

Please cite the Published Version

Postlethwaite, V and Grix, Jonathan (2016) Beyond the Acronyms: Sport Diplomacy and the Classification of the International Olympic Committee. *Diplomacy and Statecraft*, 27 (2). pp. 295-313. ISSN 0959-2296

DOI: <https://doi.org/10.1080/09592296.2016.1169796>

Publisher: Taylor & Francis (Routledge)

Version: Accepted Version

Downloaded from: <https://e-space.mmu.ac.uk/621303/>

Usage rights: © In Copyright

Additional Information: This is an Accepted Manuscript of an article published by Taylor & Francis in *Diplomacy and Statecraft* on 02/04/2016, available online: <http://www.tandfonline.com/10.1080/09592296.2016.1169796>.

Enquiries:

If you have questions about this document, contact openresearch@mmu.ac.uk. Please include the URL of the record in e-space. If you believe that your, or a third party's rights have been compromised through this document please see our Take Down policy (available from <https://www.mmu.ac.uk/library/using-the-library/policies-and-guidelines>)

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

Verity Postlethwaite, University of Worcester

Jonathan Grix, University of Birmingham

Running Head Title: Classification of the International Olympic Committee

Acknowledgments: This article has been made possible by the creative feedback and discussion across a two day symposium held in July 2015 by Simon Rofe in SOAS University of London. Thank you to all the attendees from a variety of disciplines and corners of the globe for a rich discussion that sparked and honed this piece.

This manuscript has not been published elsewhere, and it has not been submitted simultaneously for publication elsewhere.

Abstract (216 words)

Sport diplomacy is often reduced to actions centred on states. However, after the Cold War international relations and diplomacy has expanded, with different actors growing into significant roles. This is particularly true in the increase of diplomatic relations in the context of sport. The classification and significance of other actors is under researched, with literature focusing more on the growth of new and varying forms of diplomacy and diplomatic instruments. This article contends that there is a need to interrogate fundamental components of modern diplomacy- here the actor being the focus- more specifically, the classification of sports organisations in diplomatic relations. This is relevant as a more accurate understanding of sports organisations will contribute to how diplomatic studies can analyse and evaluate modern diplomacy that takes place in the context of sport. The International Olympic Committee (IOC) is the actor used to illustrate how problematic classifications currently in

literature translate into weak and reduced analysis and evaluation of its role and significance in diplomacy. To combat this the analytical framework of socio-legal theory is advocated, as it harnesses legal regulation as a benchmark to classify an actors capacity within a society. From this the IOC can be credibly seen as an active and significant contributor to the ever expanding and complex diplomatic environment and wider society.

Main Article (8274 words)

Introduction

Imagine an undemocratic, unelected, transnational, multibillion 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 impacting on altering states political, economic and social fabric. This is no hypothetical exercise, but a description 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”¹ by such scholars as Richard Espy² and John Hoberman³ - to those with broader political interest. This paper is a contribution to a (re)emerging interdisciplinary literature focusing on international relations and diplomacy.

The contention in what follows is that the IOC is inappropriately classified for the many roles and influences it has on diplomacy.⁴ This 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 (ISO), 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 role in diplomatic relations. 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, 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.

The conceptual slippage of sports organisations is challenged because ramifications include a vague and reductive understanding of the IOC and its role in diplomacy. To contest this the theoretical framework of the socio-legal approach is introduced, as it will enable the complex entity of the IOC to be better understood and evaluated as a global organisation acting at numerous levels with varying significance. Socio-legal theory draws upon traditional and non-traditional legal evidence that empirically and validly shows how law and regulations is (re)created. It is not the intention of this article to completely define and analyse the IOC. But instead offer an analytic tool with which to classify it through empirical and clear conceptualisation, therefore encouraging more rigorous and credible research of its significance in diplomacy.

Diplomatic Literature and Actors

The rise of sport as an interdisciplinary lens and context 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 international relations theory until the end of the Cold War, with scholars, such as Waltz, taking the nation state as the central actor to all global politics.⁵ In diplomatic studies, sport as an ice-breaker in diplomatic stand-offs between states has been the assumed role of sport, for example the Ping Pong diplomacy between China and America in the 1970s.⁶ Such studies rely on archives and government documents that are not available until around thirty years after the event. In contrast when considering the IOC in the current era diplomatic scholars rely on media, interviews, public documents amongst other secondary sources, as this is what is available. This is problematic when credibly evaluating the significance of sport diplomacy and poses a difficulty for researchers to argue that sport plays a role in diplomacy beyond being an ice-breaker.

The difficulty in studying contemporary actors in diplomacy is supported by Heather Dichter, who cites the rarity in diplomatic studies of considering a government's public diplomacy strategy through hosting a sports mega-event. This is largely because of the increased scale of sport mega events in the past twenty five years and therefore research relies on new stories, rather than government documents.⁷ The reality of the constraints of researching diplomacy in the present-day is a significant issue for sport scholars who are attempting to understand and explain the impact and significance of the sports organisations. A way in which this has been overcome is to apply vague and cautionary conclusions, with more confidence placed in framing new strategies of diplomacy rather than actors. For example, Steve Jackson has recently labelled sport to be "schizophrenic" as it "is considered both serious and important but insignificant and trivial at different times." The author suggests a form of "corporate diplomacy" to frame sports organisations but not a way in which to classify or evaluate sports organisations as actors.⁸ This example contributes to a pattern where common themes of vague classification and lack of empirical markers are evident in multiple sport diplomatic research pieces. This unproductively leads to labels and conclusions around terms, such as,

“schizophrenic” that in reality does not further understanding of sports organisations, instead further confuses it.

