HUMAN RIGHTS CONCERNS IN THE CONTEXT OF GLOBALIZATION IN SPORTS

Dhiraj Abraham Philip, Advocate-on-Record, Supreme Court of India

ABSTRACT

The international and domestic sporting events at present increasingly reflect the impact of globalization at every level. However, this has brought with itself a set of challenges especially regarding human rights. The gross violation of human rights at the hosting venues and the conduct of such events at those venues are often overlooked by international sport bodies such as FIFA, UEFA, ICC.

This article seeks to examine human rights concerns from the prism of globalization in sport. Questions addressed in the article are: Whether human rights violations at sporting venues are ignored due to the high financial stakes involved on account of globalization of Sports. What are the challenges involved in raising concerns regarding human rights violations in global sporting events and whether raising such concerns will practically help to bring about any changes to the situation on ground?
The Debate

The question as to whether targeting global or domestic sporting events will serve as an effective platform to challenge human rights violations has been raging since the 1936 Olympics when human rights advocates called for a boycott of the Olympic Games in Germany on account of the widespread human rights violations under the Nazi rule.

Today, the debate has been revived in the backdrop of United States announcing a “diplomatic boycott” of the 2022 Beijing Winter Olympics. The decision was announced citing the “ongoing genocide” and crimes against humanity in Xinjiang (against the Uyghur community and other minorities) and other human rights abuses in China.¹

Other countries such as UK, Australia and Canada quickly followed suit in announcing a similar diplomatic boycott of the 2022 Beijing Winter Olympics.

In response to the diplomatic boycott, China accused the US of using the Olympic Games for political manipulation and vowed "resolute counter-measures". China also sought to negate the impact of the boycott, citing the fact that numerous countries including nations such as Italy and France have declined to join the boycott. The French President, Emmanuel Macron, in fact, went on to describe the diplomatic boycott as "symbolic and insignificant".²

In 1980 when the United States led a boycott of the Summer Olympic Games in Moscow to protest the 1979 Soviet invasion of Afghanistan, 65 countries refused to participate in the Olympic games, while 80 countries including India sent athletes to compete in the event.³

Four years later, the 1984 Olympic Games held in Los Angeles witnessed a boycott by 14 Eastern Bloc Countries including the Soviet Union and East Germany under the pretext that the safety of their athletes was endangered in the USA. This move was widely seen as a response to the American led boycott of the Games in 1980.

Thomas Gift and Andrew Miner⁴ while seeking to examine the nexus between sports and politics argue that sports and politics are inextricably linked and suggest that the nexus ought to be examined in a systematic manner by scholars to leverage the distinctive qualities of sports so as to quantify whether it has causal effect on various issues including those relating human rights.

**Effectiveness of sporting events in improving human rights conditions**

In history, there are several instances when sports helped mitigate violence. As far back as in 1914, during Christmas in the midst of World War-I, it is reported that British and German troops in Flanders halted fighting to play in impromptu soccer match.⁵

Multiple reports indicate that the Biafran War in Nigeria that raged between Nigeria and a secessionist state Biafra witnessed a three-day ceasefire brought about by the arrival in Nigeria of the soccer legend Pele.⁶

In 2006, the Ivory Coast football star Didier Drogba, after helping Ivory Coast qualify for the 2006 World Cup called upon his nation to end the civil war. His action has been credited as the reason why the five-year Ivorian Civil War ended.⁷

The fact that sporting events do provide a platform to highlight human right concerns as was seen in the 1988 Seoul Olympics. The 1988 Games is widely attributed to have helped Korean citizens who were at the time protesting against the brutal military dictatorship of Chun Doo Hwan.

Johnson. Chalmers⁸ while examining the Seoul Olympics fostered democratic protests contends that the global sporting event did indeed destabilize Hwan’s dictatorship by acting as

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⁶Blessed are Peacemakers: It's World Cup Time Again!http://content.time.com/time/world/article/0,8599,1139402,00.html : website visited on 18 December 2021
a cover for the proponents of democracy.

David R. Black and Shona Bezanson⁹ while analyzing the lessons from the 1988 Seoul Olympics and the contribution of the Olympic Games to democratization, human rights improvements and political liberalization argue that the advent of the Olympic Games forced the Government to confront basic questions of political development, a premise backed by Manheim.¹⁰

The Seoul Olympics however cannot be claimed to have solely ushered the process of democratization and political change in South Korea, as there was already a public agitation for political change. The Olympics however definitely acted as a catalyst to bring about a regime change. Although drawing parallels with the Seoul Olympics and the possibility of regime change or democratization in other sporting venues may be inappropriate, the Olympics and sporting events often forces the host nation to engage on issues involving human rights at least during the duration of the event.

