



# Neutrality of the Olympic Movement against recent developments in sport and geopolitics – need of reconceptualisation

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## Abstract

The Olympic Movement's response to the Russian invasion of Ukraine underlines an existing dilemma on political neutrality and how the governance of sport has struggled to come to terms with the principle of political neutrality. The status of Russian and Belarussian athletes and teams in international sports is an ongoing disputative matter for the governance of sport. This paper aims to contribute to conceptual clarity concerning the principle of political neutrality and to spell out a specific application of political neutrality to the Olympic Movement in recognition of its commitment to human rights and promotion of peace. Accordingly, it observes neutrality in the practice of the Olympic Movement and challenges the applicability of the principle of neutrality in the social realm around politics and capitalism. The findings highlight the discrepancy between the Olympic Movement's policies on political neutrality and its governance that eventually erode the autonomy of sport. The paper concludes by arguing for the need of reconceptualisation of the neutrality principle in (Olympic) sport. To address future global challenges that violate fundamental principles of international law, the paper proposes the incorporation of transparent procedures and limitations.

**Keywords** Political neutrality of sport · The Russian invasion of Ukraine · Governance evolution · Human rights · Peace · Autonomy of sport

## 1 Introduction

The Russia-Ukraine war has led to geopolitical shifts in the international order, including the sporting one. The Russian invasion of Ukraine, aided by Belarus, was swiftly followed by condemnation from the International Olympic Committee's ("IOC") and Sport Governing Bodies ("SGBs"), leading in many cases to the exclusion of Russian and Belarussian athletes and teams from international sporting competitions. Since the early phases of the Russian invasion of Ukraine, the response of the Olympic Movement 'shook sports' foundation',<sup>1</sup> was seen as 'unprecedented'<sup>2</sup> and

announced by scholars as 'the end of sport's neutrality'.<sup>3</sup> Some contributors aimed to reconcile the principle of political neutrality with the Olympic movement's reaction to the Russian invasion,<sup>4</sup> while others to no longer justify the Olympic Movement's lack of commitment to human rights by virtue of neutrality.<sup>5</sup>

On December 2023, IOC's Executive Board has determined that Individual Neutral Athletes holding Russian or Belarussian passports, who qualify through existing International Federations' systems, will be eligible to compete at the Paris 2024 Olympic Games under stringent conditions outlined by the IOC.<sup>6</sup> Having the Olympic horizons opened, Russian athletes have been warned by the president

<sup>1</sup> Lindholm 2022, p. 1.

<sup>2</sup> Heerdts and Battaglia 2022.

<sup>3</sup> Katsatova 2022, p.1.

<sup>4</sup> Duval 2023.

<sup>5</sup> Wiater 2023a.

<sup>6</sup> IOC 2023 'Strict eligibility conditions in place as IOC EB approves Individual Neutral Athletes (AINs) for the Olympic Games Paris 2024', 8 Dec 2023. Available at: <https://olympics.com/ioc/news/strict-eligibility-conditions-in-place-as-ioc-eb-approves-individual-neutral-athletes-ains-for-the-olympic-games-paris-2024>. (last accessed 25/12/2023).

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of Russian Olympic Committee that ‘the neutralization procedure is a moral choice for each individual’.<sup>7</sup>

Due to the absence of explicit explanations from the Olympic Movement on how the Olympic Charter fits for purpose, scholars and observers were left to find justifications for the IOC and SGBs’ discourses concerning Russian and Belarussian athletes and teams in international competitions. A further complicating factor in these efforts is that the Olympic Movement has never provided a solid definition of its understanding of political neutrality since the neutrality stance emerged in the 1940s. The recent geopolitical developments and the responses by SGBs, moreover, seem to call for a reconceptualisation of the neutrality notion within the Olympic Movement. This seems even more valid against the background of an increasing politicisation of sport and controversial discussions about the timeliness of the autonomy of SGBs.<sup>8,9</sup>

The main research problem studied in this article is the inconsistency between the theory and practice in the applicability of the fundamental principle of political neutrality in the governance of the Olympic Movement.