Sport diplomacy literature is grounded in two strands; “sport as diplomacy” and “diplomacy in sport.”⁹ 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 mentioned above. A more modern case is the recent strategy of the Bosnian government to gain international recognition through the IOC in order to gain momentum and leverage with the wider international community. This case is consistent with more traditional diplomatic theory that is state centred and views the nation state as the contingent actor in diplomacy. In terms of classification Dario Brentin and Loic Remy evaluate the role of the IOC as low level diplomacy, therefore difficult to judge its impact.¹⁰ Stuart Murray and Geoffrey Pigman further demonstrate this by stating that the Olympics itself is a site and form of sport diplomacy, but it is “complicated”. The authors therefore vaguely classify the organisation as a great power.¹¹ The vague and hesitant conclusions of “low level” and “complicated” stem from the initial inaccurate classification of the IOC as an actor, instead rely on claims such as it is a “great power.” The need is therefore to reconceptualise sports organisations with a view to credibly classifying and in turn evaluating the significance in diplomatic relations.

There are examples of authors seeking to classify sports organisations; Burak Herguner seeks to place the IOC within international relations theory, namely Huntington’s 1973 characteristics of transnational organisations. This classification is based on the structure and membership of the organisation, similar to that of literature around non-state actor. Burak Herguner states that the “IOC may be classified both as a transnational organisation and an international non-governmental organisation,” thus making the IOC a “TNO-INGO.”¹² The empirical evidence is produced through the concept of soft power which allows the IOC to “as a transnational organisation... maintain a balance between national governments, the

business environment and civil society.”¹³ This concept is productive but does not explicitly offer a concept that can be marked or evaluated. Instead it reduces the opportunity to rigorously understand the IOC as an actor in itself or how it balances and leverages states, business and civil society. In discussing the IOC further on it is shown to be an active actor, not a passive or balancing organisation of others varying needs.

Literature that has moved away from regarding sport as purely an instrument of state based diplomacy are framed around “sport as diplomacy,” this places sport as a site of diplomacy in more multi-actor and specialized circumstances.¹⁴ 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 to leverage the Olympics against states that are seen to breach human rights.¹⁵ Here the author sees the role of Human Rights Watch as central in developing an argument of how diplomatic strategies are advanced against a state through sport. However, research such as this is not as widespread in comparison to more traditional state centred diplomatic literature.¹⁶ This is due largely to the lack of access to credible evidence; therefore what would be relevant is another avenue to explore modern sport as diplomacy.

The shift in diplomatic literature to consider non-state based diplomacy has been explored outside of sport literature. This is to argue that that the nation state has been replaced but that it is no longer always the primary actor in modern diplomatic relations. Richard Longhorne 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.”¹⁷ 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.¹⁸

The growing complexity and multitude of diplomatic relations and power further challenges more traditional conceptualisation of actors. Burak Herguner amongst others classifying sports organisations within traditional frameworks are no longer adequate because they are too static and fixed.

The evolving complexity of diplomacy has been engaged with in sports literature, however, the tendency has been to focus on the new forms of diplomatic strategies such as: digital, public, corporate, network, club, rather than the actors.¹⁹ 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.”²⁰ 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.”²¹ The author frames varying categories of diplomacy within the Olympic Movement based on a multitude of activities, however, the influence gained is not obviously measurable and therefore reduces the ability to evaluate. This branches from the lack of conceptual clarity cited by the author, consequently, although the discussion of proliferating diplomatic strategies through sport is productive it does not adequately deal with the analytical ability to classify the main actors. This aligns with the themes identified that vague classifications lead to static conclusions, this is largely due to the lack of empirical evidence, and lack of framework to produce such evidence.

In a novel approach this article will interrogate a sports organisation as an actor through legal sources and evidence, this is made possible by using the theoretical approach of socio-legal theory. Socio-legal theory is a turn in legal studies that has argued for an interdisciplinary approach to investigating the relationship between law and society. This is because historically legal scholars have concentrated on traditional sources of law, such as state based legal doctrine. This is comparable to the traditional international relations and diplomatic

literature using state based and traditional underpinnings. Studies in socio-legal theory have shown that law has been seen as unidirectional and as having a top down influence over society²², but that this state-centric approach to law should be challenged.²³ Moreover in the changing landscape of national and international the state is seen less as the primary regulator. Consequently, theory must respond to this and view society, plus a larger variety of actors to have an impact on law and regulation. This again relates to the problematics identified in diplomatic literature and sports organisations, as wider actors are playing an increasing role in such contexts.

In order to understand the IOC as a source of law or regulation, legal pluralism offers an understanding of law and regulation beyond traditional legal structures. Varying spaces, actors and structures can be viewed as sources that produce and reproduce law.²⁴

Fundamentally legal pluralism challenges a traditional and positivist reading of law, trying to shift towards a more open and responsive view.²⁵ This aligns with the thought taken in this article that the state and assumed fixed structures must be decentred, leading to a more exact understanding of other actors. Consequently, the evidence provided in the case study classifies and analyses the IOC as an actor from its ability to regulate varying spheres. It offers markers of evaluation that can then contribute to wider research on diplomacy that use the actor in its analysis. It also does not isolate this tool to the IOC, but in further research can be used to form a spectrum of sports organisations.