Thomas Gift and Andrew Miner¹¹ however caution that while global sports events may be a mechanism for regime change, it has also been used by autocrats to fortify their reputation and for their own pecuniary gain. As Rhamey and Early point out, those hosting the Olympics and a superlative performance in the Games by the host nation act toward legitimizing the host nation’s political leadership and also serves to answer any ambiguity that surrounds the host nation’s international status.¹²

Host nations and cities are seemingly sensitive to public scrutiny whenever it comes to hosting mega-events such as the Olympics and the World Cup and therefore such events serve as an opportune platform to raise human right concerns.

The question as to whether a causal relation can be drawn between sports and mitigation in human rights violations is a question which does not offer concrete answers as there have also been historical instances where sports instigated violence or sparked human rights abuses.

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¹⁰Manheim, ‘Rites of Passage; p. 292
¹¹Supra Note 4
¹²Rhamey J. Patrick and Bryan R. Early, 2013: Going for the Gold: Status-Seeking Behaviour and Olympic Performance: International Area Studies Review 16(3): 244-261
The “football wars” between Honduras and El Salvador that commenced after qualifying matches for the 1969 World Cup resulted in interstate tensions. Similarly in the 1990s, a soccer match between a Serbian and Croatian team never got underway because of fighting between opposing fans. This event is still treated as a harbinger of the Balkan Wars.

It is has also argued by critics that mega sporting events often lead to large scale violations especially when they were awarded to governments who fail to respect human rights. The Human Rights Watch Report for instance points to frequent human rights violation typically tied to mega sporting events namely forced evictions, exploitation of migrant workers, silencing of civil society activists and threats and intimidation of journalists.

Zack Bowersox argues that naming and shaming the host nation does have a positive impact on a state’s respect for physical integrity and expressive rights when it is conditioned on its selection as mega event host. While an improvement in in rights pertaining to physical integrity is noticed, the respect for civil and political rights during the same period tends to suffer. This lends credence to the argument that improvement in a state’s behavior in view of international scrutiny is merely optics.

The question of how to advocate for human rights in the backdrop of global sporting events has also seen varied responses. In 1936, on one hand, human rights advocates called for a boycott of the Olympic Games in Germany on account of the widespread human rights violations under the Nazi rule. A New York Times Editorial however suggested that Nazi Germany should host the games as the treatment of Jews had improved on account of the increased attention that the Olympic Games brought.

D.A. Kass argues that during the 1936 Games, one view prevalent was that the USA ought to boycott the Games to show its disapproval of the Nazi regime under Adolf Hitler. However, once the IOC decided to go ahead with the Games, the view that America’s participation in the

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Olympics could destroy the myth of Aryan supremacy gained credence in Germany. Kass argues that the American attendance at the Olympics was essential as the myth of Aryan supremacy was dealt a severe blow when Jesse Owens, a Black American won four gold medals.\textsuperscript{18}

Murdie and Davis\textsuperscript{19} in their study found that naming and shaming alone is not enough to change the behavioral norms of the host countries. “The positive effects of naming and shaming on state behaviour are conditioned on the existence of domestic human rights organizations to interact with international human rights organizations or third-party pressure.” It is the interaction that such platforms facilitate between domestic (within host country) and international human rights advocates that makes the difference according to them.

**Role of sports bodies in taking a stand on rights-based concerns**

The instances of sports bodies taking an open stand against nations regarding human rights violations have been few and far between. This can be attributed to several factors such as huge commercial considerations at play on account of global sponsorship with a worldwide viewing audience. This has primarily led to sporting organizations seeking to divorce sports from the discourse of human rights and political oppression.

An exception in this regard, has been the recent decision of the Women’s Tennis Association announcing suspension of all WTA tournaments in China, including Hong Kong, with news of the disappearance of former tennis Chinese star, Peng Shuai, who had accused a top Chinese Government official of sexual assault.\textsuperscript{20}

The International Olympic Committee President Jacques Rogge had shortly after China was awarded the 2008 Olympics stated that the IOC was not a political body and hence would not get involved in politics.

Amid the recent decision of USA and a few other nations to carry out a diplomatic boycott the 2022 Beijing Winter Olympics, the International Olympics Committee senior member Dick

Pound sought to quell the concerns regarding China’s human rights record by telling German radio Germany radio station Deutschlandfunk that politics does not come into any decision concerning the award of Olympics events to a country.\textsuperscript{21}

In 1964, the IOC banned South Africa from the Olympic Games in Tokyo in view of the apartheid policy prevalent in South Africa. However, 40 years later, it awarded the Olympic Games to Russia, where human rights violations were frequently reported, and opponents of the regime were frequently targeted.

