

II. Special Research Papers

GLOBALIZATION AND THE PROBLEMS OF DE POLITICIZATION OF INTERNATIONAL SPORTS

Anatoly N. Peskov

*Chairman of the Board of Directors of the International Athlete Rights Association
(IARA), PhD in Law, Attorney, Moscow Russia.*

Abstract: *The article examines the problems of globalization of the world in relation to the influence of politics on the autonomy of sport. Particular attention is paid to the problem of protecting Russian and Belarusian athletes in the context of the decisions taken by the IOC on the non-participation of these athletes in international competitions. The author assesses these IOC decisions from the point of view of international law. In addition, the author tries to assess the legitimacy of the status of the IOC itself and the normative decisions taken by the IOC. The article proposes measures to depoliticize international sport, improve the architecture of international sport governance and the international sports judicial system, create an institution of sports immunity from prosecution by individual countries of the heads and athletes of international sports organizations, and the emergence of new regional and international sports and anti-doping organizations free from the influence of politicians.*

Keywords: *autonomy of sport, globalization, depoliticization, discrimination, IOC, new world order, athletes' rights, reform of international sport, sport immunity, sport sanctions, judicial system Lex Sportiva*

The concept of globalization.

In order to understand how globalization is related to the development of international sports, we should first understand the concept of "globalization". It seems that globalization can be defined as a process of unification of humanity, associated with its political, economic, cultural, religious and linguistic integration. The emergence of a transnational economy and the division of international labor, the creation of new world markets for goods, global digital currencies, a single information space (Internet), new mobile communications, the development of international transport, mass labor migration and the spread of world tourism have led to the mutual penetration of national cultures, world and national religions, mixed marriages and other social processes that contribute to the unification of humanity. The integration of states at the level of continents and regions has increased. The European Union, the North American Free Trade Area, the African Union, the Union of South American States, the Shanghai Cooperation Organization, the

Eurasian Economic Union and other regional unions of states have emerged.¹ Globalization has been accompanied by an increased role for international organizations and international law. The United Nations has become the center of globalism after World War II, coordinating the activities of 193 states to prevent new world conflicts and create stable development in the world. Numerous other international coordination centers for human activities have emerged, including such significant ones as the World Bank, the International Monetary Fund and the World Trade Organization. Among international sports organizations, the International Olympic Committee and the World Anti-Doping Agency can also be noted. However, all these organizations, as shown by the recent events related to the war in Ukraine and the Middle East, were unable to maintain peace on the planet, preserve the unity of the world economy and the unity of international sports. In particular, the UN Security Council, where the right of veto on decisions is granted to a small group of warring states, was unable to make coordinated decisions capable of stopping regional wars and the policy of economic sanctions that are destroying the world economy. Moreover, international routes for the movement of goods began to be blocked, peaceful merchant ships were destroyed, oil pipelines and intercontinental digital communication cables were blown up. The process of globalization began to slow down, international cooperation in some areas of human activity (arms race, energy supply, etc.) ceased or was suspended. These destructive processes also affected international sports, where, as is known, such countries as Russia and Belarus were isolated and excluded from the international Olympic movement for political reasons. Therefore, the international community is actively discussing reforming the UN and forming a new world order that does not allow politicians and religious figures to unleash world conflicts and carry out large-scale terrorist and military operations that inevitably lead to World War III and the destruction of our civilization. There are also proposals to reform the international sports movement.²

The contradictory nature of globalization.

So, what is globalization? Is it a positive or a negative phenomenon? There are supporters and opponents of globalization. However, both recognize the objectivity and necessity of this evolutionary process. In particular, anti-globalists do not oppose globalization as such, but only reject the existing European-American model of globalization. They oppose the dominance of global transnational corporations and trade and government organizations, such as the World Trade Organization. In their opinion, these organizations and rich developed countries

1. Globalization //Wikipedia. URL: <https://ru.wikipedia.org/wiki/%D0%93%D0%BB%D0%BE%D0%B1%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0%D1%86%D0%B8%D1%8F>

2. A.N. Peskov Ethics, Law and Sanctions in International Sports. Moscow: Prospect, 2024. P. 76-84

enslave developing countries, use their resources for their own purposes, in particular, place "dirty" production in "third world" countries and exploit the workers of these countries for their high profits. It seems that anti-globalists are largely right. In some countries, public organizations have even been created to support the idea of anti-globalism. In particular, in Russia, with the participation of patriotic organizations and with the support of state grants, a regional public organization, the Anti-Globalization Movement, was created (2012), aimed at combating global globalism and imperialism.³ Today, in Russian society, the word "globalization" has even acquired a negative meaning, and it is very often used in connection with criticism of the Anglo-Saxon model of world development.