Socio-legal theory has been used in a sport context before, for example, Bo Carlsson uses 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.”²⁶ The changing nature and source of society is less systematic and structural, but more based on fluid norms and the influence of varying actors.²⁷ The role of norms, identities and individuals are increasingly being used in diplomatic literature, in particular around

understanding the role of sports organisations. For example, Simon Rofe frames the football club Manchester United around its balance of identities in football, commerce and international finance.²⁸ What socio-legal offers is a complementary analytical tool to further provide empirical evidence and markers to make such research increasingly credible and rigorous. This elevates the problem highlighted by Heather Dichter around archives being unavailable to provide evidence around modern diplomatic issues. Largely because legal regulation as a source of classifying sports organisation can use documents, records, and statistics amongst other outlets that are publicly accessible or can be requested.

The Current Classification of the IOC

The clear aim of this article is to offer an analytical tool with which to classify a sports organisation in order to further diplomatic discussions. An important step therefore is to identify what and how sports organisations are classified in a number of disciplines, with the focus being the IOC. Sports organisations in their simplest form arrange sports competitions and are responsible for sports development and sustainability. However, the IOC is more complex in its current form. The organisation both theoretically and in reality displays traits from varying traditional actors such as a MNC, INGO or non-state actor. Depending on what discipline is evaluating the role of the organisation different roles are highlighted. For example, in a purely legal context the IOC has been treated as exceptional, and as having a credible legal capacity.²⁹ Mark James states that the IOC is recognised “under Swiss Law as an association with a distinct legal personality.”³⁰ Not only does this follow the pattern of diplomatic literature above 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 are attributed to founder Pierre de Coubertin, who post the French defeat in the Franco-Prussian War 1870-81 had the desire to make French male citizens stronger through the means of sport.³¹ Further influences expanded this desire and vision, ranging from travel and the technology advances. According to Allen Guttman, Coubertin “was increasingly drawn to the humanistic vision of a peaceful world. Sports were still the means, but the ends had been transformed.”³² 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 seen as 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 (\$43bn), Vancouver 2010 (\$8.9bn), London 2012 (\$13.9bn) and Sochi 2014 (\$51bn).³³ These astronomic costs are covered by the host nation and the IOC, through sources such as television rights, sponsorship and public funding. The global reach of the Games can be highlighted through London 2012’s television coverage that exceeded 100,000 hours of Games, and had record television viewing figures in the UK, America and online viewing figures in Asia and Sub-Saharan Africa.³⁴ This marks the IOC as a global institution being in control of one of the most sustained and largest international events- the Olympics. From this the reach makes the organisation truly global in nature with the ability to reach a diverse audience.

The sponsorship of the Olympics from private organisations is what crucially makes the IOC independent of state funding and a private firm. The sponsorship is secured through the ‘The Olympic Partner’ programme. In the current cycle ending at the summer games in Rio de Janeiro the programme has accumulated over one billion dollars, with a view to the next cycle to reach two billion dollars.³⁵ From a purely economic perspective the IOC as an actor is a MNC because this money is produced and used to grow and sustain the organisation.

Much literature and popular press has questioned where exactly this money goes, a subject beyond the scope of this article, but one worthy of further debate.³⁶ What is important to note is that the scale and the global nature of the business the IOC conducts render it akin to a MNC with the financial acumen to leverage its own interests.³⁷

The other significant role the IOC plays is around moral responsibility and its dissemination of the values of Olympism 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. This is articulated through the Olympic Charter, a document that each member must agree to in order to compete at any Olympic Games.³⁸ 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 IOC than medals or winning. This is made clear in the Olympic Charter in 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.”³⁹ The document and its values overlay the leveraging opportunity provided by the size and scope the Games to form an organisation that does not seek to extend or protect territory, but use 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 however not in the scope of this article.⁴⁰

What is more pertinent in this discussion is that in existing practice the IOC advocates this philosophy actively in varying facets. For example, Sebastian Coe 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.”⁴¹ 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. This has been more explicitly

communicated by the organisation as from 2015 there is a preamble in press releases and other communication outlets that 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.⁴²

This statement illustrates the awareness of its position and the need to show that it uses a considerable wealth and reach to be a credibly ethical international organisation. From a classification perspective the IOC straddles both an MNC, such as Coca Cola and also INGOs, such as, Green Peace. The contemporaneous IOC could be classified as a private firm with a purpose of doing public good making in a global arena, making its classification as an actor in diplomatic relations difficult.

The IOC is also more and more mixing its leverage as an economically powerful body with its ethical aspirations. This is shown in the partnership with the United Nations (UN), the most powerful international governmental organisation. As of 2009 the IOC has been granted observer status to the UN, and has pioneered such initiatives as the Olympic Truce.⁴³ An example of this being in September 2015, the IOC committed a two million dollar fund in response to the humanitarian disaster around refugees.⁴⁴ This fund is being distributed through National Olympic Committees (NOCs) which are satellite organisations in nation states, comparable to IOC embassies. 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 himself) IOC President between 1980 and 2001, who made the organisation more efficient and self-sufficient organisation.⁴⁵ This development assisted the IOC in

becoming more significant in diplomacy. However, markers and classification of this are difficult to show- the strength of socio-legal theory is that through legal and regulatory mechanism the evolution can be reflected.