The focus lies on the intersection of international law and sport governance in the context of the given international conflict. To acknowledge philosophical, legal, historical and political dimensions and balance the voices of various stakeholders in and around sport, this article takes a governance approach to understanding the principle of political neutrality in the context of the Olympic Movement. A governance review is an approach to policy research which is the practice of evaluating the effects of a particular policy already in place.<sup>10</sup> In this sense, employing knowledge to generate the political use in policy research “can mean the rationalisation of predetermined policy choices or symbolic tactical gestures, as well as other political applications”.<sup>11</sup>

The major objective of this article is to present a theoretical reflection on neutrality and to contribute to further conceptual clarity in the debate. We aim to establish a theoretical basis for sports-political recommendations on how to protect the integrity of the sporting order while preserving the autonomy of the Olympic Movement. Our argument is developed via the following steps: First, we provide a theoretical reflection on neutrality from a normative perspective. The analytical focus lies on what the principle of political neutrality ought to be and how such a principle ought to be

acted upon when applied to the Olympic Movement. This part will carve out the groundwork for the ethical foundation of the neutrality stance. From a descriptive perspective, the study maps the embedding of the principle of political neutrality into the Olympic Movement through a historical analysis. Neutrality in practice is assessed through analyses of wars and conflicts worldwide and (in)actions of the Olympic Movement on it. The research problem is examined through the emphasis on the current geopolitical landscape and the role of intergovernmental organisations in the regulation of sport. Thereby, the challenges related to applying the principle of political neutrality become concrete.

We proceed with a reflection on the distinction between ‘apolitical’ and ‘politically neutral’ in the governance of the Olympic Movement. We then move the discussion to the Olympic Movement’s longstanding peaceful mission and its emerging commitment to respect human rights, whilst maintaining the principle of political neutrality. Finally, we review the relationship between political neutrality and the autonomy of sport in the governance of the IOC and SGBs.

## 2 A normative understanding of neutrality

The terms ‘neutrality’ and ‘neutral’ occur in different contexts and have adopted various meanings. According to the Oxford English Dictionary, neutrality implies “taking neither side in a controversy, dispute, war”.<sup>12</sup> Such broad meanings raise questions that need to be answered in the specific context in which the term is used. Montefiore<sup>13</sup>, in the introduction to *Neutrality and Impartiality*, points out that the neutrality of a referee in a football match, the impartiality of a judge, and the neutrality of the nation not participating in war are distinct and cannot be equated. Neutrality is context-specific, whereas the independent definitions of neutrality are not sufficiently precise to be standalone for all the contexts in which neutrality emerges.

The principle of political neutrality is a ‘universal fundamental ethical principle’ of the Olympic Movement enshrined in the IOC’s Code of Ethics.<sup>14</sup> Furthermore, the Olympic Charter states Political neutrality as the fifth ‘Fundamental Principle of Olympism’.<sup>15</sup> Beyond and within the

<sup>7</sup> Pozdnykov 2023 ‘In 2023 Russian athletes stopped caring whether to return to world sport or not’, 31 Dec 2023. Available at: <https://www.sports.ru/tribuna/blogs/dalniyles/3212590.html>. (last accessed 25/12/2023).

<sup>8</sup> Chadwick et al. 2023.

<sup>9</sup> Meier and García 2021.

<sup>10</sup> Houlihan et al. 2009.

<sup>11</sup> Newman 2017, p.213.

<sup>12</sup> Oxford English Dictionary (2023) ‘Neutrality’ at: <https://www.oed.com/view/Entry/126461?redirectedFrom=neutrality#eid>. (last accessed 25/12/2023).

<sup>13</sup> Montefiore 1980.

