

## **Beyond the Acronyms: Sport Diplomacy and the Classification of the International Olympic Committee**

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**DRAFT VERSION****Beyond the Acronyms: Sport Diplomacy and  
the Classification of the International Olympic Committee****Verity Postlethwaite and Jonathan Grix**

Abstract. Diplomacy often finds itself reduced to actions centred on states. However, after the Cold War, international relations and diplomacy have expanded with different actors growing into significant roles, particularly in the increase of diplomatic relations in the context of sport. The classification and significance of other actors remains under-researched in relation to sport, with literature focusing more on the growth of new and varying practices of diplomacy. This analysis contends that there is a need to interrogate fundamental components of modern diplomacy – with the actor being the focus – more specifically the classification of sports organisations in diplomacy. It is relevant as a more accurate understanding of sports organisations will contribute to how diplomatic studies can analyse and evaluate modern diplomacy within the context of sport. The International Olympic Committee is the actor used to illustrate how problematic classifications currently in the academic literature translate into weak and reduced analysis and evaluation of its role and significance in diplomacy. As counterpoint, this analysis proposes an analytical framework of socio-legal theory that harnesses legal regulation as a benchmark to classify an actor's capacity within a society. In consequence, the IOC is as an active and significant contributor to the ever expanding and complex diplomatic environment and wider society.

Imagine an undemocratic, unelected, transnational, multi-billion dollar, not-for-profit non-governmental organisation having the power to leverage and affect the legal landscape of a nation-state. Imagine further that such legal changes have the potential of altering states' political, economic, and social fabric. This exercise is not hypothetical but descriptive of the current manner in which the International Olympic Committee [IOC] operates on the international stage. There are few studies of this phenomenon, in particular on the classification and credibility of the role of sports organisations in international relations and diplomacy. In a recent survey of academic work on sport and politics, Martin Polley celebrated the move away from the early sport politics literature – with its narrow focus on “international relations and diplomacy” by such scholars as Richard Espy and John Hoberman<sup>1</sup> – to those with broader political interest. This analysis contributes to a (re)emerging inter-disciplinary literature focusing on international relations and diplomacy.

Because of its many roles in and influences on diplomacy, the IOC has received inappropriate classification.<sup>2</sup> It goes beyond mere linguistic accuracy for the actions and influence of the IOC do not tally with the current run-of-the-mill acronyms given to classify such actors in academic literature. These include non-state actor, international sports organisation, and international non-governmental organisation [INGO]. Fundamentally, there is a disjoint between the actions and the classification of the IOC – this mismatch translates into a misunderstanding and diluted analysis and evaluation of its diplomatic role. Consequently, there is a need to revisit how sports organisations are conceptualised in diplomatic discussions both methodologically and analytically. The IOC is an ideal case study, as it unconventionally balances multiple roles of business, governance, overseeing

event, hosting, regulator, social activist, and so on. The multitude of activities and roles undertaken under the umbrella of Olympism renders the organisation an anomaly in the traditional understanding of actors in international relations, diplomacy, and many other social science disciplines.

Ramifications including a vague and reductive understanding of the IOC and its role in diplomacy challenges the conceptual slippage of sports organisations. To contest this process, a socio-legal theoretical framework enables a better understanding and evaluation of the complex entity of the IOC as a global organisation acting at numerous levels with varying significance. Socio-legal theory draws upon traditional and non-traditional legal evidence that empirically shows how (re)creation of law and regulations occur. It is not the intention to define and analyse completely the IOC but, instead, to offer an analytic tool with which to classify it through empirical and clear conceptualisation, accordingly encouraging more rigorous and credible research of its significance in diplomacy.

The rise of sport as both an interdisciplinary lens and a context within which to understand social phenomena has complemented the onset of theory across the social sciences that challenge the more traditional state-centred, positivist understandings of the world. Positivist accounts dominated social science theory until the end of the Cold War, with scholars, such as Kenneth Waltz in international relations, taking the nation-state as the central actor in all global relations.<sup>3</sup> In diplomatic studies, sport has sometimes emerged as an icebreaker in stand-offs between states, for example the “Ping Pong” diplomacy between China and America in the early 1970s.<sup>4</sup> Yet, in the post-Cold War era in changing circumstances, there has been a shift to understand and explain how actors other than the state can have diplomatic significance. An initial difficulty in doing so is access to evidence.

Research on the state-centric diplomatic use of sport, such as “Ping Pong” diplomacy, has occurred by using government archives and documents usually unavailable until *circa* thirty years after the event.<sup>5</sup> Consequently, when considering sport in the current era, diplomatic scholars cannot have access to such documents; instead they rely on available media, interviews, and public documents amongst other secondary sources. This situation poses issues of credibly evaluating the role of sport beyond being an icebreaker, pertinent given the growth of sport organisations’ agency has been most significant in the past 30 years.