The current President Thomas Bach has set out to further evolve the organisations and perceptions that it is corrupt and sedentary organisation, by implementing reform in the shape of ‘Agenda 2020’ (that is 20+20 [=40] recommendations for reform).⁴⁶ This is seen as 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 21st 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- five from European nobility and all male.⁴⁷ This unrepresentative make up has been described as “an old boys club.”⁴⁸ Interrogating this claim is beyond the scope of the article, but it is acknowledged. What is more pertinent will be the endeavours of Presidents to develop the organisation to the needs of wider global landscape in active manner contributing to how it can be classified.

The active manner, including reform and continuing sporting and non-sporting projects challenge existing understandings of the organisation. For example, Barrie Houlihan has argued that the IOC is able to merely “voice and protect sports interests when they are subject to debate in other policy communities.”⁴⁹ This as evidenced by the UN observer status and refugee fund can be undermined as the power and significance of the IOC has grown, a claim supported by a breadth of literature.⁵⁰ What is missing is an adequate analytic tool to marker, evaluate and identify how powerful and significant the IOC. This here is achieved by classifying the organisation through the novel approach of socio-legal theory. This will address both the complexity of the IOC, but also 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 here diplomacy.

Influence of the IOC on traditional legal doctrines

The significance of the IOC's influence on traditional legal doctrines is highlighted by the evolution of the bidding process. From the first modern Olympic Games in 1896 up until the mid-twentieth century hosts and bids were made and decided in an informal manner.⁵¹ This 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 Olympics by a host city and state. Allen Guttmann among other authors has traced the change and reform citing the growing demand and need to be impartial in the process as catalyst to this escalation.⁵² In consulting Olympic documents there is an even clearer change to the organisations 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. This change can be illustrated by contrasting two bidding questionnaires from 1963 and 2004. Firstly, in a 1963 Questionnaire to potential applicants of the 1968 Winter Olympics, the IOC asks questions listed from A-N ranging from provision for a fine arts programme to the proposal of the Olympic village location. The only reference to a legal framework is in 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?⁵³

This informal question is implying the respect of the Olympic Charter and the Olympic movement, but does not prescribe any concrete way of achieving this, instead it is more based on good faith between the state and host nation. In contrast the questionnaire sent out in 2004

for the 2012 Summer Olympics is over 250 pages long with requirements and questions split into themes. There are four pages dedicated purely to the “Legal aspects.” This includes a codified covenant obtained from the government, local and regional authorities to respect the charter, understand the commitments are binding and to fulfil obligations to the protection of the Olympic mark and governance of the games.⁵⁴

The contrast between 1963 and 2004 represents a shift in the IOC’s outlook and organisation. Informal and top down administration has been replaced by copious documents and committees to review bid applications. Reasons as to why this shift have happened include the need to protect the Olympic symbol and ethos, to gain impartiality and independence from nation states and the temporal growth of the size and ambition of the hosting the Olympic Games. The independence of the IOC is further demonstrated by the mechanism of having NOCs in each member state of the Olympic movement, and specifically for hosting there is an ad hoc organisation created, such as London Olympic Committee of the Olympic and Paralympic Games (LOCOG). These organisations - although based in the nation state - are designed to be satellite organisations regulated through and by the IOC. This shows how the IOC has gained greater autonomy and continues to use this 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 justifying it as a global regulatory institution. Literature has considered this growing influence over the nation state. For example, Mestre’s classification, in an article interpreting the IOC’s influence, is based not on force but due to the “transcendent socio-economic quality the Olympic Games possess.”⁵⁵ A socio-legal theory framework can marker this influence through an example in the London 2012 Summer Games, as in committing to hosting the event the UK government allowed LOCOG to create and control the event. The government itself published documents outlining its support and

ambition for the games⁵⁶, however, the Government's role was used more to protect and guarantee hosting the Olympic movement. For example, the "London Olympic Games and Paralympic Games Act 2006" was introduced.⁵⁷ This law extensively lays out how the national Government will accommodate regulatory demands from the IOC. Such as, there are regulations and enforcement around the "Protection of the Olympic Symbol," this allows the IOC to monopolise who is authorised to sell, distribute and profit within London from the use of their Olympic symbol.

In practice it was reported that in 2012 over three hundred enforcement officers will patrol British businesses to uphold this, and that at forty Olympic venues "800 retailers have been banned from serving chips to avoid infringing fast-food rights secured by McDonald's."⁵⁸ This evidence above from open access bidding documents, legal documents and media reports allows an overview of how the IOC through hosting of 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.