However, is the idea of globalization so bad? And what is wrong with the fact that humanity strives for unification and peaceful existence of all peoples on our planet? It seems that there is nothing wrong with this. Moreover, the idea of unifying globalization meets the interests of the development of humanity and the preservation of our civilization. Therefore, the best minds of humanity have always advocated globalization, strengthening the role of international institutions in the life of humanity. A number of outstanding personalities, such as Albert Einstein, Winston Churchill, Franklin Roosevelt, Bertrand Russell, Mahatma Gandhi and Jawaharlal Nehru called on the governments of the world not to limit themselves to the creation of the UN and to move forward, taking gradual steps towards the creation of an effective federal world government.⁴ What tasks do globalists set for themselves? They want humanity to unite in counteracting external threats and challenges related to climate change, environmental degradation, the disappearance of natural resources, the fight against epidemics and natural disasters. They believe that globalization will allow economies and sciences to rise to a new fantastic level of development and integration, will create new revolutionary technologies that will fundamentally change the life of humanity for the better. And, undoubtedly, the globalists are also right and they act, as it seems, for the benefit of human civilization. In this regard, the American billionaire David Rockefeller wrote in his Memoirs in 2002: «For more than a century ideological extremists at either end of the political spectrum have seized upon well-publicized incidents such as my encounter with Castro to attack the Rockefeller family for the inordinate influence they claim we wield over American political and economic institutions. Some even believe we are part of a secret cabal working against the best interests of the United States, characterizing my family and me as 'internationalists' and of conspiring with others around the

3. Anti-globalism // Wikipedia. URL: <https://ru.wikipedia.org/wiki/%D0%90%D0%BD%D1%82%D0%B8%D0%B3%D0%BB%D0%BE%D0%B1%D0%B0%D0%BB%D0%B8%D0%B7%D0%BC>

4. World government // Wikipedia URL: https://translated.turbopages.org/proxy_u/en-ru.ru.059ae5ee-6725005a-fc1b0d9f-74722d776562/https/en.wikipedia.org/wiki/World_government

world to build a more integrated global political and economic structure--one world, if you will. If that's the charge, I stand guilty, and I am proud of it»⁵. However, the road to Hell is paved with good intentions. Unfortunately, there are dark forces among the globalists who want to use this noble mission for their own selfish interests, destroy the unity of humanity, and take control over the minds of people, human society as a whole, and international institutions of cooperation, including in the field of international sports.

New World Order and Conspiracy Theory

This theory claims that there is a hidden ruling elite in the world, including many heads of state, secret services, influential politicians, famous public figures, athletes, scientists, writers, artists and other creative individuals who are participating in a secret seizure of power on our planet. According to some sources, all known international organizations are under their influence, including the UN and the International Olympic Committee. According to supporters of this theory, the leaders of secret societies (Masons, Illuminati, etc.), which include these elites, provoke the destruction of sovereign national states, world religions, social communities of people, including the institution of the family, with the help of wars, color revolutions, financial crises. Some researchers believe that they created the LGBT movement, conduct genetic experiments on humanity, create programs to control the human mind by implanting chips into the human body, track activities and influence specific people with the help of digital technologies and genetic codes, try to regulate the population of our planet and even contribute to the coming of the Antichrist.⁶ You can believe or not believe these theories. You can call all these statements the delirium of the sick minds of people fascinated by the occult. However, we are alarmed to see that some processes are really taking place in the world aimed at destroying traditional social values and institutions of human cooperation. We have also begun to observe these disintegration processes in international sports.

Globalization and international sports

Globalization has contributed to the fact that sports have begun to spread around the world at an unprecedented speed and have captured almost all countries of the world. Thanks to the media, international sports competitions have become a phenomenon of planetary significance, uniting billions of inhabitants of our planet.

5. Rockefeller, David. *Memoirs*. New York: Random House. 2002, C. 405

6. New World Order conspiracy theory // Wikipedia URL: https://translated.turbopages.org/proxy_u/en-ru.ru.f7ab9a22-6725a14e-8de15060-722d776562/https/en.wikipedia.org/wiki/New_World_Order_conspiracy_theory

Currently, there are about 8,000 different sports in the world⁷, more than 300 international sports federations in the world⁸, more than 100 world championships in various sports are held annually⁹. In addition, international sport is also one of the most important instruments for establishing peace on the planet. Even in Ancient Greece, during civil wars, the Olympic Truce was established, the warriors took off their weapons and began to compete peacefully. At the same time, no one asked these warriors whether they liked wars and their kings, no restrictions were set for them due to their belonging to one or another kingdom-polices. They simply competed peacefully and this contributed not only to the establishment of friendly relations between athletes, but also spectators from warring cities-polices in the stands and generally to the end of fratricidal wars. Until recently, international sport has always been a symbol of peace and friendship among people. In accordance with principles 5 and 6 of the Olympic Charter, sports organizations today must be autonomous and observe political neutrality and not allow any discrimination on the basis of race, language, religion, politics, skin color, gender, sexual orientation, opinion, national or social origin, property ownership, birth or other status.¹⁰ However, today we are witnessing a violation of these principles of the Olympic Charter and the main reason is the penetration of politics into international sport.

Autonomy of sport and politics

We all know that sport is outside of politics. However, does the autonomy of national sport mean complete isolation from society, politics and public authorities? Of course, not. Despite all the official declarations of autonomy and independence of sport, sport has always been and will be a part of any society, any politics and any state. Thus, in accordance with the Law on Physical Culture and Sport in the Russian Federation, for example, all all-Russian and regional sports federations are accredited by the state, which can suspend or terminate the activities of these federations for various reasons (Articles 13 and 14). In addition, state and municipal officials are allowed to be members of the bodies of sports international organizations and their structural divisions operating on the territory of the Russian Federation (Article 40).¹¹ Of course, this does not quite

7. List of sports // Wikipedia. URL: https://en.wikipedia.org/wiki/List_of_sports

8. List of international sports federations // Wikipedia URL: https://en.wikipedia.org/wiki/List_of_international_sports_federations

