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Kolomoiets Tetiana Oleksandrivda,
Dean of the Law Department
Zaporizhzhia National University
ORCID: <https://orcid.org/0000-0003-1101-8073>

Huk Iryna-Mariia,
PhD student
Zaporizhzhia National University
ORCID: <https://orcid.org/0000-0002-4407-3944>

SPORTS DIPLOMACY IN THE MODERN WORLD: LEGAL ASPECTS

Sport diplomacy is becoming an increasingly important tool in international relations, especially in the context of globalisation and the growing importance of soft power. The use of sport to strengthen international cooperation, peacekeeping and conflict resolution requires clear legal regulation. At the same time, the legal aspects of sport diplomacy often remain insufficiently researched, which can lead to legal conflicts and impede the effective implementation of diplomatic initiatives through sport. Therefore, the study of the legal aspects of sports diplomacy is relevant and necessary to understand how to ensure the stable and legitimate use of this tool in the modern world.

The article examines the legal aspects of sport diplomacy, which is becoming increasingly important in the modern world. Sports diplomacy is used as a tool for international cooperation, cultural exchange and support of foreign policy goals. The paper analyses the main legal framework and regulations governing activities in the field of sports diplomacy, as well as the challenges associated with their application. In addition, attention is drawn to how legal regulation can facilitate or, conversely, impede the effective implementation of sports diplomacy at the international level.

It is concluded that sport diplomacy is a new term for an ancient practice that reflects the unique ability of sport to unite people, nations and communities through a common interest in physical activity. The author identifies key theoretical approaches to sport diplomacy that help to better understand the complex interaction between sport, politics and diplomacy: traditional sport diplomacy, new sport diplomacy, sport as a form of diplomacy and sport anti-diplomacy.

Key words: *sport diplomacy, international law, legal regulation, soft power, international relations, cultural exchange, sport, globalisation, foreign policy, legal aspects.*

КОЛОМОЄЦЬ Т. О., ГУК І.-М. СПОРТИВНА ДИПЛОМАТІЯ У СУЧАСНОМУ СВІТІ: ПРАВОВІ АСПЕКТИ

Спортивна дипломатія стає все більш важливим інструментом у сфері міжнародних відносин, особливо в умовах глобалізації та зростання значення "м'якої сили". Використання спорту для зміцнення міжнародного співробітництва, підтримки миру та розв'язання конфліктів вимагає чіткого правового регулювання. Водночас правові аспекти спортивної дипломатії часто залишаються недостатньо дослідженими, що може призводити до правових колізій та перешкоджати ефективній реалізації дипломатичних ініціатив через спорт. Тому, дослідження правових аспектів спортивної дипломатії є актуальним і необхідним для розуміння того, як забезпечити стабільне і правомірне використання цього інструменту в сучасному світі.

У статті розглянуто правові аспекти спортивної дипломатії, яка набуває все більшої важливості у сучасному світі. Спортивна дипломатія використовується як інструмент міжнародного співробітництва, культурного обміну та підтримки зовнішньополітичних цілей. У роботі аналізуються основні правові рамки та нормативні акти, що регулюють діяльність у сфері спортивної дипломатії, а також розглядаються виклики, пов'язані з їхнім застосуванням. Крім того, звернено увагу на те, як правове регулювання може сприяти або, навпаки, перешкоджати ефективній реалізації спортивної дипломатії на міжнародному рівні.

Підсумовано, що спортивна дипломатія – це новий термін для позначення давньої практики, яка відображає унікальну здатність спорту об'єднувати людей, нації та громади через спільний інтерес до фізичної активності. Виокремлено ключові теоретичні підходи до спортивної дипломатії, що допомагають краще зрозуміти складну взаємодію спорту, політики та дипломатії: традиційна спортивна дипломатія, нова спортивна дипломатія, спорт як форма дипломатії та спортивна антидипломатія.

Ключові слова: *спортивна дипломатія, міжнародне право, правове регулювання, м'яка сила, міжнародні відносини, культурний обмін, спорт, глобалізація, зовнішня політика, правові аспекти.*

Introduction. In today's conditions of the development of social relations, it is difficult to find international sports competitions that do not have at least some small political undertone. The Russo-

Ukrainian war has affected all spheres, including sports. The hybrid war is unfolding not only on the front lines but also in the international sports arena. At the same time, countries are interested in participating

in sports events, as it provides them with leverage, opportunities for investment, economic growth, and image enhancement.