However, as a snapshot it is not generalizable, 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. Meaning the nation state is still active in the process. Interrogating this further there are examples of backlash from groups and nation states to the control demanded by the IOC. Such as, in the 2022 Winter Olympics bidding race the IOC had only two candidates (China and Kazakhstan) to choose between, with originally having seven show interests.⁵⁹ Norway withdrew from bidding for the 2022 Winter Olympics in a very public and resistant manner, as the media leaked unreasonable demands made by the IOC.⁶⁰ This led to a growth in public concern over the cost, and ultimately to the parliament not agreeing to provide financial guarantees. One of the reports cited demands around the cartel nature of advertising "even street vendors must be removed," but it was

framed around the distrust of allowing such commercial control not necessarily legal. This backlash highlights that the growth and influence of the IOC is not one directional but varies depending on what international actors and states it is engaging with. This therefore makes the analytical tool of legal regulation more relevant as such a tool allows a researcher to compare and contrast the level of influence and leverage the IOC has over another actor, in this case the varying nation states 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 that being further permanent codification of the Olympic Charter and a more stable access to a global audience through television. Firstly, 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.”⁶¹ This wider and more permanent strategy is not widespread, but shows the scope and ambition the IOC has for its regulatory mechanism which is tangibly the Olympic Charter.

Secondly, the internal reform of the IOC through the “2020 Agenda” is targeting a more sustained contact with a global audience. This is shown in one of the recommendations to “launch an Olympic Channel”⁶² this stems from the continued emphasis of digital techniques of communication and networks, which can reach a multitude of individuals. In the realms of digital and public diplomacy this could become a mechanism in which the IOC directly engages with citizens globally. Internationally there are limitations on TV rights and internet exposure; however, if a nation state legally allows the IOC this channel then the IOC will have a clear and directive influence within states, towards 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 through internal reform and agreements reached with varying organisations. This shows how 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.

Influence of the IOC on non-traditional legal regulation

The traditional legal doctrines influenced by the IOC are largely tangible and based around economic or political spheres, however, 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 in society at a social and cultural level.

A major social issue that the IOC has on its agenda is gender equality, this is somewhat ironic as Coubertin initially banned women from participating and there was considerable energy taken to sustain women's participation.⁶³ In the present moment in the Agenda 20-20 papers 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 2004.⁶⁴ Not only is this a priority of the IOC, but it is a distinguished self-measurement of the progress it has made through its ethical governance. For example, to celebrate the IOC's success in this area an emotive video was released on International Women's Day 2015. This has images and videos of women throughout the Olympic movement, accompanied by statistics that show the percentage of female participants in the London 1908 games were 1.8%, whereas, in London 2012, this has risen to 44.2%.⁶⁵ This is

not only another example of the use of digital media to access global citizenry, but also how the IOC believes itself to be pioneering gender empowerment over the past century.

On the surface, these statistics are very impressive, however when further explored contextual and micro differences become apparent. A study into female representation of NOCs shows that the IOC actively seeks to show how gender empowerment through the Olympic Charter is being upheld. The IOC has set a minimum target of 20% women on Executive Committees of NOCs and Ifs. Results show that Asia (12.6%) and Europe (14.1%) failed to meet the threshold, whereas Oceania (26.2%) and the Americas (20.5%) met the suggested target.⁶⁶ Such goals stemming from the Olympic Charter evidence that active regulating and imposing its societal based aspirations are achieved 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 does not include Europe, therefore this evidence goes beyond a predicted and generalised influence but delves into specific global regions. The use of organisational targets is a non-traditional source of legal regulations as it alters the structures and decisions taken in recruitment and training for example. Not a codified restriction but a regulatory pressure.

Another way to interrogate the claimed progress of the IOC in this area of gender empowerment is through the further break down of participation of females in specific countries. For example, as cited above Turkey has codified the Olympic Charter in their legal system. Yet there is tension in Turkey as female empowerment clashes with the cultural and religious norms of the significantly Muslim 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 the author goes on to discuss that the conditions are still based on Islamic request of “absolute segregation of the sexes.”⁶⁷ Consequently the IOC

has incrementally improved female participation, but this is not systemic as Turkey does not embrace in full Olympism as it applies to participation through segregation.

This incremental change was also observed during the London 2012 Games where Muslim 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, however, did concede to pressure to “allow women to participate in the Olympic Games.”⁶⁸ 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% male Paralympic athletes⁶⁹ and then of 27 accredited coaches with the IOC Turkey had 0 female coaches.⁷⁰ The more negative statistics here show that the incremental change in participation cannot be overstated to a systemic change in behaviour towards women- what can be evidenced is that 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 data available, domestic laws and IOC reports show that although it is actively promoting female empowerment. Although it cannot be overstated it gives a marker to whom and how it is regulating and influencing as an actor.

A challenge to this could be that states conform in order to gain support from the IOC to host a future Olympic Games. For example, Istanbul (Turkey) has bid for the summer games five times, most recently in 2013 it lost the selection to host the 2020 Games.⁷¹ This is a key consideration and one that can be used to further evaluate the significance of the regulatory ability of the IOC. The significance is strong considering the example of states such as Turkey who do follow the IOC mechanism- granted that maybe for 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.⁷² The varying conformity

and influence of the IOC outlines the complexity and ungeneralizable effects on different actors, this is to be expected in the intricate landscape of international relations and diplomacy. What is a strength of using a socio-legal standpoint to classify the IOC is that the legal regulation can be compared across contexts and actors- such as the cases of Turkey and Russia. This 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 a MNC or INGO. From this as touched in the case studies the understanding of the IOC in contemporary diplomatic relations can be more credibly interrogated.

Conclusion: where next?