9. World Championship // Wikipedia. URL: https://ru.wikipedia.org/wiki/%D0%A7%D0%B5%D0%BC%D0%BF%D0%B8%D0%BE%D0%BD%D0%B0%D1%82_%D0%BC%D0%B8%D1%80%D0%B0

10. Olympic Charter // IOC URL: <https://olympics.com/ioc/olympic-charter>

11. Federal Law of 04.12.2007 No. 329-FZ "On Physical Culture and Sports in the Russian Fed-

fit into the concept of autonomy, sports. However, this is the reality. This situation is not only in Russia. For example, the Italian National Olympic Committee (CONI) has been subordinated to the state since the time of Mussolini, and the Italian government recognized the independence of the Italian NOC from the state only in 2021.¹² However, CONI is still funded by the Italian Government and CONI continues to control almost all sports organizations in the country in 105 provinces, 19 regions and 2 autonomous provinces, including 120,000 sports clubs, with a total of about 12 million members.¹³ Therefore, absolute freedom and autonomy of sport from the state does not exist. The actions of all sports organizations are always limited by the framework of politics and national law. There are only established formal limits of autonomy of sport, to which we all must strive. And, as it seems, the task of sports lawyers is to outline and protect these boundaries of sport from malicious actions of politicians, government officials, corporations and criminal communities.

Sanctions against Russian and Belarusian government officials and athletes

As already noted, the IOC has proclaimed autonomy and political neutrality as the main principle of its activities. Speaking at the G20 summit in Bali on 15 November 2022, IOC President Thomas Bach spoke about the need for political neutrality in international sport: "If sport becomes another tool for achieving political goals, - Bach said, - international sport will fall apart. Olympic sport needs the participation of all athletes who accept the rules, even and especially if their countries are in confrontation or at war. Competition between athletes only from like-minded countries is not a reliable symbol of peace. In this age of division, our role is clear: to unite the world, not to deepen divisions."¹⁴ However, these were only beautiful words of the IOC President, while his actions were completely opposite. The IOC, contrary to its own Olympic Charter, made not only purely political discriminatory decisions regarding Russian and Belarusian sports organizations, but also their states, political leaders, as well as symbols of their states. In particular, following the investigation of the doping scandal in Russian

eration" // SPS "ConsultantPlus" URL: https://www.consultant.ru/document/cons_doc_LAW_73038/?ysclid=lpeaobl1ub142660248

12. National Olympic Committee of Italy // Great Russian Encyclopedia/ URL: <https://bigenc.ru/c/natsional-nyi-olimpiiskii-komitet-italii-a8708e?ysclid=m31dws15ij782778124>

13. CONI. URL: https://translated.turbopages.org/proxy_u/en-ru.ru.1cf8870a-672734a3-2-d769a55-74722d776562/https/www.coni.it/it/coni.html

14. The Appeal of the International Athlete Rights Association was supported by the President of the International Olympic Committee Thomas Bach // IARA. URL: <https://iara.team/news/detail-134/>.

sports, the IOC Executive Board on 05.12.2017 not only did not suspend the activities of the Russian Olympic Committee, but also banned Russian athletes and staff from wearing tracksuits with national symbols and performing their national anthem at the Olympic Games in Pyeongchang (South Korea, 2018). In addition, the IOC banned officials of the Russian Ministry of Sports from attending these Olympic Games.¹⁵ A similar decision was made on 17.12.2020 by the Court of Arbitration for Sport in Lausanne (CAS) against the Russian Anti-Doping Agency (RUSADA), according to which Russian athletes and staff were allowed to attend international sports competitions for two years (until 16.12.2022) on the condition that their uniforms contain the words "neutral athlete" and the Russian anthem is not played or performed at any official competition venue. CAS also ruled to deprive Russia of the right to host, apply for or be awarded the right to host the Olympic, Paralympic Games or World Championships for two years. CAS also imposed a ban on attending the Olympic Games and World Championships for members of the Presidential Administration, the Federal Assembly and the Government, employees of the Russian Investigative Committee of the Russian Federation¹⁶ However, the history of the IOC's punishment of Russia did not end there. On 28.02.2022, the IOC Executive Committee introduced new sanctions against the Russian Federation in connection with Russia's special military operation in Ukraine. The IOC "recommends" that international sports federations and organizers of sports events do everything possible to ensure that "no athlete or sports official from Russia or Belarus is allowed to participate under the name of Russia or Belarus." All international competitions in Russia and Belarus were banned by the IOC. The IOC also revoked the Olympic orders from the President and a number of other high-ranking officials of Russia for violating the Olympic Charter.¹⁷ In October 2023, the IOC suspended the activities of the Russian Olympic Committee (ROC) due to the inclusion of sports councils of newly annexed territories that previously belonged to Ukraine into the ROC. As is known, the new territories were annexed in accordance with the constitutional federal laws of Russia, and the Russian Olympic Committee had nothing to do with this political decision. However, the IOC decided that the Russian Olympic Committee no longer has the right to act as a National Olympic Committee, as defined in the Olympic Charter, and cannot receive any funding from the Olym-

15. Decision of the IOC Executive Committee // Olympteka.ru. URL: <https://olympdeka.ru/olymp/pyeongchang2018/news/1889.html>. URL: <https://www.olympic.org>.

