

Sports and politics on the international scene

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Introduction

The relationship between the political authorities and the world of sport is permanent, often unpredictable and fascinating. Sports need governments which in turn need sports. Most international sport governing bodies insist on proclaiming – and claiming – the respect of their autonomies by the governments. The status of sport in any given country actually very much depends upon the latter's political system and cultural environment. Roughly, on the planet, there are three different conceptions of the reciprocal roles of States and sports organizations: according to the first concept, the State entirely controls the organization of sport. Such was the situation in all totalitarian States, in particular in the former communist countries. There is no need to demonstrate that in such regimes, there is in fact no possible autonomy of sport. This concept still prevails in a number of States where the political structures are rigid and the regimes authoritarian. On the other hand, according to another totally opposed concept, there are a number of countries – essentially Anglo-Saxon – in which governments essentially stay away from sport which is considered as a private activity. However, it should be noticed that in that category, the politicians have recently come to pay more attention to sport. The trend may be changing. Thirdly, there are many States, in particular in Western Europe, where governments set out the general framework and legal conditions for the practice of sport while leaving it up to relatively autonomous organizations to govern sport. Thus, it should be obvious that the very nature, scope and framework of the relationship between a given State and its sports organizations will be based in priority on the political system in place as well as on the importance of one or several specific sports in the eyes of the government. Such importance may be inspired by highly valuable considerations of educational nature for the youth. There are also a number of States in which essentially electoral concerns would explain the authorities' sport policies and degree of interference. On the international level, the situation is different. A number of intergovernmental organizations, such as the United Nations, the Unesco or the European Union show a definite interest in tightening their ties with and increasing their influence over the sport movement. However, there is no or very little enforceable international legislation applicable to the

sport movement, with the consequence that various different political aspirations are trying to have their ways by attempting to exercise pressures in order to gain some form of control over the sport movement. On the world stage, for instance, there have been suggestions that the Olympic Movement, more particularly the International Olympic Committee (Ioc) be placed under the direct control of or converted into an intergovernmental organization such as the Unesco. Those who were – and somehow still are – advocating such radical transformation in the name of good governance, accountability and transparency among other arguments consider it to be of worldwide public interest that all sports be under the direct control of public authorities; they also have their eyes on the resources and assets of institutions such as the Ioc, overlooking the fact that if sport – in particular competition sport – were to be taken over by governments, its business and financial models would be overthrown at a very high cost to be borne by taxpayers. So far, fortunately, these attempts have failed.

On a less global level, apart from many national State interferences, some institutions such as the European Commission, while having no authority to deal directly with sport matters, showed a clear and strong interest in promoting the so-called dual citizenship of all nationals of what was then the European Community (Ec). Such promotion was actively developed on the occasion of the 1992 Winter and Summer Olympic Games which were hosted in France and Spain, two Ec member States. According to an initial plan devised by the Brussels bureaucracy, the athletes of all Ec member States delegations at the Olympic Games were to display on their uniforms both their national crests as well as those of the Ec. In addition, and in consideration for a specific financial contribution to the opening ceremonies of the Olympic Games, Brussels requested the incorporation of the European anthem – Beethoven's Ninth Symphony – into the musical programs of the ceremonies. While such proposals were being considered by the organizing committees for whom some unexpected financial contributions might be welcome, all officials of the Ec member States teams immediately expressed their deep concern that accepting the Brussels proposals would mean the loss of the national identities of the European delegations, which would be a disaster. It is a fact that an essential component of sport competition is the confrontation of national teams. Ever since sport competition has developed in the world, nations and national feelings have played a fundamental role. National flags and colors are displayed in sport venues, national anthems are played and national political leaders have used the occasion of sport competitions to try and get more votes. Thus, it is no surprise that Brussels' attempt to promote Ec citizenship was not well received and had to be dropped. The Olympic Charter (Oc) is the fundamental legal instrument governing the Olympic Movement, and in particular the Olympic Games. Rule 6 Oc provides that the Olympic Games «[...] are competitions between athletes in individual or team events and not between countries [...]». Pursuant to such rule, the Ioc keeps no official records or rankings based on medals counts per

countries. Yet, during the Games, all media of the world publish daily detailed rankings of countries based on medals counts.