The aim of this article was to offer an analytical tool for discussion on the classification of the IOC and other sports organisations. This is not simply a linguistic argument, but rather one that warns the mislabelling of the IOC across disciplines translates into a misunderstanding of its role- as shown in diplomatic literature this 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 IOC operates complex and multiple roles - as a multinational corporation, a transnational organisation, an international sports organisation, to name but a few. The complexity and multifaceted composition of the IOC lends itself to a more dynamic and interdisciplinary device, socio-legal theory provided an adequate framework to produce a device and therefore a clearer classification. This complements this growth 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 strategies more generally and how the IOC contributes to this through traditional classifications. This article has introduced an interdisciplinary socio-legal tool to show that the IOC both in theory and practice wields unprecedented international influence over social, political and economic legal regulation in varying levels and on varying audiences. The evidence and classification of the IOC as a global regulatory institution connects to diplomacy as it offers a wider evidence base and a more adequate label of the organisation. The phrase global regulatory institution is recommended from the discussion as it more accurately reflects the agency of the IOC in international affairs than the current acronyms.

The distinction between traditional and non-traditional sources of legal regulation allowed this article to explore both tangible and intangible changes to the international and to a state's political, economic and social fabric. There is a gap in knowledge of 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 that could be further harnessed through the socio-legal classification. Furthermore such research would be useful in making more context and community specific evidence for how the IOC as a global regulatory institution impacts different actors. As mentioned 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 further strengthen the analytic tool advocated here.

A wider challenge from this article is to develop and extend this classification to a spectrum of sports organisations. How does Manchester United or the International Association of Athletics Federations for example measure up as regulatory institutions, not only in terms of

sport, but in terms of diplomatic strategy and leverage? This article has conceptually grounded such a spectrum and promotes that an expansion of it with more sports organisations is fundamental to sport and diplomacy studies moving forward.

NOTES

¹ Martin Polley, 'Book Review of the Politics of the Olympics', *International Journal of Sport Policy and Politics*, (2012), i-First. doi: 10.1080/19406940.2012.719029.

² Richard Espy, *The Politics of the Olympic Games* (Berkeley CA: University of California Press, 1979).

³ John Hoberman, J. M., *Sport and Political Ideology* (Austin TX: University of Texas Press, 1984).

⁴ See also, Grix, J. *Sport Politics. An Introduction* (Basinstoke: Palgrave, 2016).

⁵ Kenneth Waltz, *Theory of International Politics*, (Reading: Addison- Wesley, 1979).

⁶ Thomas Carter & 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), pp.101-121.

⁷ Heather Dichter, 'Sport history and diplomatic history,' *Human and Social Sciences Online*, (2014), p.14.

⁸ Steve J. Jackson, 'The Contested Terrain of Sport and Diplomacy in a globalizing world' *International Area Studies Review*, 16/3 (2013), pp.274-284, p.282.

⁹ Stuart Murray and Geoffrey Allen Pigman, 'Mapping the relationship between international sport and diplomacy,' *Sport in Society: Cultures, Commerce, Media, Politics*, 17/9 (2014), pp.1098-1118, p.2.

¹⁰ Dario Brentin & Loic Remy, 'Entering through the sport's door? Kosovo's sport diplomatic endeavours towards international recognition,' as yet unpublished paper presented at Sport and Diplomacy: Message, Mode and Metaphor Colloquium, SOAS U of L July 3-4 2015.

¹¹ Murray & Pigman, 'Mapping the relationship between international sport and diplomacy,' p.16.

¹² Burak Herguner, 'The IOC as a transnational organization: Paradigm shift and its rising role in global governance,' *International Area Studies Review*, 15/2 (2012), pp.176-186, p.178.

¹³ Herguner, 'The IOC as a transnational organization: Paradigm shift and its rising role in global governance,' p.184.

¹⁴ Murray & Pigman, 'Mapping the relationship between international sport and diplomacy,' p.10-13.

¹⁵ Barbara Keys, 'Human Rights Organisations and the Olympic Games, 1981-2000,' as yet unpublished paper presented at Sport and Diplomacy: Message, Mode and Metaphor Colloquium, SOAS U of L July 3-4 2015.

¹⁶ Stuart Murray. 'The Two Halves of Sports-Diplomacy,' *Diplomacy & Statecraft*, 23 (2012), pp.576-592, p.577-578..

¹⁷ Richard Langhorne, 'The Diplomacy of Non- State Actors', *Diplomacy and Statecraft*, 16:2 (2006), pp 331-339, p.331.

¹⁸ Joseph S. Nye Jr. 'Hard, Soft and Smart Power' in *The Oxford Handbook of Modern Diplomacy in The Oxford Handbook of Modern Diplomacy*, (eds) Andrew Cooper, Jorge Heine and Ramesh Thakur, (Oxford: Oxford University Press, 2013), pp.559-576.

¹⁹ Geoffrey Allen Pigman, 'International Sport and Diplomacy's Public Dimension: Governments, Sporting Federation and the Global Audience,' *Diplomacy and Statecraft*, 25 (2014), pp.94-114; Jackson, 'The Contested Terrain of Sport and Diplomacy in a globalizing world'; Black & Peacock, 'Sport and Diplomacy.'

²⁰ Aaron Beacom, *International Diplomacy and the Olympic Movement: The New Mediators*, (Palgrave MacMillan, 2012), p. 36.

²¹ Beacom, *International Diplomacy and the Olympic Movement: The New Mediators*, p. 61.

²² Max Travers, *Understanding Law & Society* (Oxon: Routledge, 2009).

