for the good governance of the CAS, which is compounded by the fact that Olympic bodies and institutions continue to substantially fund the CAS'.

The relationship between the IOC and the CAS has arguably skewed the courts concerns towards serving the interests of sport organisations and commercial interests rather than athletes' rights (Blackshaw 2003, Holzer 2020). This presents a significant challenge for athletes in need of legal representation, particularly when one considers the limited mechanisms to appeal decisions made by the CAS. This incomplete jurisprudence can be seen in the controversial rulings against athletes, such as Caster Semenya and Dutee Chand (Holzer 2020), where despite significant resistance from medical experts and medical ethicists, the rulings forced both Semenya and Chand to take medication to lower their endogenous testosterone levels or face bans from international competitions (Holzer 2020, pp. 398–99). Due to the legality of '*lex sportiva*', these cases have been unable to move from sport courts and into national or international courts of appeal beyond the SFT or ECHR, where legal, scientific, social scientific and human rights experts could potentially provide support for these athletes, and judges would be able to draw upon general legal precedents rather than exclusively sport-specific knowledge (Blackshaw 2003).<sup>5</sup>

Legal scholars and experts have challenged both the role and the validity of the CAS, calling into question the idea of 'Sport Exceptionalism' (Lenskyj 2018). There is little evidence to suggest that the CAS would be willing to make any sort of changes to its current structure or mandate, which focuses less on athletes' rights than on the protection of the Olympic movement itself, acting less as a court and more like a standards council (Foster 2005). Foster (cited in Lenskyj 2018) suggested that the CAS 'rarely overturned IF decisions ... with IFs signing on to a private and "sacrosanct" system of governance that demanded immunity from interventions by national and domestic legal systems' (Foster 2005, p. 2). Essentially, the current level of power held by the IOC and IFs over the jurisdiction, structure, and finance of the CAS renders it less capable of ensuring individual rights or justice for athletes, protection for workers, redress for disenfranchised fans/communities or fair representation for global sport's stakeholders lacking in the means to support themselves. This is a problem that reflects the reality of global sport; through the lens of Critical Theory, the CAS, though based in a tangible building in Lausanne, Switzerland, is – in practice – socially constructed by the norms and hegemonic beliefs that underwrite this reality. In many ways, CAS embodies global sport through the central role of the IOC, FIFA, and the acquiescence to this status quo in reference to Lukes (2005) third face of power. Further, through rationalising processes that draw upon the monopoly powers

of such organisations, a ‘totalising project’ emerges within which such ideas, beliefs and values about the global sport status quo are imbued (Linklater 1998, p. 29). Perhaps, a new system of oversight that begins to take these issues into account is possible?

### **Integrity, enforcement, and governance – who watches the watchers?**

In response to allegations of corruption and criticism about a lack of accountability and oversight, the IOC developed the new Basic Universal Principles of Good Governance of the Olympic and Sports Movement (PGG) in 2009 and redefined autonomy in the Olympic Charter in 2011:

Recognising that sport occurs within the framework of society, sport organisations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied (International Olympic Committee 2020, p. 11).

Essentially, the IOC began to understand that cooperation and collaboration, both with NOCs and with governing bodies might be necessary, a shift in approach away from imposing its assumed autonomy on any external agent. However, developing frameworks like PGG is only worthwhile if all the ISGBs adopt it; according to Geeraert (2019, p. 521), most ISGBs have not. Self-regulation and autonomy can only work if everyone is invested in their commitments to improve. Compounding these issues is the fact that good governance as a concept is so broadly defined, depending on the interests and needs of the various stakeholders. Geeraert (2022b), writes:

The diverse and broad range of good governance principles that apply to sport organisations breeds considerable confusion ... Consequently, though some form of consensus has emerged around the importance of transparency and democracy, there is no single accepted framework for good governance in sport (Geeraert 2022b, pp. 3–4).