The difficulty in studying contemporary diplomacy finds support from Heather Dichter, who cites the rarity in diplomatic studies of considering a government’s public diplomacy strategy through hosting a sports mega-event. Largely because of the increased scale of sport mega events in the past 25 years, therefore, research relies on media sources rather than government documents.<sup>6</sup> The reality of the constraints of researching diplomacy in the present-day is a significant issue for sport scholars attempting to understand and explain the impact and significance of sports organisations. A way in overcoming these restrictions has been to apply vague and cautionary conclusions, with more confidence placed in framing new strategies and practices of diplomacy rather than actors. For example, Steve Jackson has recently labelled sport in diplomatic terms to be “schizophrenic” as it “is considered both serious and important but insignificant and trivial at different times”. He suggests a practice of “corporate diplomacy” to frame sports organisations, but not a way in which to classify or evaluate sports organisations as actors.<sup>7</sup> This example contributes to a pattern where common themes of vague classification and lack of empirical markers are evident in multiple sport diplomatic research. It unproductively leads to labels and

conclusions such as “schizophrenic” that in reality do not help an understanding of sports organisations and, instead, may even further confuse it.

This pattern affects both major strands of sport diplomacy literature: “sport as diplomacy” and “diplomacy in sport”.<sup>8</sup> The latter is concerned with how governments consciously employ sport as an instrument to leverage their interests in wider diplomacy -- as seen in the “Ping Pong” example. A more modern case is the recent strategy of the Bosnian government to gain international recognition through the IOC to gain momentum and leverage in the wider international community. This case is consistent with traditional diplomatic theory: state-centred and viewing the nation-state as the contingent actor. In terms of classification, Dario Brentin and Loic Remy evaluate the role of the IOC as low-level diplomacy, difficult to judge its impact.<sup>9</sup> Stuart Murray and Geoffrey Pigman further demonstrate this issue by stating that the Olympics is a site and form of sport diplomacy, but it is “complicated”. They vaguely classify the IOC as a Great Power.<sup>10</sup> The vague and hesitant conclusions of “low level” and “complicated” stem from the initial inaccurate classification of the IOC as an actor instead relying on claims that it is a “great power”. As a result, the need is to reconceptualise sports organisations with a view to credibly classifying and in turn evaluating the significance in diplomacy.

There are examples of authors seeking to classify sports organisations; Burak Herguner seeks to place the IOC within international relations theory, namely Samuel Huntington’s 1973 characteristics of transnational organisations. This classification finds basis on the structure and membership of the organisation, similar to that of literature around non-state actors. Herguner states that the “IOC may be classified both as a transnational organisation [TNO] and an international non-governmental organisation”, thus making the

IOC a “TNO-INGO”.<sup>11</sup> The empirical evidence emerges through the concept of soft power that allows the IOC “as a transnational organisation . . . [to] maintain a balance between national governments, the business environment and civil society”.<sup>12</sup> This TNO-INGO is productive but does not explicitly offer a concept that can be marked or evaluated. Instead, it reduces the opportunity to understand rigorously the IOC as either an actor in itself or how it balances and leverages states, business, and civil society. It implies that the IOC is a passive actor that balances the interests of other actors, whereas in examining the IOC shows it to be an active actor that has growing agency in diplomatic relations.

The literature that has moved away from regarding sport as purely a practice of state-based diplomacy frames “sport as diplomacy” where sport is a site of diplomacy in more multi-actor and specialised circumstances.<sup>13</sup> In this shift, the actors and strategies are not purely state-to-state or based on leveraging national interests. For example, Barbara Keys focuses on the development of the approach of Human Rights Watch, a human rights INGO, to leverage the Olympics against states seen to breach human rights.<sup>14</sup> She sees the role of Human Rights Watch as central in developing an argument about how diplomatic strategies advance against a state through sport. Still, compared to more traditional state-centred diplomatic literature, research such as this is not as widespread,<sup>15</sup> attributable to the lack of access to credible evidence – raised above; hence, what would be relevant is an analytical tool to classify actors and their significance.

The shift in diplomatic literature to consider non-state-based diplomacy has occurred outside of sport literature.<sup>16</sup> It is not to argue that the nation-state has disappeared, but that it is no longer always the primary actor in modern diplomacy. Richard Langhorne summarises that a combination of the end of the Cold War, the information revolution,

increasing and diverse experts, the rise in the number of states, and the dispersion of national interests has “increased the significance of global institutions and globally operating private entities, both public and commercial”.<sup>17</sup> Moreover, the environment of diplomacy has shifted. As Joseph Nye suggests, “power in the world is distributed in a pattern that resembles a complex three-dimensional chess game with the unipolar military power on top, multipolar economic power in the middle and the realm of transnational relations” the bottom board.<sup>18</sup> In fact, the growing complexity and multitude of diplomatic relations and power challenges more traditional conceptualisation of actors. Herguner amongst others who classify sports organisations within traditional frameworks are no longer adequate because they are too static and fixed.