In August 2024, Paris hosted the Olympic Games, and Saudi Arabia secured the right to host the 2034 FIFA World Cup. These two significant sporting events, which attract the largest global audience, were chosen without competition, as each country was the sole candidate. With the enormous costs of organizing such events, the question arises about their attractiveness for countries and cities, as well as the methods of assessing their profitability. Beyond the short-term benefits such as economic stimulation, infrastructure development, and tourism growth, sport can influence the shaping of a country's reputation. This influence, known as "soft power," contrasts with "hard power," which includes military and economic might. Soft power allows countries to influence the preferences and behaviour of international actors (states, corporations, communities, audiences) through attraction and persuasion, rather than coercion [11].

In this regard, sports diplomacy is seen as a new form of public diplomacy in today's world. In this context, the study of the legal aspects of sports diplomacy becomes particularly important, as they play a significant role in determining the effectiveness and legitimacy of sports initiatives on the international stage.

Purpose and objectives. The aim of the research is a comprehensive analysis of the legal aspects of sports diplomacy in the modern world. The objectives of the research are: to study the existing legal frameworks that regulate the organization and conduct of international sporting events; to analyze how legal norms and policies affect the effectiveness of sports diplomacy, including issues of liability, intellectual property rights, and contracts; to formulate practical recommendations for improving the legal regulation of sports diplomacy in order to enhance the efficiency and fairness in the organization and conduct of international sporting events; to review specific examples of sports events to identify legal challenges and successful practices that could serve as models for future events.

Research methods. The aim of this research is to conduct a comprehensive analysis of the legal aspects of sports diplomacy in the modern world. The research objectives are as follows: to study the existing legal frameworks that regulate the organization and conduct of international sports events; to analyze how legal norms and policies impact the effectiveness of sports diplomacy, including issues of liability, intellectual property rights, and contracts; to develop practical

recommendations for improving the legal regulation of sports diplomacy to enhance efficiency and fairness in organizing and hosting international sports events; and to review specific examples of sports events to identify legal challenges and successful practices that could serve as models for future events.

Main text. In the political and historical spheres, as well as in other fields, the term "sports diplomacy" is increasingly becoming a subject of interdisciplinary interest in discussions about interactions between various actors. The components of this phrase include interactions between nation-states and territories, non-state actors, and individuals within a wide range of global sports, cultural, economic, and political activities. Sports diplomacy is used to understand these interactions in various contexts, from traditional means of communication and negotiations to representation in various arenas. Sports diplomacy serves as an important tool in international relations, employed to strengthen ties between nations and achieve political objectives. In today's world, sports diplomacy has become an integral part of global politics, with its importance growing in the context of globalization and increasing attention to human rights, peace, and security[10].

Sports organizations, such as the International Olympic Committee (IOC), are paying increasing attention to human rights issues. This includes requirements for host countries of major sporting events to comply with international standards in this area. Legal mechanisms play a crucial role in ensuring compliance with human rights in the context of sports events.

For instance, during preparations for the 2024 Olympic Games in Paris, an incident occurred involving Ukrainian rower Anastasiia Rybachok, who was forced to partially cover the phrase "I am Ukrainian" on her canoe. This sparked widespread discussion in the context of sports diplomacy and policy.

International competitions, such as the Olympics, traditionally have strict rules regarding political statements and symbols on sports equipment and attire. The IOC strives to keep sports separate from politics, seeking to ensure neutrality and equal conditions for all participants. However, for many Ukrainian athletes, especially in the context of the war in Ukraine, inscriptions like "I am Ukrainian" are an expression of national identity and solidarity with their homeland. The case with Rybachok raises an important question: where is the line between politics and self-expression in sports? On the one hand, the IOC aims to avoid the politicization of sports, while on the other, national pride and identity are integral

parts of the sporting spirit. This incident highlights the complexity of sports diplomacy, where the boundaries between political statements and national identity are often blurred.

A significant issue in sports diplomacy is the application of sanctions. Sanctions in international sports as a means of political influence, and in some cases as a form of international responsibility, have a history spanning over a century.

The first instance of enshrining sports sanctions as a tool for combating human rights violations in an international treaty is linked to the apartheid regime. In December 1985, the United Nations adopted the International Convention against Apartheid in Sports, which came into force on April 3, 1988. The preamble of this document clearly establishes the connection between respect for human dignity, freedom, equality, and non-discrimination, as well as the principles on which international sport should be based [1].