Even for those ISGBs that do adopt good governance principles, the rationale for implementation is largely unclear beyond the protection of financial interests and sponsorship, both from the state and the private sector (Geeraert 2022a) – a largely instrumental rather than moral rationale. Providing a framework for ISGBs, NGBs and NOCs to submit to external scrutiny may be viewed as a threat to the autonomy sport governing bodies seek, especially as the IOC and leaders of various ISGBs and NOCs seem unwilling to submit to external reviews themselves (Geeraert 2019; Geeraert and van Ekeren 2022).

The Dutch NGO *Play the Game* has commissioned three iterations of the ‘Sport Governance Observer’ (SGO) report since 2015. In the initial report, 35 International Federations were reviewed and assessed on the basis of ‘transparency, democratic processes, internal accountability and control, and societal responsibility’ (Alm 2019, p. 6). The assessment criteria were subsequently revised in 2018, and 11 IFs have been reassessed based on 57 new metrics developed by Geeraert (2018, cited in Alm 2019). Prominent ISGBs assessed in 2018 and 2019 included FIFA, the ITF (Tennis) and the IIHF (Ice Hockey). While some smaller organisations such as the FIS (Skiing) and IBU (Biathlon) willingly submitted information and participated in the process, others such as FIFA and the IIHF did not even reply to requests for information, forcing the SGO to rely exclusively on public information alone (Alm 2019). A key finding was that all six bodies studied in 2019 lacked procedures to ensure board member independence and self-evaluation mechanisms and assessment procedures (Alm 2019). These gaps suggest that the risk management, transparency, and accountability are not taken seriously by these organisations. But such results should be handled with care, as governance indicators are only useful as a ‘way to suss out the situation’ (Geeraert 2022a, p. 163) but not a sufficient method in and of itself to determine what gaps and deficits exist, particularly as ISGBs need to have a modicum of leeway to operate within their organisational cultural contexts.

As ASOIF President Francesco Bitti stated: ‘Good governance is the foundation for the credibility of sport organisations. Sport organisations must “deserve” their autonomy by demonstrating high

standards of integrity' (Association of Summer Olympic International Federations 2021). Prioritising the autonomy of ISGBs from overarching governance and oversight has allowed them the freedom and responsibility to self-govern and employ their specific experience and expertise to preserve the 'integrity' of their given sport(s)/competitions along with the competitors. The ASOIF's internal review of IF governance in 2021 reinforces the problem of organisations choosing to police themselves (Association of Summer Olympic International Federations 2021). As Verschuuren (2021) argues:

[t]he implementation of reporting mechanism by IFs resemble strategies of window-dressing ... sport organisations seem more wary of complying with expectations and protecting their own legitimacy than protecting individuals and competitions from corruption, doping, aggression, or other scourges (2021, p. 16).

The protracted 'Russian doping scandal' is a useful example of the failings of both CAS and another of global sports comptrollers – the World Anti-Doping Agency (WADA).<sup>6</sup> Arguably due to media pressure, including irrefutable claims made in credible documentaries, WADA and the IOC eventually joined to make further investigations into allegations around state-sponsored doping that had been made years previous (Fogel 2017). In general, the IOC's response was mindful of existing links with the Russian sporting/political hierarchy, while WADA focused on re-directing blame in an attempt to elevate itself from association (Pound 2020, Harris *et al.* 2021). In the same way that Cox (2001) gave primacy to world order over international relations, this example displays global sports world order plainly, one in which key institutions are at times guilty of overlaying real forces and structures of power with a legitimate yet ultimately malleable framework of oversight. The discourse that colours this façade manufacture consent among athletes and other sporting stakeholders. Yet this scandal highlights not only the failings of WADA and sport's system of arbitration but also the 'positive-sum, asymmetrical exchange relationship that exists between the IOC and the Russian state' (Harris *et al.* 2021, p. 12). The same authors recommend more athlete-centred governance in response to the failure of ISGBs who have been shown to police themselves. Essentially ISGBs have been evaluating their own work; someone must watch the watchers.

Such poor oversight has further implications – it is important to note the safeguarding failures brought to light most recently in (but not exclusive to) English and Australian football<sup>7</sup> (Dixon 2020, Hynter 2021), American gymnastics (Freeman 2018), the Japanese Olympic team (Aarons, 2020), Speed Skating in South Korea (.com 2022) and Ice Hockey, notably the Chicago Blackhawks sexual abuse scandal (Lazerus 2021) and the recent Hockey Canada investigations (Westhead 2022).