The evolving complexity of diplomacy has engaged with sports literature; however, the tendency has been to focus on the new forms of diplomatic practices such as digital, public, corporate, network, and club rather than the actors.<sup>19</sup> For example, Aaron Beacom proposes the concept of “Olympic diplomacy” that due to the varied nature of actors and agendas “does not lend itself to conceptual clarity”.<sup>20</sup> The IOC is cited as a key actor, but in more specific reference it is categorised as “an international organization and with aspirations to extend its influence in international affairs”.<sup>21</sup> Beacom frames varying categories within “Olympic diplomacy” based on the multitude of activities relating to the Olympic movement, for example, “support diplomacy” that encapsulates logistical actors and activities.<sup>22</sup> In an attempt to conceptualise the complexity of strategies and actors involved, Beacom does not account for how analytically to classify the sports or wider organisations involved. The understanding of the proliferation of diplomatic strategies is productive; nonetheless, the classification of the main actors is another key to evaluate and counter the noted conceptual

**Comment [VP1]:** Name correction.

obscurity. It aligns with the pattern of the difficulty in producing contemporary evidence of diplomacy around sport organisations, leading to vague classifications and conclusions of how to analyse or evaluate their wider role in diplomatic studies.

As an alternative, in a novel approach, the use of legal sources and theories help clarify and articulate a sports organisation's structure and role as an international actor. Socio-legal theory is a branch of legal studies that has argued for an interdisciplinary approach to investigating the relationship between law and society because, historically, legal scholars have concentrated on traditional sources of law such as state-based legal doctrine. It is comparable to the traditional international relations and diplomatic literature using state-based underpinnings. Studies in socio-legal theory have shown that law is unidirectional and has a top down influence over society;<sup>23</sup> but that this state-centric approach to law should be challenged.<sup>24</sup> Moreover, in the changing national and international landscapes, the state is less the primary regulator. Consequently, theory must respond to this development and view society, plus a larger variety of actors, as having an impact on law and regulation. This again relates to the problems identified in literature of diplomacy and sports organisations as a wider range of actors are playing an increasing role in such contexts.

To understand a sports organisation as a source of law or regulation, legal pluralism offers an understanding beyond traditional legal structures. Varying spaces, actors, and structures are sources that produce and reproduce law.<sup>25</sup> Fundamentally, legal pluralism challenges a traditional and positivist reading of law, trying to shift towards a more open and responsive view.<sup>26</sup> It aligns with the thought that the state and assumed fixed structures must be decentred, leading to a more exact understanding of other actors. Wider diplomatic analyses have advocated such a decentring, for example, Brian Hocking and his colleagues

discussed an integrative diplomacy framework: “simplistic images of diplomacy seen as *either* a state (modern) or post-state (post-modern) set of structures and processes fails to capture the complexities” in modern diplomacy.<sup>27</sup> The use of legal sources in the following case study complements a move away from simplistic images of diplomatic structures and actors. It offers an analytical tool to demonstrate how to evaluate the significance and role of a sports organisation; in turn, it refines the classification of actors and the roles they play in diplomatic situations. It also does not isolate this tool to sports organisations or the IOC; further research can form a wider spectrum of analysis

Socio-legal theory has occurred before in a sport context; for example, Bo Carlsson employed the framework to show how the consumption of popular culture through sport video games is “a significant source of normative (re-)production of law and morality in society”.<sup>28</sup> The changing nature and source of society is less systematic and structural, but more based on fluid norms and the influence of varying actors.<sup>29</sup> The role of norms, identities, and individuals increasingly appear in diplomatic literature, in particular around understanding the role of sports organisations. For example, J. Simon Rofe frames the football club, Manchester United, around its balance of identities in football, commerce, and international finance.<sup>30</sup> What socio-legal offers is a complementary analytical tool to provide further empirical evidence and markers to make such research increasingly credible and rigorous. It elevates the problem highlighted by Dichter around government archives and documents being unavailable to provide evidence about modern diplomatic issues. Largely because legal regulation is a source of classifying sports organisation using documents, records, and statistics from amongst other outlets, they are publicly accessible or easily requested.

The aim of this exegesis is to offer an analytical tool with which to classify a sports organisation to further diplomatic discussions. An important step follows: to identify what and how sports organisations find classification in a number of disciplines with focus on the IOC. Sports organisations in their simplest form arrange sports competitions and are responsible for sports development and sustainability. Nonetheless, more complex in its current form, the IOC both theoretically and in reality displays traits from varying traditional actors such as a multi-national corporation [MNC], INGO, or non-state actor. Depending on the discipline evaluating the role of the organisation, different roles emerge. For example, in a purely legal context and treated as exceptional, the IOC has a credible legal capacity.<sup>31</sup> Mark James states that the IOC has recognition “under Swiss Law as an association with a distinct legal personality”.<sup>32</sup> Not only does this follow the above pattern of diplomatic literature as being vague in the use of “exceptional”, it also supports the need to revisit the IOC as a complex and interdisciplinary organisation.