Abby Meaders Henderson\textsuperscript{22} argues that organizations such as Fédération Internationale de Football Association (FIFA) and the International Olympics Committee (IOC) which organizing global sporting events with claims to promoting unity and peace through sport, ought to have strict procedures that protect human rights and ought to in no way condone any violations of human rights.

Henderson also argues\textsuperscript{23} that the World Cup and Olympics in Brazil were missed opportunities of the FIFA and the IOC to use the hosting of the games as leverage to prompt the host country to make progress with respect to human rights.

Forster and Pope\textsuperscript{24} argue that organizations such as FIFA and IOC cannot be necessarily expected to favour bids from States that have a better human rights record as the bodies themselves comprise of individuals and members with vested interests whose actions are independent of a shared mission.

Several instances can be cited including the recent instance where FIFA members admitted accepting bribes in support of Qatar’s bid for the 2022 World Cup. The vested interests and commercial considerations forced FIFA to defend its choice of venue on the one hand while simultaneously encouraging labor reforms.\textsuperscript{25}

\textsuperscript{23}Ibid
\textsuperscript{24}John Forster and Nigel K. Pope, 2004: The Political Economy of Global Sporting Organizations, London: Routledge
The awarding of the 2022 FIFA World Cup to Qatar has been mired in controversy due to allegations regarding unethical bidding procedure. The Kafala system prevalent in Qatar which stipulates that a foreign worker can only come into the country through a local sponsor places a disproportionate amount of power in the hands of employers and nationals of Qatar and this oppressive labour law has been criticized in several quarters. It has been argued that the Qatari government must be compelled to raise its domestic labour standards to international standards set by the International Trade Union Confederation. It has been estimated that around a hundred migrant workers from India and Nepal have lost their lives due accidents on stadium sites since Qatar was awarded the 2022 World Cup.

Shahrukh Khan, a staff writer for the Harvard International Review in his article argues that although Qatar needs to be given an ultimatum regarding the domestic labour standards, the shady dealings of FIFA in the bidding process and its commercial interests have taken away its authority to give any ultimatum to the host country.  

The greatest source of leverage that international sporting organizations have over the host nation is the threat of taking away the event if the host nation’s human rights record shows no improvement. But this is significantly being affected by the huge commercial interests that are at stake due to globalization of sports on account of global sponsors and lucrative worldwide viewing rights.

**Change in approach of the IOC and FIFA to deal with concerns regarding human rights**

In March 2017, the International Olympics Committee announced implementation of Olympic Agenda 2020 and specific changes to the Host City Contract 2024 with regard to human rights, anti-corruption and sustainable development standards.  

The changes announced by the IOC were brought about to avoid negative human rights impacts and to ensure that the Olympic Games-related activities are developed and performed in alignment with internationally recognized human rights standards and principles, including the

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United Nations Guiding Principles on Business and Human Rights.\textsuperscript{28}

These changes have been brought about to cover all activities linked to the organization of the Olympic Games, including issues such as migrant workers, labour conditions, displacement of local population, discrimination, child protection, peaceful assembly as well as media freedom.\textsuperscript{29}

In April 2016, FIFA revised its statute and made a statutory commitment on human rights. Article 3 of the FIFA statutes now state that FIFA is committed to respecting all internationally recognized human rights and shall strive to promote the protection of these rights.\textsuperscript{30}

Following the 67th Fifa Congress in May 2017, FIFA decided that human rights would now be further protected through the adoption of an official FIFA Human Rights Policy.\textsuperscript{31}

In 2017, FIFA released its Human Rights Policy, based on the UN Guiding Principles on Business and Human Rights. The Human Rights Policy by FIFA’s own admission was a landmark policy.\textsuperscript{32} FIFA also established an independent Human Rights Advisory Board.