Though diverse, all these scandals have dangerous conflicts of interest in common in that while sports organisations continue to police themselves, allegations of abuse will be muted, perpetrators shielded and cases elongated and multiplied in the pursuit of organisational, not sporting integrity. How can consequences for such abject institutional failures be enforced when the organisations causing harm also lack the culture of accountability to police themselves? Such autonomy has also left the organisations and the sports themselves open to interests that undermine the integrity of the very sports they see to serve and protect (Maduro and Weiler 2022).

## Discussion: Issues, Means and Mechanisms

The closest thing we have to a global sport comptroller is the IOC, which was built and designed to arbitrate on and select the hosts for Olympic competition. Yet while many sports feature in the Olympics, the meaning and impact of 'sport' is far beyond the scope and remit of the Olympic movement and, as such, sport demands proper governance. Internationally, the status quo of GSG is anarchic, devoid of an organising super-structure to safeguard the integrity of sport and beholden to an interdependent, 'polycentric' culture of governance that privileges the maintenance of a power network status quo (Harris *et al.* 2021, p. 370). So, in preserving their autonomy from above and below, ISGBs have opened themselves up to other interests, primarily that of capital (Slack 2004),

state-sponsored soft power projects (Brannagan and Giulianotti 2015) and commercialisation more broadly (Thibault 2009).

The interconnectedness of the global sport field and the detachment from robust surveillance eventuates a lack of accountability in ISGBs. Yet impartial oversight, accountability and transparency are not simple questions of institutional design or procedure; they 'are outcomes of democratising processes driven not only by committed leadership but also by the participation of, and contention among, groups and interests in society' (Johnston 2006, p. 3). Such axioms of good governance cannot be sustained by good intentions alone, but also by a commitment to converging incentives and effective institutions.

### ***A global council for sports governance?***

Given UNESCO's historical involvement with sport,<sup>8</sup> we believe that a potential answer to the quandary of global sport governance is a fully formed and accountable body – an International Council for Sports Governance (ICSG) – potentially to be overseen by UNESCO. Put simply, sport means so much to so many beyond straightforward consumption. As a good enjoyed by the global citizenry, sport should be stewarded in a way that befits such meaning. This is despite, as organisations such as the IOC and FIFA are fond of reminding us, sport's ostensibly unique capacity to capture the collective imagination while carrying meanings of citizenship, social solidarity, local and national distinctiveness, and tradition perhaps more than any other telos of socio-cultural life. Yet sport can also bring with it a raft of less constructive manifestations, such as racism, sexism, abuse, homo and trans-phobia, sectarianism, and more virulent strains of nationalism. These are further reasons to design and form a legitimate and empowered international protectorate.

Drawing from the misgivings around neoliberal institutions highlighted above, any new body should seek to draw from the UN/UNESCO in oversight only. We believe a connection to such bodies is necessary as both a safeguard and to add further legitimacy that might draw key stakeholders to the table. The road towards, and alchemy of, such an organisation is to be the product of much further work. Yet theoretically, the movement towards counter-hegemony should be drawn from those who have been excluded and marginalised from the global economy itself. As Cox (2005, p. 119) argues, change will come 'by linkage with other strong communities in other countries, at the transnational or global level. Upon such a basis of participatory democracy new political authorities may, in the long run, be constructed at national, regional and world levels'. Put another way, while this organisation may draw upon the UN in name, the goal is to build an entirely new table, not just make sure that everyone has a better seat at the old one.

The broad structure of the ICSG, or like organisation, should recognise the value in relational governance models. This structure must reflect the poly-centric, networked nature of global sport, while also mirroring tried and tested governance processes that separate powers in avoidance of tyranny.