²³ Garth Bryant & Joyce Sterling, 'From Legal Realism to Law and Society: Reshaping Law for the Last Stages of the Social Activist State,' *Law & Society Review*, pp.409-472, p.409.

²⁴ Brian Tamanaha, 'Understanding Legal Pluralism: past to present, local to global,' *Sydney Law Review*, 30 (2008), p.375; Martha Kleinhaus & Roderick MacDonald, 'What is Critical Legal Pluralism,' *Canadian Journal of Law and Society*, 25 (1997), pp.30-32.

²⁵ Margaret Davies, 'The Ethos of Pluralism,' *Sydney Law Review*, 87 (2005), pp.89- 103.

- ²⁶ Bo Carlsson, 'The Representation of virtues in sport novels and digital sport,' *Sport in Society: Cultures, Commerce, Media, Politics*, 13:2 (2010), pp.274-286, p.275.
- ²⁷ Roger Cotterrell, 'Subverting Orthodoxy, Making Law Central: A view of sociolegal studies,' *Journal of Law and Society*, 29/4 (2002), pp.632-644, p.632.
- ²⁸ Simon Rofe, 'It is a squad game: Manchester United as a diplomatic non-state actor in international affairs,' *Sport in Society*, 17:9 (2014), pp.1136.
- ²⁹ Alexander Miguel Mestre, *The Law of the Olympic Games*, (Cambridge: Asser Press, 2009), p.3.
- ³⁰ Mark James, *Sports Law*, (Palgrave MacMillan, 2013), p.322.
- ³¹ Norbert Muller, *Pierre de Coubertin 1863- 1937: Olympism Selected Writings* (Lausanne: International Olympic Committee, 2000).
- ³² Allen Guttman, *The Olympics A History of the Modern Games* (Champaign, IL: University of Illinois Press, 2002) pp. 8-11.
- ³³ "Sochi 2014: the costliest Olympics yet but where has all the money gone?" Owen Gibson, *Guardian Online* (9 October 2013): <http://www.theguardian.com/sport/blog/2013/oct/09/sochi-2014-olympics-money-corruption>.
- ³⁴ "Factsheet- London 2012 Facts and Figures," IOC (November 2012): http://www.olympic.org/Documents/Reference_documents_Factsheets/London_2012_Facts_and_Figures-eng.pdf.
- ³⁵ "Toyota to sign up as Olympic TOP sponsor, says report," David Owen, *Inside the Games* (3 March 2015): <http://www.insidethegames.biz/articles/1025929/toyota-to-sign-up-as-olympic-top-sponsor-says-report>.
- ³⁶ For an academic debate see- Alan Tomlinson, 'The commercialization of the Olympics: Cities, corporations and the Olympic commodity,' *Global Olympics: Historical and sociological studies of the modern Games*, 3 (2005), pp.179. For a more media based debate see article- "Olympics, Inc: Inside The Secretive, \$6 Billion World of The International Olympic Committee," *Business Insider* (2010): <http://www.businessinsider.com/olympics-inc-inside-the-business-of-the-ioc?IR=T>.
- ³⁷ David Black & Byron Peacock, 'Sport and Diplomacy', in *The Oxford Handbook of Modern Diplomacy*, (eds) Andrew Cooper, Jorge Heine and Ramesh Thakur, (Oxford: Oxford University Press, 2013), pp.708-722.
- ³⁸ "Olympic Charter," IOC (8 December 2014), http://www.olympic.org/Documents/olympic_charter_en.pdf.
- ³⁹ Olympic Charter, "Fundamental Principles of Olympism," 1 & 4, 11
- ⁴⁰ For an example of debate around discrimination based on sexuality see: Verity Postlethwaite, 'Sochi 2014 Winter Olympics and the controversy of the Russian Propaganda Laws: is the IOC buckling under the pressure of its own incoherence in thought?' *The International Sports Law Journal*, 14(3-4) (2014), pp. 264-274. For an example of debate around human rights see: Nicolien Van Luijk & Wendy Frisby, '(Re)Framing of protest at the 2010 Winter Olympic Games,' *International Journal of Sport Policy and Politics*, 4/3 (2012), pp.343- 359.
- ⁴¹ Sebastian Coe 'Why the World needs the Olympic and Paralympic Games more than ever,' *Olympic Congress*, pp.141.
- ⁴² "IOC announces emergency two million dollar fund to help refugees" IOC (4th September 2015) <http://www.olympic.org/news/ioc-announces-emergency-two-million-dollar-fund-to-help-refugees/247135>.
- ⁴³ Konstantinos Georgiadis & Angelos Syrigos, *Olympic Truce: Sport as a Platform for Peace*, (Athens: The International Olympic Truce Centre, 2009).
- ⁴⁴ "IOC announces emergency two million dollar fund to help refugees" IOC Latest News (4th September 2015): <http://www.olympic.org/news/ioc-announces-emergency-two-million-dollar-fund-to-help-refugees/247135>.
- ⁴⁵ Herguner, 'The IOC as a transnational organization: Paradigm shift and its rising role in global governance,' p.180-181.
- ⁴⁶ "Olympic Agenda 2020," IOC (9 December 2014): http://www.olympic.org/Documents/Olympic_Agenda_2020/Olympic_Agenda_2020-20-20_Recommendations-ENG.pdf.
- ⁴⁷ Jean- Loup Chappelet & Brenda Kubler-Mabbot, *The International Olympic Committee and the Olympic System- the governance of world sport*, (London: Routledge, 2008), pp.19-21.
- ⁴⁸ Black & Peacock, 'Sport and Diplomacy', p.710.
- ⁴⁹ Barry Houlihan, *Sport and International Politics*, (Hemel Hempstead: Harvester Wheatsheaf, 1994), p.81.
- ⁵⁰ Adrian Budd & Roger Levermore, *Sport and International Relations: an emerging relationship*, (London: Routledge, 2004); David Black, 'The Symbolic Politics of Sport Mega-Events: 2010 in Comparative Perspective,' *Politikon*, 34/3 (2007), pp.261-276; Christopher Finlay & Xin Xin, 'Public diplomacy games: a comparative study of American and Japanese responses to the interplay of nationalism, ideology and Chinese soft power strategies around the 2008 Beijing Olympics,' 13/5 (2010), pp.876-900.
- ⁵¹ John Gold & Margaret Gold, 'Olympic cities: regeneration, city rebranding and changing urban agendas,' *Geography compass*, 2/1(2008), pp.300-318.
- ⁵² Allen Guttman, *The Olympics A History of the Modern Games*.