<sup>14</sup> IOC (2023) Code of Ethics, p. 15, available at: [https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf#\\_ga=2.265936460.211904051.1680439728-1833448331.1679836713](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf#_ga=2.265936460.211904051.1680439728-1833448331.1679836713) (last accessed 25/12/2023).

<sup>15</sup> IOC (2023) Olympic Charter, p.8, available at: <https://olympics.com/ioc/olympic-charter>. (last accessed 25/12/2023).

Olympic Movement, the IOC principle of political neutrality is the subject of strong criticism.<sup>16,17,18</sup> On the one hand, the neutrality of the Olympic Movement is explicitly mentioned. On the other hand, neither the Code of Ethics nor the Olympic Charter contain a clear-cut definition of “the neutrality of sport”. It, therefore, does not provide the Olympic Movement with certainty over its neutrality position. Sometimes presented as a myth and increasingly denounced as a source of convenient complacency, the IOC’s principle of political neutrality has a “substantial lack of clarity and concrete details on a workable ‘neutrality’ model”.<sup>19</sup>

Since 1949, every new edition of the Olympic Charter codifies political neutrality as a fundamental principle of Olympism that became an ingrained and cherished principle of the Olympic Movement:

*“The Olympic Games are held every four years and assemble amateurs of all nations in fair and equal competition under conditions which are to be as perfect as possible. No discrimination is allowed against any country or person on grounds of colour, religion or politics”.*<sup>20</sup>

The rationale to enshrine the attitude of neutrality in the IOC’s texts was to end the selective invitations to the Olympic Games. The amendment was preceded by the refusal to invite Germany, Austria, Hungary, Bulgaria and Turkey to the Antwerp Games in 1920. Moreover, Germany was denied to participate again in the Paris and Chamonix Olympics in 1924. Germany and Japan were not invited to the London and Saint-Moritz Games in 1948.<sup>21</sup> Remarkably, to this day, the Olympic Movement has never formulated a clear definition or justification for the neutrality of sport.

Parry argues that in order to provoke genuine arguments within SGBs, the use of language and clarity of expression are an asset to a central philosophical virtue.<sup>22</sup> Definitions matter as they should specify the purpose the principle of political neutrality is intended to serve in the context of sport. Merrill and Weinstock define neutrality as a concept that has three dimensions: (1) justifications, (2) goals and

(3) consequences.<sup>23</sup> Applying the given dimensions of neutrality to the governance of the IOC can help to conceptualise the applicability of neutrality in the practice of the supreme authority of the worldwide Olympic Movement.

(1) The IOC’s justification for imposing neutrality would be to act in the best interests of the sport as a whole rather than any athlete or group within it. It goes in line with the general principle of justificatory neutrality that “no exercise of political power can be legitimately justified solely by the reason that one way of life is intrinsically superior to all others”.<sup>24</sup> The principle of the universality of sport aims to justify the principle of political neutrality through the unity and solidarity of the Olympic Movement. Reflecting on what is needed to achieve the universality of sport, the President of the IOC said:

*“First of all, we need unity. The same rules must apply to everyone without any discrimination. If we don’t have the same rules applied to everyone, to every National Olympic Committee, to every athlete, to any sports organisation, then there is no universality anymore. So, this unity, again in all our diversity, is key to achieving our mission to achieve universality. In order to accomplish our mission of universality and in order to keep this unity, we can only achieve it if we are politically neutral in everything we do and in everything we say. Another means to achieve this universality, besides this unity and this political neutrality, is solidarity”.*<sup>25</sup>

(2) The goal of neutrality for the IOC would be to give all athletes and teams an equal opportunity to succeed and govern sport by making decisions based on objective criteria. The rules of sport can only be fair if they apply to everybody. (3) In applying neutrality consistently, the consequence of neutrality would serve to maintain the integrity of the sporting competition and preserve the autonomy of sport. In other words, imposing neutrality fosters a mutual quest for athletic excellence determined by skill and mettle rather than by political convictions.<sup>26</sup>

Applying this understanding to the Olympic Movement’s response to the Russian invasion of Ukraine, it is difficult to square with the political neutrality of sport as a fundamental principle of Olympism. The main philosophical question

<sup>16</sup> Goretti 2022.