The bidding for the 2026 FIFA World Cup for the first time required bidding parties to include in their bid a human rights plan, due diligence about existing human rights conditions and a requirement for the bidding countries to submit a human rights strategy in preparing for and hosting the tournament.\textsuperscript{33}

The awarding of the bid in the year 2018 to USA, Canada and Mexico to co-host the 2026 World Cup preceded an examination of its human rights proposal in support of its bid.\textsuperscript{34}

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\textsuperscript{29}Ibid
\textsuperscript{31}67th FIFA Congress 2017 Minutes: https://digitalhub.fifa.com/m/7aba08bb1caf0638/original/lp5bga1fbxvv5vktsgx6-pdf.pdf; website visited on 12 December 2021
\textsuperscript{33}Guide to the Bidding Process for the 2026 FIFA World Cup: https://digitalhub.fifa.com/m/5730ee56c15e46d9/original/hgopypqftviladm7q90-pdf.pdf; website visited on 12 December 2021
\textsuperscript{34}Proposal for a United Human Rights Strategy: United 2026 by Canada, Mexico and United States https://digitalhub.fifa.com/m/35837f1073bdad15/original/s2xnr3fig9kp0zelh6nt-pdf.pdf; website visited on 12 December 2021
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While committing to a human rights strategy in accordance with FIFA’s new Human Rights Policy, Mexico has vowed to undertake changes to its labour legislation to prevent possible labour violations. The US State Department of State (DOS) Office of Democracy, Human Rights, and Labor (DRL) has funded Mexico United 2026, a project to strengthen Mexico’s capacity to identify, prevent, and mitigate the impacts of the 2026 FIFA World Cup on the realization of labor rights and human rights guarantees.\(^{35}\)

The impact of FIFA’s new Human Rights Policy and whether it can actually bring about reform locally remains to be seen. However, there is renewed hope that the future World Cups may not be dominated by flagrant human and workers’ rights excesses.

**Role of Commercial and economic factors in sporting events**

The impact of globalization on sports is largely commercial in nature. This has often led to human rights concerns being sidestepped or disregarded to a large extent. Commercial factors impact sports both at domestic and international levels owing to globalization.

Domestic competitions are largely witnessing participation from international athletes, global sponsors and foreign investors and business empires seeking ownership a franchise. To cite a few instances, the English Premier League, the domestic football league club competition in England has over the past decade witnessed several club ownerships being transferred to foreign owners or foreign business entities. In 2003, Roman Abramovic, the Russian billionaire, bought Chelsea Football Club, while the American family Glazers took over the club Manchester United, and Sheikh Mansour bin Zayed Al Nahyan’s Abu Dhabi United Group took over the club, Manchester City.

A recent report in the Spanish newspaper Marca noted that the English Premier League (comprising 27 teams) is arguably football’s most globalized division with all but five teams belonging to foreign investors.\(^{36}\)

Numerous instances can be cited of the involvement of global sponsors and foreign investment in domestic sporting league across nations and sporting events for example, the Chinese

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\(^{35}\)https://partners.net/mexico-united-2026; website visited on 14 December 2021

\(^{36}\)Just five local owners in the Premier Leaguehttps://www.marca.com/en/football/premier-league/2021/10/10/6162d54b46163f17e8b45f0.html; website visited on 18 December 2021
company Vivo sponsoring the Indian cricket Premier League (IPL) or global investment and involvement in National Basketball Association (NBA) league in USA.

Global investment and involvement in sport acts as a dissuading force against the criticism of human right violations vis-à-vis the avenue of sporting events. In December 2019, Mesut Ozil, a former German footballer of Turkish descent and player in the Arsenal club in the English premier league posted messages on his Twitter and Instagram account criticizing China’s policy towards its Uighur Muslim minority population. The post prompted his club to immediately issue a statement distancing itself from the player’s post.

The reaction to the comments in the Chinese mainstream was prompt as China’s state broadcaster did not telecast the Arsenal’s very next match against Manchester City. Since China is one of the English Premier League's most lucrative overseas broadcast market, the football club was quick to distance itself from the player’s comments.

In October the same year, Daryl Morey, the General Manager of the NBA team, Houston Rockets, tweeted in favour of the Hong Kong protestors. This immediately put him at loggerheads with the NBA and its interest in the largest foreign market, China. The backlash was immediate, the tweet in question was promptly deleted, the team owner of the Houston Rockets and the NBA also distanced itself from the tweet. In addition, the Chinese Basketball Association announced it was suspending all cooperation with the Houston Rockets. It is important to note that the Rockets have a significant fan following in China, on account of Yao Ming, former Chinese basketball superstar having represented the franchise.

The tweet according to news reports cost the NBA up to 200 million dollars and the Houston Rocket close to 20 million dollars with several Chinese sponsors leaving the NBA and the franchise in droves.

In October 2020, a year after posting the tweet, Daryl Morey decided to leave the Houston Rockets organization without indicating whether his departure was influenced by his tweet in

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favour of the Hong Kong protestors.