- ⁵³ IOC, 'Applicant Questionnaire,' Olympic Studies Centre, Lausanne(hereafter cited as IOC Archives), 1963.
- ⁵⁴ IOC, '2012 Candidate Procedure and Questionnaire,' IOC Archives, 2004.
- ⁵⁵ Mestre, *The Law of the Olympic Games*.
- ⁵⁶ Department of Culture, Media and Sport, 'Before, during and after: making the most of the London 2012 Games,'(2008), <http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/publications/2012LegacyActionPlan.pdf>.
- ⁵⁷ UK Legislation, 'London Olympic Games and Paralympic Games Act 2006,'(2006), <http://www.legislation.gov.uk/ukpga/2006/12/contents>, accessed April 30th 2015.
- ⁵⁸ "Britain flooded with 'brand police' to protect sponsors," Martin Hickman *The Independent* (16 July 2012): <http://www.independent.co.uk/news/uk/home-news/britain-flooded-with-brand-police-to-protect-sponsors-7945436.html>.
- ⁵⁹ "Bidders for 2022 Winter Games Are Melting Away," Christopher Clarey *The New York Times* (28 May 2014): http://www.nytimes.com/2014/05/29/sports/olympics/bidders-for-2022-winter-games-are-melting-away.html?_r=0.
- ⁶⁰ "Oslo withdrawal from Winter Olympics bidding is missed opportunity- IOC," Owen Gibson *The Guardian Online* (2 October 2014): <http://www.theguardian.com/sport/2014/oct/02/oslo-withdrawal-winter-olympics-2022-ioc>.
- ⁶¹ Roland Naul, 'The European Union and Olympism: "Coubertin Plan" and Youth Olympics,' Mestre, 22/2, pp.53-59.
- ⁶² "Olympic Agenda 2020," IOC
- ⁶³ Dikaia Chatziefstathiou & Ian Henry, 'Technologies of Power, Governmentality and Olympic Discourses: A Foucauldian Analysis for Understanding the Discursive,' *Esporte e Sociedade*, 4 (2009)
- ⁶⁴ "The Women and Sport Commission," IOC (2015): <http://www.olympic.org/women-sport-commission>.
- ⁶⁵ "The Women of the Olympic Games"IOC (8 May 2014): <https://www.youtube.com/watch?v=S0g45JTzeMo>.
- ⁶⁶ "GENDER EQUALITY AND LEADERSHIP IN OLYMPIC BODIES," IOC (April 2010): http://www.olympic.org/Documents/Olympism_in_action/Women_and_sport/GENDER_EQUALITY_AND_LEADERSHIP_IN_OLYMPIC_BODIES.pdf.
- ⁶⁷ Leila Sfier, 'The Status of Muslim Women in Sport: Conflict between Cultural Tradition and Modernization,' *International Review for the Sociology of Sport*, 20/4 (1985), pp.283-306, p.287 & 297
- ⁶⁸ Jules Boykoff & Matthew Yasuoka, 'Gender and Politics at the 2012 Olympics: media coverage and its implications,' *Sport in Society: Cultures, Commerce, Media, Politics*, 18/2 (2015), pp.219-233, p.224-225.
- ⁶⁹ "London 2012 Paralympics: every team in numbers," John Murdoch *Guardian Online* (30 August 2012): <http://www.theguardian.com/news/datablog/2012/aug/30/paralympic-teams-athlete-numbers-gender-data>.
- ⁷⁰ International Council for Coaching Excellence, 'Gender & Coaching Report Card: London 2012 Olympics,'2014, http://www.icce.ws/_assets/files/news/IWG/Leanne_Norman-Gender_Coaching_Report_Card.pdf.
- ⁷¹ "Madrid and Istanbul Respond Differently to Rejection by Olympics" *The New York Times* (8 September 2013): http://www.nytimes.com/2013/09/09/sports/olympics/madrid-and-istanbul-ponder-failure-of-olympic-bids.html?_r=0.
- ⁷² Postlethwaite, 'Sochi 2014 Winter Olympics and the controversy of the Russian Propaganda Laws: is the IOC buckling under the pressure of its own incoherence in thought?'