The origins of the IOC lay with its founder, Pierre de Coubertin, who had the desire after France’s defeat in the Franco-Prussian War 1870-1871 to make French male citizens stronger through the means of sport.<sup>33</sup> Over a century of development later, the Olympic movement balances not just sport, business, and politics, but also ethics and many other projects within the ever-changing realm of the international community. The IOC is an MNC because owns the rights to and facilitates a global sports mega-event every two years. The global scale can be highlighted by the estimated cost of hosting an event, the past four being Beijing 2008 (US\$43 billion), Vancouver 2010 (US\$8.9 billion), London 2012 (US\$13.9 billion), and Sochi 2014 (US\$51 billion).<sup>34</sup> The host nations and the IOC covered these astronomic costs through sources such as selling television rights, sponsorships, and

public funding. London 2012's television coverage highlights the global reach of the Games: it exceeded 100,000 hours of Games and had record viewing on television in Britain and America, and online in Asia and Sub-Saharan Africa.<sup>35</sup> This marks the IOC as a global institution in control of one of the most sustained and largest international events – the Olympics. Accordingly, its reach makes the organisation truly global in nature with the ability to reach a diverse audience.

Through the “The Olympic Partner” programme, the sponsorship of the Olympics from private organisations is what crucially makes the IOC a private firm and independent of state funding. In the current cycle ending at the summer games in Rio de Janeiro in 2016, the programme has accumulated over US\$1 billion, with a view to the next cycle to reach US\$2 billion.<sup>36</sup> From a purely economic perspective, the IOC as an actor is a MNC because it raises money and uses it to grow and sustain the organisation. Much literature and the popular press have questioned where exactly this money goes, a subject beyond the scope of this analysis, but one worthy of further debate.<sup>37</sup> What is important to note is that the scale and the global nature of the business that the IOC conducts renders it akin to a MNC with the financial acumen to leverage its own interests.<sup>38</sup>

The other significant role that the IOC plays is around moral responsibility and its dissemination of Olympism values globally. Olympism encapsulates the thoughts that inspired Coubertin to revive the movement in the first place, as sport can positively benefit communities around the world. The “Olympic Charter”, a document to which each member must agree to compete at any Olympic Games, articulates this inspiration.<sup>39</sup> The “Charter” is a main source of regulation in socio-legal terms for the IOC, with the historical essence of Olympism capturing the spirit of competition that global athletes display and disperse among

spectators. Olympic spirit is more important for the IOC than medals or winning. It is clear in the “Olympic Charter” by which the IOC does not base its membership on elite performance or medals tables but through its dictum: “Olympism as a philosophy of life . . . the practice of sport is a human right”.<sup>40</sup> The document and its values overlay the leveraging opportunity provided by the size and scope of the Games to form an organisation that does not seek to extend or protect territory but uses sport to achieve a multitude of objectives. The gulf between rhetoric and reality within the “Olympic Charter” is a subject heavily contested in the academic literature – but not in the scope of this analysis.<sup>41</sup>

What is more pertinent is the existing practice: the IOC advocates this philosophy actively in varying facets. For example, Sebastian Coe, the chair of the London Organising Committee for the 2012 Olympic Games and now president of the International Association of Athletics Federations [IAAF], stated at the most recent Olympic Congress that sport is a “hidden social worker . . . a source of international understanding . . . uniquely powerful bridgehead in addressing seemingly intractable problems”.<sup>42</sup> From this point of view, the IOC positions itself as a social activist that seeks to fulfil its moral code outlined in the “Olympic Charter”. The organisation has more explicitly communicated this goal: from 2015, the preamble in press releases and other communication outlets states:

The International Olympic Committee is a not-for-profit independent international organisation made up of volunteers, which is committed to building a better world through sport. It redistributes more than 90 per cent of its income to the wider sporting movement, which means that every day the equivalent of USD 3.25 million goes to help athletes and sports organisations at all levels around the world.<sup>43</sup>

This statement illustrates the awareness of the IOC's position and the need to show that it uses considerable wealth and reach to be a credible ethical international organisation. From a classification perspective, the IOC straddles being both an MNC, such as Coca Cola, and an INGO, like Green Peace. The contemporaneous IOC could also find grouping as a private, profit-making firm with the humanistic intention of improving communities globally, making its classification as an actor in diplomacy difficult.

The IOC in practice is more and more mixing its leverage as an economically powerful body with its ethical aspirations, something demonstrated in its partnership with the United Nations [UN], the most powerful international governmental organisation. As of 2009, the IOC received observer status at the UN, pioneering such initiatives as the Olympic Truce.<sup>44</sup> An example came in September 2015 when the IOC committed a US\$2 million fund in response to the humanitarian disaster around refugees.<sup>45</sup> National Olympic Committees [NOCs], which are satellite organisations in nation-states comparable to IOC embassies, distributed this fund. The IOC has taken this active and independent role more aggressively since the end of the Cold War, driven by Juan Antonio Samaranch – a former diplomat – the IOC president between 1980 and 2001 who made the organisation more efficient and self-sufficient.<sup>46</sup> This development assisted the IOC in becoming more significant diplomatically. Still, markers and classification of this trend are difficult to show – the strength of socio-legal theory is that it reflects this evolution through legal and regulatory mechanisms.