According to Article 3 of the Convention, participating states must prevent sports contacts with countries practicing apartheid and take measures to ensure that their sports organizations, teams, and individual athletes do not engage in such contacts. Article 5 prohibits providing financial or other support to sports organizations, teams, or athletes that would allow them to participate in events in countries practicing apartheid, or with teams or athletes selected based on racial distinctions. The Convention also sets out other measures aimed at excluding the state practicing apartheid from international and regional sports organizations, depriving it of the opportunity to participate in international sports [1].

Another significant example of sanctions in international sports concerns the actions taken by the UN Security Council under Chapter VII of the UN Charter (Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression) against the Federal Republic of Yugoslavia. On May 15, 1992, the Security Council adopted Resolution S/RES/752(1992), which included several specific demands to participants in the military conflict in Bosnia and Herzegovina. These demands included the cessation of hostilities, the withdrawal of the Yugoslav People's Army and Croatian Armed Forces, the disarmament and dissolution of paramilitary formations, the cessation of ethnic cleansing and population deportations, and full support for humanitarian aid delivery to those affected. Following the adoption of this resolution, further violations occurred, leading to the imposition of sports sanctions by the Security Council on May 30, 1992.

After the adoption of this resolution, on May 18, 1992, a tragic incident occurred, resulting in the death of members of the International Committee of the Red Cross in Bosnia. Attacks on UN personnel in Sarajevo continued, along with the blocking of airports, which hindered the delivery of humanitarian aid. In response to these events, the Security Council adopted Resolution S/RES/757(1992) on May 30, which imposed a number of economic sanctions against Yugoslavia, including sanctions in the field of international sports. According to paragraph 8 of this resolution, all states were required to take measures to prevent the participation in sporting events on their territory of individuals or teams representing the FRY (Serbia and Montenegro)[3].

The mentioned sanctions had several consequences. For example, the national football team of the FRY, which had qualified for the 1992 European Championship, was disqualified, and its place was taken by Denmark, which had finished second in the group. Denmark eventually went on to win the tournament. Sanctions were also introduced prior to the start of the 1992 Olympic Games. The IOC reached a compromise with the UN, according to which the National Olympic Committee of Yugoslavia was not invited to the Games, but Yugoslav athletes were allowed to compete as Independent Olympic Participants. Similarly, Yugoslav Paralympians participated in the 1992 Paralympic Games as independent athletes. The sanctions also affected American chess player Bobby Fischer, who held an unofficial rematch for the world championship title against Boris Spassky in 1992 in Yugoslavia, despite warnings from the U.S. government about violating the sanctions. This led to an arrest warrant being issued, forcing Fischer to live in exile until his death in 2008[4].

Boycotts of sporting events, implemented by states or groups of states for political influence, should be distinguished from sanctions. The aforementioned activity of the Supreme Council for Sport in Africa is an example of an effective boycott policy against sporting events featuring teams or athletes selected based on racial segregation.

Despite the Russian Federation's regular violations of international law norms and principles, its actions contrary to the Olympic Charter, its aggression against Georgia in 2008, the annexation and occupation of part of Ukraine's sovereign territory in 2014, and its systematic and gross violations of human rights, no sanctions in the international sports arena were applied to it until the full-scale invasion of Ukraine in February 2022. The suspension of Russian athletes and sports officials from participating in international

competitions did occur but was a result of a series of doping scandals and violations of fair play rules, supported by the state as part of a systematic policy.

The situation changed dramatically after February 24, 2022. On the same day, the IOC strongly condemned the violation of the Olympic Truce, which the UN General Assembly has adopted every two years since 1993, calling on member states to respect it. Accordingly, on December 2, 2021, Resolution 76/13, "Building a peaceful and better world through sport and the Olympic ideal" for the Beijing 2022 Games, was adopted. The truce was supposed to begin seven days before the start of the Olympic Games and end seven days after the closing of the Paralympic Games, that is, on March 20, 2022[5].

On February 25, the IOC Executive Board called on all international federations to relocate or cancel sporting events scheduled in Russia or Belarus [6]. In a subsequent resolution on February 28, the IOC recommended that international sports federations prevent Russian or Belarusian athletes or officials from participating in international competitions; if they were to participate, any display of national symbols from these countries was prohibited, and no sports events were to be held in Russia or Belarus. Additionally, the IOC stripped Russian high-ranking officials, including the president of Russia, of the highest honor of the Olympic movement – the Olympic Order [7].