Politicians have at all times been tempted to interfere with sport when and if their governments do not control it. While this might not be as intensive in the Anglo-Saxon world as in other regimes, such interferences definitely contribute to the equivocal nature of the relationship between sport and politics. The consequences may be harmful. They may also be ridiculous. Such was, for instance, the case of the rather pathetic direct involvement, during the recent Football World Cup in South Africa, of the then French Sports Minister who considered that she – a pure politician – had to stay with the French team – which was disastrous – because she felt the players needed her, like some form of a nanny or war nurse! The players could not have cared less. But there was even worse: when, after a miserable performance, the French national team returned from South Africa to Paris, an official car dispatched to the airport by French President Nicolas Sarkozy picked up one of the disgraced stars, Thierry Henry, and brought him directly to the *Palais de l'Élysée* for an immediate meeting with the French President!

Apart from such ridiculous episodes and from various other forms of sometimes more innovative political attempts of governmental interference in sport, there are also a number of situations in which sport has brought constructive contributions to the solution of political problems. The subject matter of this paper is to focus, through some examples, both on the effectiveness of the sport movement's contributions to solutions, and on the resistance it offered in some critical situations.

Before considering any facts, it is appropriate to briefly describe the strengths of the sport movement toward the governments and intergovernmental organizations. The first strength is that sports organizations, in particular those governing major sports and events, are representative of large social, economic and political phenomena encompassing societies at large; thus, they cannot be ignored. The second strength is that, on the international scene, most major players leading sport are financially independent from governments. A third and most fundamental strength lies in the fabulous networks which constitute the international sports community. These networks are mostly built on personal friendships which developed through sport competitions. There are usually no political or other hidden agendas within sport networks, which were most useful during critical moments, for instance during the Cold War.

People's Republic of China and Chinese Taipei

Representing the entire China within the Olympic Movement became an issue ever since Mao-Tse-Tung came into power in Beijing and Chang Kai-Shek left the mainland and moved to Taipei. The Ioc had maintained a continued recognition of a Chinese Olympic Committee in parallel to the Olympic Committee of the People's Democratic Republic of China (Prc). This situation

created such political tensions that the Prc withdrew from the Olympic Movement in 1958. In 1977, Lord Killanin, Ioc President, decided to reconsider the whole problem. After a number of debates and difficult discussions within the Ioc, a mail ballot was submitted in the fall of 1979 to the Ioc Session – the equivalent of a general assembly –, the outcome of which had been that the Prc Committee was readmitted. However, the procedure had been confused, and the Committee in Taipei insisted on using its own national flag, which was unacceptable for the Prc. This confusion caused Mr. Henry Hsu, Ioc member for Taiwan, and the so-called Taiwan Olympic Committee to initiate in November 1979 a Court action against the Ioc in the civil district Court of Lausanne, Switzerland, where the Ioc had its legal seat. The relief sought by both claimants was that the Ioc's decision be annulled. One of the consequences of the Ioc's decision was that the Taiwan Committee should change its name into Chinese Taipei Olympic Committee and would have to get a new emblem, flag and anthem. This was to become a major political issue as the 1980 Olympic Winter Games in Lake Placid, Usa, were about to begin. Litigation started in New York State and in Lausanne, Switzerland, where Mr. Hsu, as member of the Ioc, contended that the latter had violated its rules, in particular the Olympic Charter, by depriving the Taiwanese organization, which represented a country, of its name, flag and anthem. The Ioc was – and still is – a legal entity established in Lausanne, Switzerland, and governed by Swiss law, therefore placed under the jurisdiction of Swiss Courts. The undersigned acted as counsel for the Ioc which he represented in Court. The real issue behind the legal battle was not about sport but about who politically controlled Taiwan, the former Formosa. The fight was fierce as the Taiwanese considered that the Ioc had ignored sport and only given in to the political pressures then exercised in favor of Beijing. The matter escalated to the highest political levels, in particular in Washington, Beijing and Taiwan. From a strictly sporting viewpoint, the situation was not yet immediately damaging: Taiwan was essentially irrelevant as a participant in the Lake Placid Winter Games, which took place normally. As to the subsequent 1980 Summer Games, they were going to be held in Moscow, a communist State in which there was little chance of any disruption by any local judge.

In spite of various attempts to reach some compromise, no progress was made during most of the year 1980. However, as soon as J.-A. Samaranch, then Ambassador of Spain in the Ussr, was elected President of the Ioc in July 1980, he made it one of his priorities to seek a settlement. The prospect of facing difficult hearings of the case on the merit in front of a Lausanne Court which had indicated that it might not be without sympathy for the Taiwanese cause was not a bad incentive. As one may imagine, the negotiations were hard and the stakes high. Finally, thanks mostly to the diplomatic skills of Samaranch, reason prevailed. On March 23, 1981, a settlement agreement was entered into. Apart from a preamble which merely recalls three applicable rules of the Olympic Charter, the settlement agreement includes four very short clauses. The first one