The current IOC president, Thomas Bach, has set out further to develop the IOC to counter perceptions that it is a corrupt and sedentary organisation by implementing reform in the shape of Agenda 2020 – that is, 20 + 20 [=40] – recommendations for reform.<sup>47</sup> It is a “roadmap” for the future of the Olympic movement and gives a clear indication that internal

reform will make the IOC “fit for purpose” in the twenty-first century. The success and measure of such rhetoric will become apparent in the coming years. A problematic fact is that in its 120-year history, the IOC has had just nine presidents – all male and five from European nobility.<sup>48</sup> This unrepresentative make-up has led to a description of the IOC as “an old boys club”.<sup>49</sup> Whilst acknowledging this claim, what are more pertinent are the endeavours of its presidents, such as Samaranch or Bach, to develop the organisation to meet the needs of a wider global landscape in an active manner that contributes to how it is classified.

The active manner, including reform and continuing sporting and non-sporting projects, challenges existing understandings of the organisation. For example, Barrie Houlihan has argued that the IOC is able merely to “voice and protect sports interests when they are subject to debate in other policy communities”.<sup>50</sup> This standpoint, evidenced by the UN observer status and refugee fund, can undermine the grown power and significance of the IOC, a claim supported by a breadth of literature.<sup>51</sup> The socio-legal-based analytical tool offers evidence to highlight, evaluate, and identify how powerful and significant the IOC is, addressing both its complexity and the need to find a common language and currency from which to classify and then interrogate its capacity as an actor in varying disciplines, more specifically in diplomacy.

The evolution of the bidding process highlights the significance of IOC influence on traditional legal doctrines. From the first modern Olympic Games in 1896 until the mid-twentieth century, selecting hosts and bids occurred in an informal manner.<sup>52</sup> It has escalated to the present situation where the IOC has an independent evaluation committee for each round of bids, and there is nearly a decade’s worth of preparation needed to bid and host an

Olympic games by a host city and national government. Allen Guttmann among others has traced the change and reform, citing the growing demand and need to be impartial in the process as the catalyst for this escalation.<sup>53</sup> In consulting Olympic documents, there is an even clearer change to the organisation's approach over time. The bidding process develops significantly towards technocratic and bureaucratic methods that demand increasing control and concession from the host city and nation-state. Moreover, there is a distinct change in the level to which the IOC expects a host and participants to accommodate its legal – amongst other – requirements.

Contrasting two bidding questionnaires from 1963 and 2004 illustrates this change. First, in its 1963 Questionnaire to potential applicants of the 1968 Winter Olympics, the IOC listed questions from A to N ranging from provision for a fine arts programme to the proposal for the Olympic village location. The only reference to a legal framework was question “N”: “Will you guarantee that the Games will be conducted properly and in accordance with Olympic Rules and Regulations, if they are awarded to your city?”<sup>54</sup> This informal question implied respect for the “Olympic Charter” and the Olympic movement but did not prescribe any concrete way of achieving it; instead, it found basis more on good faith between the host state and city. In contrast, the questionnaire sent out in 2004 for the 2012 Summer Olympics was over 250 pages with requirements and questions split into themes. “Legal aspects” encompassed four dedicated pages, which included a codified covenant obtained from the government, local, and regional authorities to respect the Charter, understand that the commitments were binding, and fulfilled obligations to protect the Olympic trademark and governance of the Games.<sup>55</sup>

The contrast between 1963 and 2004 represents a shift in IOC outlook and organisation. Copious documents and committees to review bid applications replaced informal and top down administration. Reasons as to why this shift has happened include the need to protect the Olympic symbol and ethos, gain impartiality and independence from nation-states, and the temporal growth of the size and ambition of hosting the Olympic Games. The further demonstration of IOC independence appears by the mechanism of having NOCs in each member-state of the Olympic movement – there is an *ad hoc* organisation created specifically for hosting, such as the London Olympic Committee of the Olympic and Paralympic Games [LOCOG]. These organisations – although based in the nation-state – are to be satellite organisations regulated through and by the IOC. This process shows how the IOC has gained greater autonomy and continues to use it for regulatory influence and monitoring of the Olympic Movement in nation-states.

This independence of the IOC and its influence on members and hosts of the Olympic movement is a key dimension to justify it as an active diplomatic actor. The literature has considered this growing influence over the nation-state. For example, Alexander Miguel Mestre's classification, interpreting the IOC's influence, relies not on force but on the "transcendent socio-economic quality the Olympic Games possess".<sup>56</sup> A socio-legal theory framework can marker this influence through the example in the London 2012 Summer Games when, in committing to hosting the event, the British government allowed LOCOG to create and control the event. The government published documents outlining its support and ambition for the Games;<sup>57</sup> but its role was used more to protect and guarantee hosting the Olympic movement, such as the introduction of the *London Olympic Games and Paralympic Games Act 2006*.<sup>58</sup> This legislation extensively laid out how the national government would

accommodate regulatory demands from the IOC, which included regulations and enforcement around the “Protection of the Olympic Symbol”, allowing the IOC to monopolise who was authorised to sell, distribute, and profit within London from the use of their Olympic symbol.