The recent takeover of the football club Newcastle United by Saudi Arabia’s Public Investment Fund (PIF), led by MBS, the crown prince of the Saudi Kingdom only reinforced the argument about how state-controlled entities are increasingly investing in sport thereby making it increasingly difficult for domestic rights-based concerns to be raised.39

Despite the involvement of the Saudi State and the Crown Prince Muhammed bin Salman (though officially denied) in the assassination of the Saudi journalist Jamal Khashoggi on 2 October 2018 in the Saudi Consulate in Istanbul40 and the nation’s abysmal human rights record, the acquisition by PIF was still allowed to go through. The PIF in its defence sought to downplay any comparison with the actions of the Saudi State by contending that they were an autonomous commercially driven investment fund and not part of the State.

Several commentators have argued that the takeover of the club by the Saudi group was a clear attempt by the Saudi authorities to “sportswash” their human rights record with the glamour of sport.

The above instance is by no means an isolated incident of an economically powerful regime trying to sportswash their image by investing in a popular sport having a global audience.

Irrespective of the human rights concerns, most fans of the club Newcastle United were jubilant after the takeover and excited about the prospects of the fortunes of their team improving. In fact, several supporters started wore traditional Arabic clothing at matches to express their joy and solidarity in respect of the takeover. Although the new owners initially refrained the fans from wearing the clothing, the club quickly retreated and left it upon fans to wear the clothing they preferred.

Despite several sports personalities like --the “Black Power Salute” by the athletes John Carlos and Tommie Smith at the 1968 Olympics and the more recent instance where basketball stars were spotted with “I Can’t Breathe” t-shirts in solidarity with the Black Lives Matter movement -- voicing concern about a range of human rights issues do not bring real changes as global

commercial interests continue to dictate sports.

Lewis Hamilton, a seven-time Formula One world champion, widely considered to be one of the greatest drivers the sport has produced, recently prior to the F1 Grand Prix raised concerns regarding the human rights situation in the host country Saudi Arabia and admitted that he did not feel comfortable racing in the country. He also expressed the hope that the sport would apply pressure to bring about change in the region.41

The power wielded by sponsors or investors in sports is undeniably unmatched. The examples stated underline the fact that commercial interests (China being a lucrative market for major sports due to the fan following and revenue on offer from TV rights and other means and PIF offering a lucrative price for Newcastle United) often wash out voices raised against human right violations. Interventions by athletes or famous personalities though many, has failed to bring actual change. And in many cases, the retribution for raising one’s voice is prompt and often harsh.

WAY FORWARD AND CONCLUSION:

Sport in general and events such as the Olympics have had a limited positive contribution in addressing issues including the fight against apartheid in South Africa. Sport has also had a positive impact in ushering social development in society and offers immense potential in fostering reconciliation and peace building within communities.

However, there have been multiple instances where bodies such as the IOC (International Olympic Committee) have turned a blind eye to human rights abuses by the regimes in the host countries. Legitimizing the Nazi regime through the 1936 Berlin Olympics, silence regarding the massacre of student protestors before the 1968 Mexico City Games and the decision of the Olympic Committee to award the 1988 Olympic Games to South Korea despite major human rights violations by the military regime of General Chun Doo Hwan reflects badly on the Olympic Movement and is a black mark on its professed humanitarian ideals.

Commercial interests in sports have always been paramount, drowning out voices raised against human right violations. Intervention by athletes or famous personalities, as observed

across the years, has in almost all cases failed to bring any change in real terms. And in many cases, the sportspersons themselves have faced financial and other political repercussions, for raising their voices.

Though sporting events are an important platform to raise a varied range of human right concerns and to facilitate interaction between domestic and international organization advocating such causes, there seems to be negligible evidence to suggest that the concerns raised during such events has brought about any real change at the ground level.

The fact is that commercial considerations including global sponsorships and lucrative television rights are of paramount interest, hence making it next to impossible for international sporting bodies like the IOC and FIFA to use sporting events to leverage human right issues. What in effect these international sporting bodies do is just pay lip service to the cause of human rights.

The question as to whether international sports bodies are serious in dealing with human rights concerns depends on whether there is an objective evaluation of the human rights plan which now forms part of the bidding process and whether a poor record will be a ground for rejection of a bid. The decision to award a bid to any nation should take into serious consideration concerns raised by human rights organizations and publicly available information.

The world community should come together and speak in one voice that human rights ought to be of paramount importance in the selection of the host nation, irrespective of the power and influence wielded by the nation concerned. The decision to choose any venue should not be solely influenced by global commercial considerations.