In a quest to design a sport governance ecosystem that is devoid of corruption, centralisation of power and the cult of personality (for example), we are prioritising a system of heterarchy over hierarchy as an organisational philosophy. Hierarchy is a system of organisation exemplified in the military and natural world, characterised as it is by logics of power, subordination, and rigidity in its levels of decision-making. Yet the synonymy between only hierarchy and effective governance is perhaps problematic (see Baumann and Dingwerth 2015, Paris 2015). Heterarchy, on the other hand, derives from the study of the human brain and stems from the idea that 'elements can be ranked or even "counterpoised" in various ways determined by context and the players involved' (Holmes and Rofe 2016, p. 6). This model recognises the relational shape of global sport today along with the need for both effective and participatory decision-making.

While the creation and empowerment of a body such as the ICSG might seem logical, the road towards it is marred with difficulties. To begin, Köhler (1998, p. 233) points out the first and perhaps most obvious concern: '[A]s long as the state continues to be the only site of



political authority in international relations, it is impossible for a transnational public sphere ... to emerge'. If you substitute states for major sports organisations, then a similar problem emerges of 'buy-in'. This is not a new problem, in the past UNESCO explicitly questioned the moral and political authority of non-governmental sport bodies, while the IOC countered that if any form of governmental interference entered the Olympic movement, it would be a threat to the very essence of sport as a 'universal source of moral influence' (Jedlicka 2020, p. 20). ISGBs have long been wary of external/political influence relying on the discursive power of 'sports autonomy' as a moral and ethical claim to self-governance (Meier and García 2021).

Put simply, why would ISGBs cede powers to an external body? Particularly one with links to UNESCO? For an answer, we can look to the WADA and the hundreds of sporting bodies that are signatories to the WADA code designed to protect athlete rights along with the fairness and integrity of competition (WADA 2021). Additionally, the role of the UNESCO convention against doping in sport (2007) was central in harmonising anti-doping legislation and practice within 191 States Parties. This collaboration ensured power and authority were surrendered to this transnational body that seeks to hold athletes and sports organisations to account. It is conceivable that if such organisations recognised the threat of doping to the future and overall integrity of sport, they may also recognise other challenges that are equally detrimental. A similar argument might also be made regarding CAS. Furthermore, the heterarchical and multistakeholder nature of aICSG means that governments, like ISGBs will be treated as governance stakeholders alongside participants, employees, sport property owners etc., in a way that dilutes any perceived political hegemony of UN association.

Yet this multi-stakeholder/multi-dimensional approach raises a second major issue – the organisational principles how they should be derived and exercised. This cuts to the heart of Critical Theory in IR, which considers disintegration in a global civic society as fuel to passivity. So, while universal values should be treated with ontological caution, an evolved and borderless solidarity on key global issues is viewed as a route to emancipation in IR (Moolakkattu 2009). GSG can learn from this as any organisation such as the one suggested must rely on a moral and ethical framework suitable to guide and mandate the construction and introduction of robust regulatory systems and statutes to be utilised uniformly and transparently by international and regional sport governing bodies. However, such a framework itself needs to be underpinned by a set of moral and ethical principles flexible enough to account for both organisational and cultural contexts. That is a determining sub-structure or foundation upon which a latticework of more detailed policies, administrative structures and processes, rules and codes of practice can be articulated.

The first consolidation of the Olympic rules, regulations, and principles into the Olympic Charter in 1978 is a useful place to begin when constructing our moral and ethical framework for the ICSG. This document was penned at a time when the organisation was in the early stages of a commercial onslaught that would bring about a drift in its mission along in the decades to come (see Tomlinson 2005). The fundamental principles in the document itself are also the closest thing global sport has to the 1945 UN charter – a touchstone of universally agreed moral truths that heralded an era of cooperative global governance and relative peace (UN 1945). Yet while the integration of the Olympic charter into the ICSGs founding principles and practices may assist in garnering the cooperation and compliance of the IOC, they should not form a basis for renewed commitments to a contemporary global sporting code of ethics. Along with the various global conventions on human and environmental rights, they should serve as a reminder of both the possibility and utility of shared human values. Articulating and achieving a consensus on the key components of such a convention would be high on the agendas for the first meetings of ICSG, one of many items that would seek to slowly build a pragmatic framework for the effective and truly global governance of sport.