In practice it was reported that in 2012 over 300 enforcement officers would patrol British businesses to uphold this regulation, and that at 40 Olympic venues, “800 retailers have been banned from serving chips to avoid infringing fast-food rights secured by McDonald’s”.<sup>59</sup> This evidence from open access bidding documents, legal papers, and media reports allows an overview of how the IOC through hosting the Games has gained unprecedented power to regulate varying elements of a state through legal mechanisms. This snapshot is credible evidence to classify the IOC as an active global regulatory institution.

Regardless, as a snapshot, it is not possible to generalise, largely as it is contextual to nation-states that host the Olympics; moreover the IOC does not necessarily enforce or hold the nation-state accountable beyond the requirements it prescribes. Thus, the nation-state is still active in the process. Further investigation reveal examples of backlash from groups and nation-states to the control demanded by the IOC. In the 2022 Winter Olympics bidding race, the IOC had only two candidates from which to choose – China and Kazakhstan – even though seven cities originally showed interest.<sup>60</sup> Norway withdrew from this bidding in a very public and resistant manner, as the media leaked unreasonable demands made by the IOC.<sup>61</sup> This led to increased public concern over the cost and, ultimately, Norway’s parliament refused to provide financial guarantees. One of the reports cited demands around the cartel nature of advertising – that “even street vendors must be removed” – but framed around the distrust of allowing such commercial control not necessarily being legal.<sup>62</sup> This

backlash highlights that the growth and influence of the IOC is not unidirectional but varies depending on what international actors and states with which it engages. Therefore, the analytical tool of legal regulation becomes more relevant; such a tool allows a researcher to compare and contrast the level of influence and leverage that the IOC has over another actor, in this case the varying cities proposing to host the Games.

In reaction to the changing perceptions and role, the IOC is realigning its projects and organisation so that it does not solely rely on the hosting of events and individual host states. Two examples of these changes are the further permanent codification of the “Olympic Charter” and a more stable access to a global audience through television. First, the IOC is supporting international bodies and states to cement the “Olympic Charter” in their constitutions. To date, Turkey has incorporated the entire “Olympic Charter” into its legal system, and the European Union codified the acknowledgement that there are “obligations arising from the Olympic Charter”.<sup>63</sup> This wider and more permanent strategy is not widespread, but it shows the scope and ambition the IOC has for its regulatory mechanism that is tangibly the “Olympic Charter”.

Second, the internal reform of the IOC through Agenda 2020 is targeting a more sustained contact with a global audience. One of the recommendations to “launch an Olympic [broadcast] Channel” stems from the continued emphasis of digital techniques of communication and networks, which can reach a multitude of individuals.<sup>64</sup> In digital and public diplomacy, it could become an IOC mechanism to engage with citizens globally. Internationally there are limitations on television rights and internet exposure; however, if a nation-state legally allows the IOC this Channel, the IOC will have a clear and direct influence within states towards their citizenry on a more permanent basis.

The future ambitions and growth of the IOC and its “Olympic Charter” can be monitored through legal mechanisms created by internal reform and agreements reached with varying organisations. Continuing research into the IOC can harness a socio-legal classification of the organisation as a benchmark to evaluate and interrogate varying strategies and situations. The traditional legal doctrines influenced by the IOC are largely tangible and based around economic or political spheres; conversely, as noted, the IOC attempts to influence more intangible societal issues. A strength of using socio-legal theory and legal pluralism is the ability to integrate non-traditional and more nuanced ways in which the IOC regulates legal issues at a social and cultural level.

A major social issue that the IOC has on its agenda is gender equality, which is somewhat ironic as Coubertin initially banned women from participating, and there was considerable energy taken to sustain women’s participation.<sup>65</sup> In the present moment in Agenda 2020, there is a continued commitment to “stimulate women’s participation and involvement in sport”, a complementary policy to the organisational entity of the Women and Sport Commission that was formally recognised as an advisory group to the IOC Executive Committee in 2004.<sup>66</sup> Not only is this a priority of the IOC, but it is a distinguished self-measurement of the progress made through ethical governance. For example, to celebrate its success in this area, the IOC released an emotive video on International Women’s Day 2015 that had images and videos of women throughout the Olympic movement accompanied by statistics highlighting the percentage of female participants: in the London 1908 games, it was 1.8 percent; whereas in London 2012, it rose to 44.2 percent.<sup>67</sup> This endeavour is not only another example of the use of digital media to access the global citizenry, but it also

shows how the IOC believes itself to be pioneering gender empowerment over the past century.

On the surface, these statistics are very impressive; yet, when further explored, contextual and micro differences become apparent. A study into female representation of NOCs shows that the IOC actively seeks to demonstrate how it upholds gender empowerment through the “Olympic Charter”. The IOC has set a minimum target of 20 percent women on executive committees of NOCs and international federations. Results show that Asia at 12 percent and Europe at 14.1 percent failed to meet the threshold, whereas Oceania at 26.2 percent and the Americas at 20.5 percent met the suggested target.<sup>68</sup> Such goals stemming from the “Olympic Charter” are evidence that active regulating and imposing IOC societal-based aspirations are achievable at varying levels in the organisation and its satellites such as the NOCs. What is interesting is that the more successful geographical areas of the globe do not include Europe; hence, this evidence goes beyond a predicted and generalised influence but delves into specific global regions. An organisational target is a non-traditional source of legal regulation as it is not a codified restriction, but a regulatory pressure that alters the structures and decisions taken, for example, in recruitment or training of staff.