16. Press release of the CAS dated 17.12.2020 // URL: https://paralymp.ru/press_center/news/press_relizy/17-12-2020-press_reliz_kas_ot_17_dekabrya_2020_goda_reshenie_v_razbiratelstve_mezhdu_vada_i_rusada

17. IOC EB recommends no participation of Russian and Belarusian athletes and officials — Olympic News // IOC. URL: <https://olympics.com/ioc/news/ioc-eb-recommends-no-participation-of-russian-and-belarusian-athletes-and-officials>.

pic Movement. No one in the IOC cared whether Russian athletes were guilty or not guilty of military action or of annexing new territories. Meanwhile, the IOC could have settled all issues of participation of Russian and Ukrainian athletes in the disputed territories in the Olympic Games, taking into account the opinion of the athletes themselves in accordance with Rule 41 "Nationality of Participants" and the existing explanations to it.¹⁸ However, the IOC did not settle this issue in accordance with the procedures of the Olympic Charter. Contrary to its own Olympic Charter, the IOC simply carried out the political order of Western countries to punish Russia and all its athletes.

Legal assessment of the sanctions of the International Olympic Committee

In addition, the IOC prohibited Russian athletes from having any of their own political beliefs and views, in particular, related to their attitude to the special military operation in Ukraine. Meanwhile, athletes can have different points of view on this war. Someone can be for, someone - against. But no one has the right to force them to express someone else's point of view. This is a violation of Article 19 of the Universal Declaration of Human Rights, according to which everyone has the right to freedom of expression.¹⁹ It is not clear at all why the IOC punished the Russian and Belarusian athletes. First, they were punished for violating anti-doping rules, for which corrupt Russian sports officials were largely to blame, some of whom later fled to the West. Then they were punished for the war with Ukraine, which was unleashed by politicians. In this regard, it is difficult to understand why athletes should be held accountable for the actions of politicians and officials? What is their guilt? They are not to blame for unleashing wars and military operations. We all remember the postulate of Roman law "Quivis praesumitur bonus donec probetur contrarium". Everyone is honest until proven otherwise. Innocent people cannot be punished. Therefore, it appears that the decisions of the International Olympic Committee regarding the Russian and Belarusian athletes are illegal. These sanctions violate not only international law, but they also violate the Olympic Charter, according to which every athlete has the right to practice sports without being subject to any political and ethnic discrimination.²⁰ Such sanctions are not provided for by the Olympic Charter at all. The reader can open Chapter 6 of the Olympic Charter "Measures and Sanctions, Disciplinary Procedures and Dispute Resolution" and will not find there such a

18. Olympic Charter // IOC. URL: <https://olympics.com/ioc/olympic-charter>.

19. Universal Declaration of Human Rights // UN. URL: https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml.

20. Olympic Charter // IOC. URL: <https://olympics.com/ioc/olympic-charter>.

punishment as a ban on athletes using their national flag, anthem, sportswear with national symbols. In accordance with the Olympic Charter, no one can force athletes to compete in the Olympic Games under a neutral flag, or in neutral clothing, or to listen to a neutral anthem. In addition, the IOC had no right to punish state officials. Only national sports organizations are within the competence of the IOC. Therefore, these actions of the IOC can be legally qualified as abuse of power. And such actions can have political and legal consequences. It is generally unclear why the IOC divides athletes into "bad" and "good" depending on their affiliation with specific countries. Athletes from which "bad" countries will be subject to the next political and ethnic segregation. Maybe it will be Iran, North Korea, Venezuela, Cuba or China? Will such boycotts lead to the final destruction of the Olympic movement and international sports? We do not find answers to these questions in the current activities of the International Olympic Committee. It seems that the decisions of the International Olympic Committee not only discriminate against Russian and Belarusian athletes, but also split the unity of international sports. Moreover, these decisions are in complete contradiction with Article 2 of the Universal Declaration of Human Rights, which clearly states that no distinction shall be made between persons on the basis of the political, legal or international status of the country or territory to which a person belongs.²¹

Sanctions and Punishments of States in the History of the Modern Olympic Movement

Opponents of the author of this article may object and claim that such a point of view overdramatizes and politicizes the situation that has developed in international sports. Boycotts, bans, performances under neutral flags -, they will claim, - have always taken place in the history of the Olympic Games. Indeed, this is so. In 1920, Germany, Austria, Hungary, Turkey and Bulgaria, recognized as the organizers of the First World War, were suspended from participation in the Olympic Games, in 1948 - Germany and Japan - for unleashing the Second World War, since 1962 athletes from South Africa have not been allowed to participate in the Olympic Games for the policy of apartheid, in 2000 athletes from Afghanistan - for discrimination against women.²² The Olympic Games have been boycotted for political reasons by a large number of countries throughout the history of the modern Olympic Games. Boycotts took place at the Olympic Games in Germany (1936), Australia (1956), Japan (1960), Canada (1976), the

21. Universal Declaration of Human Rights // UN. URL: https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml.

22. History of the issue: how and why countries were disqualified from the Olympics // RBC. URL: <https://www.rbc.ru/society/18/07/2016/578cdfb9a794733ae9522cb?ysclid=lpzcvjshs61450781>

USSR (1980), the USA (1984), and South Korea (1988).²³ Athletes have also often competed under a neutral flag for various reasons. For example, athletes from the USSR and Yugoslavia competed under the Olympic flag at the Olympic Games in Spain (1992), and this was due to the collapse of these countries. There have been cases of athletes competing under a neutral flag due to their voluntary expression of will (Moscow, 1980), support for refugees (Rio de Janeiro, 2016), and short-term suspension of membership of national Olympic committees (India and Kuwait) due to violation of IOC regulations.²⁴ National anthems were also banned. For example, at the 1936 Olympic Games in Germany, South Korean marathon champion Son Kee-Chung was forced to listen to the anthem of Imperial Japan, which occupied his country at the time, while the Indian hockey team had to listen to the anthem of another empire, called Great Britain.²⁵ This saga of banning national symbols at international sports competitions continues. In December 2023, for example, WADA fined the Olympic Council of Asia half a million US dollars for displaying the North Korean flag at the Asian Games in Hangzhou (China, 2023).²⁶ However, never in the history of the Olympic movement have collective political discriminatory sanctions been imposed on such a large number of athletes for such a long time, deliberately humiliating the national pride and national dignity athletes.