confirms that the new name of the Taiwan organization shall be Chinese Taipei Olympic Committee (Ctoc). The second clause refers to the approval by the Ioc of a new flag and emblem for the Ctoc, both being attached as exhibits to the agreement. The third clause provides that the Ioc confirms that the Ctoc is entitled to participate in the future Olympic Games and other activities sponsored by the Ioc «[...] like every recognized National Olympic Committee, with the same status and the same full rights [...]». As to the fourth and final clause, it specifies that the Ioc «[...] will assist the Ctoc in its application for and/or reinstatement of membership in the various international Federations affiliated to the Ioc». This is in substance the entire content of the very short settlement agreement which brought an end to a major political dispute.

The 1981 settlement has been enforced and dutifully respected ever since then by all parties concerned, Ioc, People's Republic of China, Chinese Taipei and all international sport organizations. One particular difficulty, throughout the negotiations, was that the Prc side would never sign a direct agreement with the Taipei side. On the other hand, Beijing indicated to Samaranch that they would comply with acceptable instructions from the Ioc. Therefore, the entire agreement consisted of the written settlement executed by the Ioc and the Taiwanese party, combined with the understanding that Beijing would unilaterally comply. This politically balanced subtle deal was undeniably a great diplomatic success for the Ioc and for Samaranch personally. It has also served as a model for other international organizations outside the world of sport, allowing for simultaneous participation by representatives of both Beijing and Taipei, which had previously been considered as simply totally impossible. What more is that the 1981 settlement was never terminated nor cancelled. It is still in force to-day. One of the most spectacular examples of its enforcement was that at the opening ceremony of the 2008 Beijing Olympic Games, in the very heart of the People's Republic of China, the delegation of Chinese Taipei was – as always and as everywhere else in the world – welcome as a separate team from the Chinese team. They received a special standing ovation.

This whole story may or may not belong to history. It is not for the undersigned to judge. However, what is certain is that it revealed what may be characterized as a form of sport diplomacy in support of the international community. The Olympic Movement is a fantastic network of individuals, institutions and, perhaps more important, friends inspired by common ideals and values which sometimes fortunately prevail over political or financial considerations. Besides that, in this case, Chinese wisdom also helped a lot. While the political issues as to the fate of Chinese Taipei are not solved yet, there is little doubt that the pragmatic solution developed by the world of sport is a useful contribution to future political settlements. The importance of the lesson to be drawn from this story should not be underestimated. It shows that in certain situations, the Olympic and sport movement enjoys a freedom of action which the governments and politicians do not share.

South Africa, apartheid and the world's sport community

The Olympic Charter (Oc) is an atypical legal instrument which serves three different purposes: it contains the fundamental principles of Olympism which are to be followed by all those in the world who accept to be guided by such principles; it outlines the general reciprocal rights and obligations of the constituents of the Olympic Movement, namely the Ioc, as its supreme authority, the International Sport Federations (Ifs) which govern sport at world level, and the National Olympic Committees (Nocs) – currently 205 –; in addition, the Olympic Charter includes the statutes of the Ioc. It is voted and amended by the Ioc Session, which is the institution's general assembly.

All constituents of the Olympic Movement, in particular the Nocs, are bound to comply with the Olympic Charter, failing which they may be suspended by the Ioc or even lose their recognition and thus banned from the world sport community. One of the most essential rules of the Olympic Charter has consistently been the prohibition of discrimination. In 1955, as the issue of racial discrimination in South Africa was causing mounting concern worldwide, paragraph 1 of the Olympic Charter then in force provided that «No discrimination is allowed against any country or person on grounds of color, religion or politics». It took some years for the entire world sports community, in particular the Ioc, to reach the appropriate level of decisions so as to implement the Charter's principle. The apparent reluctance to act swiftly at the time may be explained in part by the fact that the Ioc membership was essentially white and conservative, and in part by the fear that any exclusion of an Noc would be perceived as a political act outside the scope of the Ioc's mission. Nevertheless, after many debates and attempts to look for compromise, the South African Noc was expelled from the Olympic Movement by the Ioc in 1970. This decision substantially contributed to South Africa's isolation.