Another way to interrogate the claimed progress of the IOC in the area of gender empowerment is through the further breakdown of the participation of females in specific countries. For example, as cited above, Turkey has codified the “Olympic Charter” in its legal system, yet there is tension in Turkey as female empowerment clashes with the cultural and religious norms of this significantly Moslem country. Leila Sfier notes that Turkey in 1936 was “one of the most Westernized Muslim countries, [was] the first to send two women

athletes to the Olympic Games”; however, she continues that the conditions still find basis on the Islamic request of “absolute segregation of the sexes”.<sup>69</sup> Consequently, the IOC has incrementally improved female participation, but not systemically as Turkey does not embrace in full Olympism as it applies to participation through segregation.

The London 2012 Games also observed this incremental change where the Moslem states Saudi Arabia, Brunei, and Qatar all sent female athletes for the first time. These countries have not allowed the IOC “Charter” to play such a dominant role in their behaviour, although they did concede to pressure to “allow women to participate in the Olympic Games”.<sup>70</sup> This incremental change based on participation or governance statistics is not true of all areas of the IOC and the contributing nations. For example, Turkey during London 2012 had 69.57 percent male Paralympic athletes; but of 27 accredited coaches with the IOC, zero were female.<sup>71</sup> The more negative statistics here cannot overstate the incremental change in participation to a systemic change in behaviour towards women; but the IOC does have credible influence through its “Charter” and regulation. Consequently, the use of a socio-legal analysis allows for a greater and more nuanced analysis of the IOC as an actor and its significance. The evidence from available data, domestic laws, and IOC reports show that the IOC is actively promoting female empowerment. Although not exaggerated, it gives a marker to whom and how it is regulating and influencing as an actor.

A challenge could be that states conform to gain support from the IOC to host a future Olympic Games. For example, Istanbul has bid for the summer games five times, most recently losing in the 2013 selection to host the 2020 Games.<sup>72</sup> It is a key consideration, and one that is possible to use to evaluate further the significance of the IOC’s regulatory ability. The significance is strong considering the example of states such as Turkey that do follow

the IOC mechanism – granted that it might do so to achieve certain ends. However, there are examples of states challenging the mechanisms outlined by the IOC, such as Russia and the dispute over sexuality at the Sochi 2014 Winter Olympics.<sup>73</sup> The varying conformity and influence of the IOC outlines the complexity and ungeneralised effects on different actors expected in the intricate landscape of international relations and diplomacy. A strength of using a socio-legal standpoint to classify the IOC is that legal regulation is comparative across contexts and actors, such as the cases of Turkey and Russia. It further affirms the aim of exploring the tool to further the classification of the IOC, rather than providing a traditional label and judgement of the organisation. The flexible yet rigorous tool can contribute to research of both tangible and intangible regulatory influences, and the ability to classify the IOC as an actor beyond merely reducing the organisation to an MNC or INGO. Thus, as demonstrated in the case studies, the understanding of the IOC in contemporary diplomacy can receive interrogation that is more credible.

In conclusion, offering this analytical tool allows for discussion on the classification of the IOC and other sports organisations. It is not simply a linguistic argument but, rather, one that warns that the mislabelling of the IOC across disciplines translates into a misunderstanding of its role – as shown in diplomatic literature, it has led to vague conclusions and a lack of evidence to credibly marker arguments. The case for re-thinking the classification of the IOC has been justified by showing that the body operates complex and multiple roles – as an MNC, a TNO, and an international sports organisation, to name but a few. The complexity and multi-faceted composition of the IOC lends itself to a more dynamic and interdisciplinary device; and socio-legal theory provides an adequate

framework to produce a stratagem and therefore a clearer classification. It complements this dynamic growth of modern diplomacy.

The extant sport diplomacy literature and debates have shied away from classifying the IOC in its contemporary form, instead focusing more on the increase in diplomatic practices more generally and how the IOC contributes to this through traditional classifications. Introducing an interdisciplinary socio-legal tool shows that both in theory and practice, the IOC wields unprecedented international influence over social, political, and economic legal regulation in varying levels and on varying audiences.

The distinction between traditional and non-traditional sources of legal regulation allow for an exploration of both tangible and intangible changes to the international – and to a state's – political, economic, and social fabric. There is a gap in knowledge about how the IOC influences a larger variety of levels both tangibly and intangibly – here, the cases of host nations and female empowerment were two of many harnessed through a socio-legal classification. Furthermore, such research would be useful in using more context and community specific evidence for how the IOC as a global regulatory institution has an impact on different actors. Different organisations such as the UN or Human Rights Watch are interacting with the IOC to leverage diplomacy; moreover, there is a growing trend of undemocratic and non-western states bidding for the Olympic Games. The relationship and regulation between the IOC and such actors would be important to add strength to the analytic tool advocated here.