The problem of the legitimacy of the status and decisions of the International Olympic Committee

Does the IOC have the authority to make such decisions? To answer this question, we should recall the history of the creation of this organization, understand how this organization is elected, functions and makes regulatory decisions that are mandatory for most sports organizations in the world. As is known, the IOC was founded on the initiative of Baron Pierre de Coubertin in 1894 in Paris with the aim of reviving the ancient Olympic Games. The organization was formed in the period preceding the First World War, when many politicians and states were at odds with each other and considered the idea of reviving Olympism to be a utopia.

23. List of Olympic Games boycotts // Wikipedia. URL: https://translated.turbopages.org/proxy_u/en-ru.ru.f07fe54a-65758fb7-a34a804a-74722d776562/https/en.wikipedia.org/wiki/List_of_Olympic_Games_boycotts.

24. Lisin S. History of neutral athletes, from 1952 to the present day // Match. URL: https://matchtv.ru/athletics/matchtvnews_NI766373_Istorija_nejtralnyh_atletov_ot_1952_goda_do_nashih_dnej?ysclid=lpzn3ato7w220689417.

25. Philip Barker: Flags and anthems — an eternal debate // Inside the Game. URL: <https://www.insidethegames.biz/articles/1132697/flags-anthems>.

26. Olympic Council of Asia fined \$500,000 for North Korean flag at Asian Games // Kommersant. URL: <https://www.kommersant.ru/doc/6349230?ysclid=lq0il9e2x8628364708>

In order to overcome their resistance, Baron Pierre de Coubertin decided to rely on the elites of different states, and many representatives of aristocratic circles joined this organization. Therefore, the IOC began to be called in the world as "the club of sports aristocrats". This organization played an important positive role in the history of the development of humanity and international sports. The IOC united athletes around the Olympic ideals. 206 national committees and 35 international federations voluntarily joined this organization. We thank Baron de Coubertin, his followers and all Olympians of the world for carrying out this noble mission.

However, our world has changed since the time of Baron Pierre de Coubertin. The world has split into hostile states and our world is becoming multipolar. Geopolitical changes are taking place not only in politics and economics, but also in international sports. Do the IOC's activities correspond to these challenges of the time? Does the IOC reflect the interests of athletes from all countries? It seems not. The power in the IOC still belongs to sports aristocrats and so-called "independent persons" who do not represent the interests of athletes. In accordance with Rule 16 of the Olympic Charter, among the 115 active IOC members, 70 IOC members (55%) are "independent persons" and only 44 IOC members (45%) are active athletes, heads of sports organizations. The IOC does not disclose information about these "independent" persons. However, previous studies show that over the years they have included bankers, industrialists, politicians (24.2%), professional politicians (20.5%), diplomats (8.1%), writers, and other liberal professions. The IOC has had 5 Monarchs, 25 Ministers, 8 Prime Ministers, 4 Presidents of Republics, 1 Field Marshal, 1 Air Marshal, 1 Vice Admiral, and 25 Generals as members at various points in its history.²⁷ The IOC, as before, still includes the most influential members of the royal families of Europe and the world: Princess Nora (Liechtenstein), Prince Albert II (Monaco), Princess Anne (Great Britain), Sheikh Ahmad Al-Fahad Al-Sabah (Kuwait), Grand Duke Henri (Luxembourg), Prince Faisal Al Hussein (Jordan), Baron Pierre-Olivier Beckers-Vieujant (Belgium), Prince Jigyel Ugyen Wangchuck (Bhutan), Princess Reema Bandar Al Saud (Saudi Arabia), Lord Coe (Great Britain).²⁸ At the same time, all IOC members are not representatives of their countries. In accordance with paragraphs 1.4 and 1.5 of Rule 16 of the Olympic Charter, IOC members cannot accept assignments or instructions from governments, sports or other national organizations "that could interfere with their freedom of action and independence in voting."²⁹ They are citizens of the world and of the country called "Olympia",

27. Olympic movement. History of the IOC // Olympic History.Ru. URL: https://olympic-history.ru/olimpijskoe_dvizhenie/mok.html.