This brings us to the next issue – the Western centrism of existing governance systems, structures, and ideals. The West has a (neo)liberal democratic and multilateral culture that lends itself to the formation of a global sport governance body, yet in this may lie an inherent Western



bias that favours, the Global North and/or higher income contexts and sport organisations; even the very concept of 'governance' is a product of western thought (Hofstede 1993, cited in Girginov 2022, p. 90). Alongside should be a prolonged and coherent engagement with alternative and decolonised systems of stewardship, cooperation, and dialogue to strive for a more transparent, accountable, and inclusive global sport eco-system, not just simply a greater organisational effectiveness. If current structures do not permit dialogue, then these structures and, in our case, networks must be changed.

The desire to build another supranational organisation is not without its limitations; we are concerned with not only public displays of power within sport but also the power relations that underpin sport as part of our critical reflection. When building an entirely new structure, we must acknowledge our own blind spots as a research team. It is not enough to base it off established institutions and existing hierarchies and organisational premises, for 'the master's tools will never dismantle the master's house' (Lorde [1984] 2003). We envisage the ICSG as an organisation capable of more. In this, we must heed the warnings of scholars such as Henry (2022, p. 205) who caution against 'an inevitable march against cultural uniformity around western models of sport'. This potential new ISGB must not view sport through the lens of gender binaries (Men's sport and Women's sport) but must also be inclusive of Trans athletes and gender non-conforming and non-binary approaches. When looking at the UN charter of 1945, we must ask how newer guiding principles such as the United Nations (2007) or the Canadian Truth and Reconciliation Commission's (2015) calls to action, which includes sport, could be integrated into this new governing body's founding principles.

While these steps are perhaps more idealistic than pragmatic, we must still learn to understand what a 'power relation means to those engaged within it' (Sugden and Tomlinson 2002, p. 9). Moreover, the current lack of accountability, transparency and inclusivity in existing sport governance structures draws our attention towards the communities that have been historically excluded from the decision-making process. Critical proactivity encourages the adoption of progressive and cumulative models of research monitoring and evaluation for interventionist and community engagement programmes (Sugden 2018). The generation of evaluative data provokes a snowball effect that allows learning through undertaking transformative projects in different settings and contexts that can be used progressively to inform the design and delivery of further activities and programmes.

With this in mind, the conceptualisation of the ICSG is an *initial* step that culminates a period of critical reflection/analysis, but what comes next is action. While a justICSG is viewed herein as an ideal, we feel that in terms of a movement towards real change, it is more pragmatic to aim for something rather than nothing. With this considered, a critically proactive programme of research would need to engage more deeply with the existing critiques of global sports' governance, and those who penned them, whilst building a realistic portrayal of the global sports power network today.

It is established within this field that power relations are essentially social relations, yet akin to social relations these are rarely conducted on the surface of public life (Bergsgard 2018). In the deeply emblematic theatre of sport *displays* of power are clear but the forces that fuel such displays less so and it is these mutually protective webs which will seek to trip up any attempts at accountable and transparent sports governance. Building a collective impression of the truths behind such networks, from various vantage points, is essential to excavate the values and principles that undergird the GSG status quo. This will be an important next step that will run in parallel with organisational and institutional engagement with the academy, practitioners, UNESCO, and the UN itself so that we might bring the image of the ICSG into sharper relief. While such an organisation may not be an instant elixir for global sports ailments, a fully transparent, inclusively representative, and empowered organisation may check the excesses of the global sport power network and disentangle the tyranny of some sports organisations in favour of hitherto disempowered stakeholders.

## Conclusion

By many industry-driven, investigative, and empirical accounts, global sport governance is not in a good state. There are important deficits that do not allow key private bodies from handling crucial public issues, such as environmental sustainability, match-fixing, doping, corruption, and safeguarding athletes from harm (see Meier and García 2021). A study by Manoli, Bandura and Downward revealed that ‘public perceptions’ of both national and international sport were: ‘Not those of equality, morality, and fairness . . . Instead, they appear to have been replaced by those of acceptance and numbness to the lack of integrity’ (2020, p. 216). Indeed, there have been suggestions that traditional notions of integrity are now so far removed from the realities of sport governance today, that the meaning of ‘sport integrity’ is intertwined with that of ‘corruption’ (Coakley 2015). Faced with such a grim reality, one can only wonder if change is possible, and if so, where might it come from.