<sup>17</sup> Meeuwssen and Kreft 2022.

<sup>18</sup> Næss 2022.

<sup>19</sup> GOV UK (2023) Statement on Russia’s war on Ukraine and international sport from 21 February 2023 at <https://www.gov.uk/government/publications/statement-on-russias-war-on-ukraine-and-international-sport/statement-on-russias-war-on-ukraine-and-international-sport> (last accessed 25/12/2023).

<sup>20</sup> IOC (1949) Olympic Rules, p.5, available at: [https://stillmed.olympic.org/Documents/Olympic%20Charter/Olympic\\_Charter\\_through\\_time/1949-Olympic\\_Charter.pdf](https://stillmed.olympic.org/Documents/Olympic%20Charter/Olympic_Charter_through_time/1949-Olympic_Charter.pdf) (last accessed 25/12/2023).

<sup>21</sup> Guttman 2002.

<sup>22</sup> Parry 2022, p.1.

<sup>23</sup> Merrill and Weinstock 2014.

<sup>24</sup> Merrill and Weinstock 2014, p.1.

<sup>25</sup> IOC 2019 ‘ANOC General Assembly. Speech of Thomas Bach, pp.4–6’, available at: <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/2019/10/2019-10-17-PRESIDENT-BACH-SPEECH-ANOC-GENERAL-ASSEMBLY-DOHA-2019-English.pdf> (last accessed 25/12/2023).

<sup>26</sup> Simon 2015.

for the governance of international sport against the Russian invasion of Ukraine is whether sporting competitions ought to be a universal mutual quest for athletic excellence to reveal the strongest athlete within the bound of fair play. Or ought it to be a selective quest for athletic excellence limited to the athletes whose states have the strongest ethical conduct? Any line of objection that wants to claim that both ways have grounds for moral concern is plausible.

One might argue that the goals of the neutral party cannot justify actions whose consequences favour (unintentionally) one party of the conflict over another. However, there might be other reasons why these actions can be justified. It is possible for a neutral party to follow a set of rules or principles that the neutral party abides by and dictates their actions. These rules might apply solely to the neutral party or might also apply to the conflict as a whole. In this case, the consequence of the neutral party's actions that favour (unintentionally) one of the adversaries in the conflict is not breaching the neutrality status of its party.<sup>27</sup> Thus, it appears essential to distinguish between the neutrality of actions and the neutrality of consequences since neutral actions can lead to non-neutral consequences.

An example of how a neutral party can maintain its neutrality despite their actions having a consequence that (unintentionally) favour one party can be seen in a football referee penalising a team, leading to their defeat. The referee's job is to enforce the rules of the game and ensure that both teams follow them. The referee does not cease to be neutral if his/her actions advantage (unintentionally) one team over another. By the same token, the judge ruling in favour of one of the parties does not compromise its neutrality by abiding by the rules. In both cases, the neutral party is bound by a set of rules or moral order that the party acknowledge as authoritative. The two examples described show that the neutral party cannot become part of the conflict on the same terms as the adversaries. Unlike the nation that decided to remain neutral in a war between other nations, a referee or judge may not execute their duties appropriately but can never enter the conflict. If the neutrality of the rules or principles helps to manage a few certainties and can be considered descriptive, the 'game' of war is known to be difficult to regulate.

Scholars like Dworkin,<sup>28</sup> Raz<sup>29</sup> and Rawls<sup>30</sup> argued that the state should remain neutral on moral and ethical issues because it is not the responsibility of the state to take action to promote particular 'Conceptions of the Good'. Rawls, in his *A Theory of Justice*, acknowledged that complete

neutrality might not be possible in practice where certain circumstances may require taking a stance on moral and ethical issues. Throughout its history, the Olympic Movement has been presented as a vehicle for universal values that are higher than those represented by states.<sup>31</sup> Covrig argues that self-professed as autonomous, SGBs must demonstrate 'moral administration', that is, "the practice of effective ethical decision making and leadership which responds to, preserves and clarifies the organisation's core values".<sup>32</sup> Thereby, neutrality can be used as a moral compass.