28. IOC Members List // International Olympic Committee. URL: https://translated.turbopages.org/proxy_u/en-ru.ru.caa506b9-6571a755-52c9c564-74722d776562/https/olympics.com/ioc/members

29.

and their interests are above the interests of their countries and their national sports communities. IOC members, as many people think, are not elected directly by national sports organizations or their representatives. The decision on their election, in accordance with Explanation 2.4.1 to Rule 16 of the Olympic Charter, can only be made by a session on the proposal of the Executive Board of the International Olympic Committee. In fact, the Executive Board decides who will be in this organization and who will not be. IOC members, who were themselves recommended for election at one time by the Executive Board and personally by the President of the IOC, will always, it seems, vote for any new proposal of the Executive Board and the President of the IOC. They will always be loyal members of the organization, oriented to a greater extent towards the decisions of the President and the Executive Board of this organization than the interests of national sports organizations and the athletes themselves. Because the national sports organizations did not elect them, and they are not obliged to report on their activities to the athletes of their countries. As the result we have an elite international sports club, elected by a small group of people according to their own criteria, independent from the opinions of national sports organizations and ordinary athletes. All this does not look like a democratic system of international sports management and looks more like a historical anachronism. The question arises: can we even consider the IOC's decisions legitimate if this organization is not directly elected by the international sports community? This question remains unanswered.

The Lex Sportiva judicial system

This judicial system is autonomous, it functions independently of state courts and consists of jurisdictional bodies with different names (judicial chambers, disciplinary commissions, etc.), which are structural subdivisions of national and international sports federations, associations and other sports organizations. These jurisdictional bodies are guided in their activities primarily by the statutes, competition regulations, disciplinary and ethical codes and other regulatory acts of their organizations. These jurisdictional bodies have their own procedural rules, their own system of evidence and punishment, different from the judicial bodies of the state. The main appellate instance for them is the Court of Arbitration for Sport in Lausanne. This court was created by the IOC in 1983 and functions in accordance with the Code of International Arbitration for Sport (1994). Its tasks include considering not only appeals from jurisdictional bodies, but also resolving disputes referred directly to this court for consideration, as well as providing independent opinions on legal issues at the request of sports organizations within the Olympic Movement system (S12).³⁰

30. Code: Procedural Rules - Tribunal Arbitral du Sport // Court of Arbitration for Sport URL:

If the IOC makes an unlawful, politicized and discriminatory decision, will there be any chance of challenging such a decision in the Lex Sportiva judicial system? Unfortunately, this is unlikely. In accordance with Articles 60 and 61 of the Olympic Charter, the decisions of the International Olympic Committee are final and any challenge to them can be resolved exclusively by the IOC Executive Board and, only in certain cases, by the International Court of Arbitration for Sport in Lausanne (Switzerland).³¹ Let's assume that we were able to suddenly find such "some cases" and applied to the International Court of Arbitration for Sport in Lausanne (Switzerland) in order to challenge some unlawful decision of the Session or the Executive Board of the IOC. What are our chances of a successful outcome of the case? They are not very high, because the IOC continues to be the de facto main founder and sponsor of this court. In particular, in accordance with the Paris Agreement of 22.06.1994, the founders and financial sponsors of this court are the International Olympic Committee, as well as the IOC-dependent Winter Sports Association, Summer Sports Association and Association of National Olympic Committees.³² At the same time, in accordance with the Code of International Arbitration for Sport, it is also practically impossible to challenge the decision of the Court of Arbitration for Sport in Lausanne. Because the arbitration decision is final and cannot be appealed (Article R46).³³ Theoretically, an appeal is only possible in the Swiss Federal Court, since the actions of this court are subject to the rule of Lex Arbitrii ("Application of the law of the place where the trial took place", Latin). In particular, in accordance with Article 191 of the Swiss Federal Act on International Private Law, the only instance where the decision of the International Arbitration Court can be overturned is the Swiss Federal Court.³⁴ However, even a review by the Swiss Federal Court does not guarantee a final decision, since this court is primarily focused on resolving procedural, judicial and constitutional disputes. In general, this situation seems quite paradoxical when decisions of an international court are appealed to a national court. It seems that such an appeal procedure violates the principle of the priority of international law over national law and cannot be considered normal in international legal relations. It also seems paradoxical that

<https://www.tas-cas.org/en/arbitration/code-procedural-rules.html>.

31. Olympic Charter // International Olympic Committee. URL: <https://www.olympic.org/about-ioc-institution>.

32. History of the hour // Tribunal Arbitral do Sport. Sort of Arbitration for Sport. URL: <http://www.tas-hour.org/en/general-information/history-of-the-hour.html>.

33. Code of Sports-related Arbitration In force as from 1 January 2017 // Court of Arbitration for Sport. URL: <http://www.tas-cas.org/en/general-information/history-of-the-cas.html>.

34. Widmer M. Swiss Federal Court saves arbitration clause // Switzerland Business. URL: <https://business-swiss.ch/2013/06/zwischen-fifa-uefa/#>.

some Swiss lawyers consider Swiss courts to have priority over the courts of other states, and Swiss law to be a type of international law.³⁵

Suppose we also decided to challenge WADA's misconduct and decided to appeal to the national court of Quebec, Canada, where this organization is located. However, in this case, our actions will also fail, since the National Assembly of Quebec decided on its own, without consulting other international partners, to protect WADA from third-party claims. Currently, no representative of a foreign country can sue this organization in this country to protect their rights. Canada has made WADA inaccessible to any criticism of foreign athletes, even if this criticism violates the Universal Declaration of Human Rights.³⁶