In practical terms, an overarching objective of UNESCO is to address ‘emerging social and ethical challenges’ (UNESCO 2014). It is, therefore, well within the parameters of this organisation that we are suggesting that a new body, ‘*The International Council for Sports Governance*’ (ICSG) be discussed. But this will not happen overnight. Here, we have engaged the lens of Critical Theory to contend with the normative assumptions that have given structure and permanence to a GSG system that is at best partial and worst – exclusive and dysfunctional. What must begin now is a truly transnational and non-discriminatory programme of research and advocacy that will begin to answer the key questions around the formation of such a body. We have attempted to engage with some of these questions, particularly those concerning its rationale, theoretical grounding, and organisational philosophy. Nevertheless, key questions remain around important elements such as alchemy, scope, funding, logistics and equity, diversity and inclusion that were beyond us in this paper. However, these questions are not beyond the active participation of a collective and committed sporting consigliere. What we set out to do is not only search for a solution but catalyse further discussions around potential solutions that draw from a deep well of scholar/practitioner critique to date. This paper adds to the discourse connecting sports governance, international political praxis, and governing bodies themselves. The next stage on this transformative journey is not only to advocate for, but to proactively incite change, understand how this type of change can happen, and bring the idea of an impartial, transparent, and accountability-oriented institution of global sport governance into sharper focus. Only once we can do this effectively can we imagine something better and, perhaps, bring it to life.

## Notes

1. Of course, while Switzerland is a member of the European Council, it is not a part of the EU, which creates interesting jurisdictional challenges for policy enforcement given the location of the CAS and the use of the SFT as the first court of appeals for sport arbitration cases or on challenges to public policy pertaining to sport.
2. The Bosman (1995) ruling is an important precedent involving the European Court of Justice acting as an arbiter of sport jurisprudence (see Radoman and Voia 2022). However, this ruling is also limited to the European sport context. Bosman is neither applicable nor binding in any non-European jurisdiction.
3. Though beyond the scope of this paper, the proliferation of legal sports betting apps throughout the developed world may play a role in many nations’ reticence to ratify Macolin. In both Canada and the US, it is still unknown how much tax revenue will emerge from recently legalised sports betting apps, which may have unintended effects on the integrity of amateur and professional sports. For example, an NFL player, Calvin Ridley, was suspended for an entire season after gambling on games his own team participated while he was injured.
4. These complex political realities are not limited to the global south – consider the Canadian federal government’s role in funding national sporting bodies, both through Sport Canada as well as specific sports organisations, such as Hockey Canada. By and large, the federal government provides money and autonomy, though the 2022 inquiry into a 2018 sexual assault complaint, which will be explored in more detail in the next section. (See Westhead 2022 for further details).
5. Athletes can also appeal to the European Court for Human Rights should they lose their appeals at the SFT. Athletes including Caster Semenya have taken appeals to the ECHR and still lost. One of the reasons we are

advocating for a new global sport governing body is to be able to provide a different mechanism for sport legal challenges and help to determine jurisdiction for appeals – had Semenya been able to appeal to an African court, perhaps her appeal would have had a different result.

6. This saga is well unpacked elsewhere; Harris *et al.* (2021, p. 367) found that ‘A striking feature is the initial inability or unwillingness of WADA to investigate the allegations of widespread, state-supported doping violations in Russia’. In response to such critique David Howman, the Director General of WADA stated, ‘we don’t want to be the police, we can’t be the police’ (Harris *et al.* 2021, p. 367).
7. By this we refer to association football, otherwise known as soccer.
8. See Jedlicka (2020) for a more detailed overview of UNESCO’s sport history, particularly its involvement between 1952–78 and the resistance to UNESCO’s role in global sport from the IOC during this period.

## Disclosure statement

No potential conflict of interest was reported by the authors.

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