The Ioc continuously monitored the South African situation over the years. By early 1991, it appeared that the political situation in South Africa was evolving. Nelson Mandela had been released from prison and was preparing for elections. President de Klerk was indicating that apartheid might be removed from the South African constitutional and legal system. Ioc President Samaranch considered that it was time to readmit South Africa in the Olympic Movement. To that effect, he set up a special mission, mainly composed of senior African Ioc members and chaired by a most respected African personality, Judge Keba Mbaye, Vice-President of the International Court of Justice and Ioc member for Senegal. The Ioc mission traveled in March 1991 to South Africa, meeting with President de Klerk, Nelson Mandela and all other main political leaders of all political parties. After intensive negotiations, the Ioc proclaimed, on July 9, 1991 the full outright recognition of the Noc of South Africa. This was considered as a major breakthrough not only in the sports community, but also on the political stage. The Us administration, among others, had closely followed the developments of the Ioc-South African negotiations and waited for the media's and public opinion's reactions before lifting the Us sanctions against South

Africa. The sports community and the Ioc had paved the way for the solution of a political problem.

Sanctions by the United Nations against Yugoslavian sport (1992)

On May 30, 1992, the Security Council of the United Nations adopted its resolution 757 (1992) in relation to what it characterized as «[...] the very complex context of events in the former Socialist Republic of Yugoslavia». Having deplored in particular the fact that some of its previous resolutions had not been complied with, the Council also recalled its decision «[...] to consider further steps to achieve a peaceful solution [...]» and affirmed its previous decision «[...] to take measures against any party or parties which fail to fulfill the requirements of [previous resolutions]». After condemning the failure of the authorities in the Federal Republic of Yugoslavia to take effective measures to fulfill the requirements of a previous resolution, the Council decided to adopt a series of measures and sanctions, including, for the first time, a decision affecting directly sport and athletes. Indeed, section 8. of resolution 757 provides that all States shall «(b) Take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing the Federal Republic of Yugoslavia (Serbia and Montenegro)».

Resolution 757 was in fact directed at preventing any participation of any Yugoslavian athletes at the upcoming Barcelona Olympic Games to be held two months later, in July 1992. This was the first interference, by the United Nations, with the staging of the most important multisport event on the planet. It was the cause for a deep concern by the Ioc and within the international sports community. The measures decided by the Security Council were essentially affecting innocent athletes. Yugoslavia had an outstanding sporting record and excellent Olympic background. The Ioc could not accept the consequences of resolution 757 and decided to look for a solution which would protect the Yugoslavian athletes' right to participate in the Barcelona Games. Consultations were immediately undertaken with the Noc of Yugoslavia, the Spanish government – which was in charge of implementing the resolution in Barcelona – and the Security Council in New York. One odd consequence of the adoption of resolution 757 was that legally, it was not binding for the Ioc which was not a member State of the United Nations. It could only be enforceable against the Spanish government. As the Olympic Games are owned by the Ioc and not by the government of the host country, the situation was unusual. Eventually, a solution acceptable for all parties involved including the United Nations was found. A special «team» named The Independent Athletes was established under the direct control of the Ioc. It included all Yugoslavian athletes eligible for the Barcelona Games. They wore white uniforms and their flag was the Olympic flag. Thanks to that solution, the athletes' rights had been safeguarded. Instead of being the innocent victims of an inappropriate political sanction, they acquired a special status which appeared more as a symbol of peace.

Toward a new era

Since the fall of 2009, the Ioc has acquired the status of observer with the General Assembly of the United Nations. This is definitely a step toward a new form of relation between sport and politics. It is too early to attempt to draw any conclusion as to what such relation will be. One should hope that it may take the form of new partnerships between the public and private sectors. An example of such form exists since 1999: the World Anti-Doping Agency (Wada). The Wada is a foundation which is totally dedicated to the fight against doping. The board of the foundation and all decision making bodies are composed, in equal numbers, of representatives of the governments and intergovernmental organizations on one side, of representatives of the Olympic and sports movement on the other side; neither side has the majority and all decisions, including those relating to finances and budgets, are being debated and reached on the basis of a consensus of both sectors. Neither governments nor the sports movement have a majority. The institution has been performing remarkably well since its creation. The Wada foundation has its legal seat in Switzerland and its main offices in Montreal, Canada.

Finally, one should also hope that the dark times of destructive interferences by governments over sports such as the boycotts of the 1980 and 1984 Olympic Games are gone by. Following the invasion of Afghanistan by the Soviet troops in late 1979, Us President Carter had ordered the boycott of the 1980 Olympic Games in Moscow by the Us team; his decision was followed by a number of Western national delegations. In 1984, the Soviet government instructed its national team to refrain from participating in the Los Angeles Games; this was an obvious retaliation. Since then, fortunately, there have been no more boycotts of any substance and one may hope that the political leaders of the world have become wiser and that all governments, in particular authoritarian governments and dictatorships, are giving up or have given up their attempts to monopolize sport for political purposes. Are such hopes realistic? The future will tell.