On March 8, 2022, the U.S. Department of State published the first joint statement on Russia's war against Ukraine and international sports, coordinated with sports ministers or their representatives from 37 countries. The statement highlighted that Russia's unprovoked and unjustified war against Ukraine, supported by the Belarusian government, is a blatant violation of international obligations. It emphasized that respect for human rights and peaceful relations between nations are fundamental principles of international sports. The countries supporting the statement reaffirmed their commitment to sanctions and restrictions against Russia and Belarus, including bans on hosting international sporting events in these countries, prohibiting the participation of their athletes and officials, and calling for a reduction in sponsorship and other financial support for sports events connected to these states. The statement also expressed support for the International Paralympic Committee's decision to exclude athletes from Russia and Belarus from the 2022 Winter Paralympics in Beijing and called on all international sports federations to maintain these restrictions until cooperation in accordance with international law becomes feasible. Additionally, the sports ministers urged that athletes, coaches, or officials who chose

to terminate contracts with Russian, Belarusian, or Ukrainian clubs should not face penalties and encouraged solidarity and support for Ukrainian sports wherever possible [8,9].

On July 5, 2022, another statement was published as most countries became aware of the scale of war crimes committed in Ukraine and recognized that the previously imposed sanctions were insufficient. This second, more stringent statement was supported by sports ministers from 35 countries, although Hungary and Switzerland did not participate. They declared that national sports organizations from Russia and Belarus should be suspended from international sports federations, and individuals linked to the governments of Russia and Belarus should be removed from positions of influence within international sports organizations. Additionally, the possibility of suspending the broadcasting of sporting events in Russia and Belarus was suggested. If athletes from these countries were allowed to compete, they should be prohibited from displaying national symbols, and the athletes themselves should not represent their states [9].

Such a consolidated position from both the IOC and the official sports officials of several countries has resulted in a wide range of sanctions imposed by sports federations, including FIFA, UEFA, the International Ice Hockey Federation, the Fédération Internationale de Motocyclisme, the International Tennis Federation, and many others.

Thus, the sanctions introduced by international sports organizations and states have significantly altered approaches to sports diplomacy, demonstrating that sport can be a powerful tool for upholding international law and humanitarian principles. The decision to impose sanctions highlights the importance of collaboration between sports organizations and states in shaping international sports policy.

Recent events underscore the need for further development of the system of international sanctions in the sports sector, taking into account both political and humanitarian aspects. This also requires ongoing monitoring and adaptation of sanctions in response to changes in international politics.

Results. The conducted research allows for a clear classification of the various types of restrictive measures that can be applied in international sports:

Collective sanctions - These are imposed based on mandatory norms of international law and serve as measures of international legal responsibility. They include measures outlined in the International Convention Against Apartheid in Sport and resolutions of the UN Security Council adopted under Chapter VII of the UN Charter.

Individual measures - These are applied by individual states and include the severing of sports ties, boycotting sporting events, and other political actions. These measures are a form of retorsion, meaning they are lawful responses to internationally wrongful acts.

Sanctions by international sports organizations - These measures, introduced by international sports organizations such as the IOC and other federations, can be a reaction to violations of sports rules or international wrongdoing. This type of sanction, known as "transnational sports responsibility" or "competitive sports liability," is currently underdeveloped and requires further study.

Regarding the key findings of the research, the following can be noted:

The historical development of sports diplomacy confirms its significant role in maintaining friendly international relations between states.

Heads of state can utilize forms of diplomatic relations directly related to sports for effective communication at a supranational level.

Sports diplomacy does not always guarantee the expected outcomes in cooperation between some

countries; however, new approaches exist to improve the situation, potentially creating more balanced and harmonious relations in international sports.

Conclusion. Sports diplomacy serves as an effective tool in contemporary international relations, utilizing legal mechanisms to achieve political goals, promote international peace, and protect human rights. It encompasses a wide range of legal aspects, including adherence to international standards, sanctions, boycotts, and retorsion, making it a vital component of modern global politics.

While sports diplomacy plays a significant role, its short-term and long-term effects depend on public perception and the willingness to implement reforms in key areas of "soft power." Furthermore, hosting mega sporting events does not automatically guarantee an enhancement of a country's reputation and influence; this requires commitment and continuous efforts.

For future research, it is essential to analyze the role of sporting events in diplomatic relations between countries, as well as the impact of legal norms on the effectiveness of sports diplomacy.

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