A wider challenge is to develop and extend this classification to a spectrum of sports organisations. How does Manchester United or the IAAF, for example, measure up as regulatory institutions, not only in terms of sport, but also in terms of diplomatic strategy and

leverage? This analysis has conceptually grounded such a spectrum, promoting an expansion with more sports organisations fundamental to sport and diplomacy studies moving forward.

#### Notes

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<sup>2</sup> J. Grix, *Sport Politics. An Introduction* (Basingstoke, 2016).

<sup>3</sup> Kenneth Waltz, *Theory of International Politics* (Reading, 1979).

<sup>4</sup> Thomas Carter and John Sugden, “The USA and sporting diplomacy: comparing and contrasting the cases of Table Tennis with China and Baseball with Cuba in 1970’s”, *International Relations*, 26/1(2012), 101-21.

<sup>5</sup> The British government is moving from a 30-year rule for releasing government records to a 20-year rule. See The National Archives, “20 Year Rule”: <http://www.nationalarchives.gov.uk/about/our-role/plans-policies-performance-and-projects/our-projects/20-year-rule/>.

<sup>6</sup> Heather L. Dichter, “Sport history and diplomatic history”, *H-Diplo Essay* No. 122 (17 December 2014): <https://networks.h-net.org/system/files/contributed-files/e122.pdf>.

<sup>7</sup> Steve J. Jackson, “The Contested Terrain of Sport and Diplomacy in a globalizing world”, *International Area Studies Review*, 16/3(2013), 282.

<sup>8</sup> Stuart Murray and Geoffrey Allen Pigman, “Mapping the relationship between international sport and diplomacy”, *Sport in Society*, 17/9(2014), 1099.

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<sup>9</sup> Dario Brentin and Loïc Tregoures, “Entering through the sport’s door? Kosovo’s sport diplomatic endeavours towards international recognition”, unpublished paper presented at “Sport and Diplomacy: Message, Mode and Metaphor Colloquium”, SOAS, London, 3-4 July 2015.

<sup>10</sup> Murray and Pigman, “Mapping the relationship”, 1113.

<sup>11</sup> Burak Herguner, “The IOC as a transnational organization: Paradigm shift and its rising role in global governance”, *International Area Studies Review*, 15/2(2012), 178. Cf. Samuel P. Huntington, “Transnational Organizations in World Politics”, *World Politics*, 25/2(1973), 333-68.

<sup>12</sup> *Ibid.*, 184.

<sup>13</sup> Murray and Pigman, “Mapping the relationship”, 1107-10.

<sup>14</sup> Barbara Keys, “Human Rights Organisations and the Olympic Games, 1981-2000”, unpublished paper presented at “Sport and Diplomacy: Message, Mode and Metaphor Colloquium”, SOAS, London, 3-4 July 2015.

<sup>15</sup> Stuart Murray, “The Two Halves of Sports-Diplomacy”, *Diplomacy and Statecraft*, 23(2012), 577-78.

<sup>16</sup> Brian Hocking, “Non-State Actors and the Transformation of Diplomacy”, in Bob Reinalda, ed., *The Ashgate Research Companion to Non-State Actors* (Farnham, 2011), 225-36.

<sup>17</sup> Richard Langhorne, “The Diplomacy of Non- State Actors”, *Diplomacy and Statecraft*, 16/2(2006), 331.

<sup>18</sup> Joseph S. Nye Jr. “Hard, Soft and Smart Power” in Andrew Cooper, Jorge Heine, and Ramesh Thakur, eds., *The Oxford Handbook of Modern Diplomacy* (Oxford, 2013), 561.

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<sup>19</sup> Geoffrey Allen Pigman, “International Sport and Diplomacy’s Public Dimension: Governments, Sporting Federation and the Global Audience”, *Diplomacy and Statecraft*, 25/1(2014), 94-114; Jackson, “Contested Terrain”; Black and Peacock, “Sport and Diplomacy”.

<sup>20</sup> Aaron Beacom, *International Diplomacy and the Olympic Movement: The New Mediators* (Basingstoke, 2012), 36.

<sup>21</sup> *Ibid.*, 61.

<sup>22</sup> *Ibid.*, 36.

<sup>23</sup> Max Travers, *Understanding Law and Society* (Oxford, 2009).

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<sup>30</sup> J Simon Rofe, “It is a squad game: Manchester United as a diplomatic non-state actor in international affairs”, *Sport in Society*, 17/9(2014), 1136.

<sup>31</sup> Alexander Miguel Mestre, *The Law of the Olympic Games* (Cambridge, 2009), 3.

<sup>32</sup> Mark James, *Sports Law* (Basingstoke, 2013), 322.

<sup>33</sup> Norbert Muller, *Pierre de Coubertin 1863- 1937: Olympism Selected Writings* (Lausanne, 2000).

<sup>34</sup> Owen Gibson, “Sochi 2014: the costliest Olympics yet but where has all the money gone?” *Guardian Online* (9 October 2013): <http://www.theguardian.com/sport/blog/2013/oct/09/sochi-2014-olympics-money-corruption>.

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