Measures to depoliticize international sports and sports justice

From the above, it becomes clear that the system of governance of international sports and sports justice needs to be reformed and depoliticized. As we have previously found out, absolute depoliticization of sports is impossible, because sports have always been and will be a part of any state and its policy. So how can we promote to depoliticize of international sports? It seems that it is necessary to reform the entire organization of international sports governance, in particular, to create new centers for the governance of international sports and a system of independent sports courts, free from the pressure of various political forces. It would be useful for all of us to think about how to strengthen the role of the UN in the management of international sports. Currently, the UN does not have a full-fledged body engaged in the development of international sports. The existing UN Bureau for the Development of Sport for Peace is only the office of the Advisor to the UN Secretary-General on Sports. All UN Resolutions on sports development are mainly declarative in nature, are duplicated from year to year and, as it seems, do not have any significant impact on the development of world sports. *Perhaps, the UN should create an independent Committee for the Management of International Sports with the broad participation of representatives of all international sports organizations.* It seems that this Committee could become the main coordinating center for making strategic decisions on the depoliticization and development of sports on our planet. This idea has already been discussed at congresses of the International Association of Sports Law (Greece) during the preparation of the draft World Sports Charter. This proposal was supported by many sports lawyers and scientists from different countries.³⁷

35. Ibid.

36. Maryanchik N. Now you can't even sue WADA // Sport-Express. URL: <https://www.sport-express.ru/doping/reviews/teper-na-vada-dazhe-nelzya-podat-v-sud-1423515/>

37. Congress materials: International Association of Sports Law // IASL. URL: https://iasl.org/pages/en/sports_law_congresses/24th_int_congress/welcome.php.

It also seems that there is a need to create a new judicial system of international and national sports justice, capable of guaranteeing independent and objective verdicts, challenging decisions of international sports and anti-doping organizations, and filing appeals against decisions of the Court of Arbitration for Sport in Lausanne (Switzerland), other international and national sports courts. Undoubtedly, the new judicial system should have independent sources of funding and be free from the influence of its founders. Perhaps, it is necessary to consider the creation of new independent international sports courts at the UN or at such international organizations as the Commonwealth of Independent States, BRICS, the Shanghai Cooperation Organization and others.

Perhaps we should also consider the issue of banning national symbols at the Olympic Games in the context of general measures to depoliticize international sports. This proposal has been discussed many times before within the International Olympic Committee. The essence of this proposal is to refuse all national flags and anthems at the Olympic Games for all countries without any exceptions. Everyone knows that, according to the regulations of the Olympic Games, national flags are usually raised and national anthems are played in honor of the winners. The more medals' athletes of individual countries win, the higher the authority of these countries. This tradition contributes to the fact that each country wants to prove its worth and power through sports victories, sometimes at any cost, violating the norms of international and sports law, and even national criminal legislation. This is real politics. In this regard, the head of the National Olympic Committee of the Netherlands, Hans Linthorst-Homan, proposed at the IOC session in Sofia in 1957 not only to abandon flags and anthems at official ceremonies, but also to organize the participation of teams of athletes in parades not by country, but by individual sports. This proposal was repeatedly submitted to the International Olympic Committee for consideration. However, unfortunately, it was rejected or did not receive the required number of votes. In particular, at the 58th IOC session in Athens in 1961, 34 IOC members voted for this proposal, and only 22 voted against, but did not receive the required qualified majority of two-thirds of the votes. The initiator of this proposal was IOC President Avery Brundage (1952-1972). This proposal was also supported by another IOC President, Lord Killanin (1972-1980). The proposal was also supported by the President of the International Olympic Academy in Ancient Olympia, Prince George of Hanover, the Chairman of the British Olympic Association, Denis Follows, Albert Mayer (Switzerland), Paavo Honkajuuri (Finland) and many other influential IOC members.³⁸ Today, this proposal is more relevant than ever in connection with the incredible politicization of international sports. It would seem wonderful if athletes from different countries competed at the Olympic Games under a single Olympic flag as brothers

38. Philip Barker: Flags and anthems — an eternal debate // Inside the Game. URL: <https://www.insidethegames.biz/articles/1132697/flags-anthems>

and sisters, showing the whole world their desire to unite humanity and preserve peace on our wonderful planet. This would be a serious step towards the depoliticization of international sports and the preservation of the neutrality of the International Olympic Committee.

Another legal instrument could also be recommended, which would seem to strengthen the protection of international sports from the influence of politicians. *It is necessary to establish sports immunity from criminal prosecution of individual countries for the heads of international sports organizations, as well as athletes during international sports competitions.* Why we should protect subjects of international sports from criminal prosecution if they have committed crimes? The fact is that some countries use the practice of persecuting the heads of international sports for political purposes. Everyone remembers, for example, how much noise there was around the removal of the heads of FIFA and UEFA Blatter and Platini. They were accused by the US FBI and the Swiss prosecutor's office in 2015 of embezzlement, fraud and corruption. At that time, 42 FIFA sports officials were arrested for bribes amounting to 150 million US dollars, who were later convicted by American courts. We must admit that many of these officials were corrupt and deservedly punished.³⁹ However, in July 2022, the Swiss Criminal Court acquitted Blatter and Platini. The court found their actions to be legal and questioned the decisions of the FIFA Ethics Committee, which suspended these executives from football activities.⁴⁰ The question arises, why did the US not take action against FIFA corruption earlier, despite the fact that corruption in football has been known to the sports community for many years? The answer is obvious. The US began criminal prosecution of international sports officials only when FIFA refused to host the World Cup to the US and gave preference to Russia. Therefore, the FBI was unable to establish the guilt of Blatter and Platini. Unfortunately, this trend of using criminal repression to punish unwanted international sports officials and athletes for political purposes may increase. In the United States, for example, the House of Representatives of the US Congress passed the so-called Rodchenkov Act, which provides for criminal punishment of up to 10 years in prison and a fine of up to one million US dollars for “international fraud” against American athletes, including those committed through the manufacture, distribution and use of doping.⁴¹ It appears that this act can be used against the heads of sports organiza-

39. The United States has asked Switzerland to speed up the extradition of Julio Rocha, a former high-ranking FIFA official // Swiss-Rus. URL: <http://swiss-rus.ru/>.

40. Petrov A. The court kicked the Swiss prosecutor's office out the window // Kommersant. URL: <https://www.kommersant.ru/doc/5457000?ysclid=lq2gozhfgc234877873>.

41. Pavitt M. US lawmakers propose Rodchenkov Act to criminalize doping in international competitions // Inside the Games. URL: <https://www.insidethegames.biz/articles/1066200/us-lawmakers-propose-rodchenkov-act-to-criminalise-doping-in-international-competitions>

tions, athletes from various countries, including Russia and Belarus, for political purposes. Therefore, the problem of introducing the institute of sports immunity from criminal prosecution by law enforcement agencies and special services of individual states, as it seems, is very relevant in the context of the complicated international situation. However, the introduction of this legal institution should not mean that corrupt international sports officials will not be held accountable for their criminal actions committed in the sphere of international sports. In our opinion, on the contrary, their responsibility for corrupt actions in the sphere of international sports should be strengthened, but within the framework of international criminal law and international treaties. It appears that the investigation of crimes committed by such officials and athletes should be carried out not by individual countries, but by special international jurisdictional bodies created in accordance with international agreements with the involvement of Interpol, Europol and other similar international organizations. This will undoubtedly help prevent political influence on the investigation of crimes committed in the sphere of international sports.

Another important question arises in the sphere of DE politicization of international sports. How to protect the rights of Russian and Belarusian athletes who, as already noted, were subjected to national discrimination by the IOC, WADA and some international sports federations and the Court of Arbitration for Sport in Lausanne (Switzerland)? Of course, it is possible to seek the restoration of the rights of Russian athletes in international sports federations, the IOC and WADA. It is possible to file numerous claims with the Court of Arbitration for Sport in Lausanne. It is still possible to continue to finance these international sports and anti-doping organizations, spend huge amounts of money on their maintenance and continue to march under a neutral flag and humiliatingly wait for a favorable attitude towards Russian and Belarusian athletes from international sports officials. Perhaps, Russia will not see this favorable attitude for many years. However, there is also an understanding that Russia cannot stop developing its high-performance sports and cannot take the path of international self-isolation. In any case, Russia must remain part of the international sports world. *It seems that Russia should adapt to the new reality and already now begin to actively create new international sports federations and anti-doping organizations and independently organize international sports competitions with the participation of all interested athletes from friendly and unfriendly countries.* Of course, this will require a certain amount of time, financial resources, and the creation of a new legal framework for national sports law.

However, this is a real way to preserve high-performance sports in the current complex international situation. Perhaps Russia should revive the Goodwill Games as an alternative to the Olympic Games. Let's remember that these Games were created by American billionaire Ted Turner in response to the boycott of the Olympic Games in Moscow in 1980 and in Los Angeles in 1984. There have

been 6 Goodwill Games in total, including in Russia, the USA and Australia. The first Goodwill Games, held in Moscow in 1986, included 182 events and brought together more than 3,000 athletes representing 79 countries, and 4 world records were set.⁴² What is encouraging that Russia is already planning to host the international Games of the BRICS countries, the Games of the Shanghai Cooperation Organization and other international sports competitions.⁴³ However, Russia's plans to organize alternative international sports competitions are actively hindered by the IOC. In particular, the Participants of the XII Olympic Summit, which was held by the IOC on 05.12.2023 in Lausanne (Switzerland), noted in their communiqué that "the Russian government intends to organize clearly politically motivated sports events in Russia" (paragraph 21), that Russia does not comply with the World Anti-Doping Code and cannot participate in any major international sports competitions (paragraph 22).⁴⁴ The IOC banned Russia from holding international sports competitions which not related to the Olympic movement. According to the author, such activities of the IOC violate the sovereignty of Russia, are deliberately aimed at destroying Russian high-performance sports and may be subject to consideration by Russian jurisdictional bodies.

Are international sports competitions organized by the Russian Federation aimed at dividing international sports and the Olympic movement? Of course not. This is a defensive reaction to the discriminatory and political sanctions of the IOC, WADA and their subordinate international sports organizations. The main goal of these countermeasures is to prevent the isolation of Russian sports and protect the rights of Russian athletes. However, there is a naive hope: maybe someday in the future the world will unite again and there will be no need for these countermeasures. For this to happen, we all need to think now about how to stop politicization and the cold war in international sports, revive the spirit of the Olympic truce and return international sports to the channel of friendship between peoples. This is the main issue on the agenda of the general development of international sports today.

42. Goodwill Games //Wikipedia. URL: https://translated.turbopages.org/proxy_u/en-ru.ru.eb272a25-672c6a20-3104ca43-74722d776562/https/en.wikipedia.org/wiki/Goodwill_Games

43. Putin spoke about plans to hold international sports tournaments in Russia // Rossiyskaya Gazeta URL: <https://rg.ru/2023/10/19/igra-po-pravilam.html?ysclid=m36zgu5axc635806624>

44. Communiqué of the 12th Olympic Summit // IOC. URL <https://www.anocolympic.org/olympic-movement/12th-olympic-summit>.