According to international law, the neutral party has the right of integrity.<sup>33</sup> The virtue of neutrality can help to secure the right to protect the integrity of competition and preserve the autonomy of the Olympic Movement from state interference. In order to effectively perform the outlined functions of neutrality, it is essential to spell out its key features and agree on a set of definitions. The Olympic Movement's attachment to its neutrality without explaining it adequately has led to defensive regulation undermining the delivery of key integrity imperatives. Without clarity of the expression, neutrality can be manipulated to serve one's personal and commercial returns. Instead of a common good, neutrality can support self-interest. It is crucial for the IOC, acting as a neutral entity, to abide by a set of rules or principles regarding neutrality, recognised as authoritative, which would dictate its governance.

An exploration of the theoretical definition of the principle of neutrality within the Olympic Movement involves cases brought by the Court of Arbitration for Sport ("CAS"). On the occasion of several international judo competitions, including the 2019 World Championships in Japan, the Iranian judo federation, together with members of the Iranian National Olympic Committee and the Ministry of Sports of the Islamic Republic of Iran, ordered one of its athletes to lose some of his fights in order to face a judoka of Israeli nationality later. As a result, the International Judo Federation decided to suspend the Iranian Federation indefinitely. CAS confirmed the principle of political neutrality justifying a sanction. According to the award:

*"the principle of political neutrality, in the view of the Panel, requires that no political interference whatsoever is exercised on the activities of a sporting organisation. Indeed, athletes must be free to exercise their sport without any political interference. In the view of the Panel, the non-recognition of Israel by the Islamic Republic of Iran is obviously a political issue. As such, the instructions given by the Islamic*

<sup>27</sup> Sofianopoulos 1995, p.13.

<sup>28</sup> Dworkin 1985.

<sup>29</sup> Raz 1988.

<sup>30</sup> Rawls 1989.

<sup>31</sup> Allison & Tomlinson 2017, p.244.

<sup>32</sup> Covrig 2000, p.57.

<sup>33</sup> Subedi 1993.

*Republic of Iran Judo Federation to the Athlete not to compete against an Israeli athlete undoubtedly represents a political influence in the sporting activities and therefore a clear violation of the principle of political neutrality”.*<sup>34</sup>

The panel further considered that these instructions constituted discrimination on the basis of nationality or religion, also prohibited under the IJF Statutes and the Fundamental Principles of Olympism as provided under the Olympic Charter. In distinguishing the violation of the principle of political neutrality from the principle of non-discrimination, the CAS recalls that the principle of non-discrimination is essentially a corollary principle of the principle of political neutrality.

The neutrality debate requires reinserting neutrality in a particular context. Before one enters a discussion on the issue of political neutrality of the Olympic Movement, a context-specific understanding of neutrality is needed. Firstly, having the basic duties of neutrality prohibits taking action or stance in a dispute, conflict, or political matter. In upholding its duty of political neutrality, the IOC shall refrain from taking sides or involving itself in political, governmental, and religious controversies. Secondly, a neutral actor shall not take a side between the different ‘Conceptions of the good’ despite the potential consequences of doing so.<sup>35</sup> Therefore, the Olympic Movement shall be governed in the best interests of the sport as a whole despite the potential political consequences of favouring any individual or group within it. Finally, by imposing consistent application of political neutrality of neutrality, the Olympic Movement preserves the autonomy and protects the integrity of the competition.

The theoretical reflection on a normative understanding of neutrality leaves considerable scope for different interpretations by academics as well as practitioners. To underpin the relevance of past events for the current situation, the next section will look back at the Olympic Movement’s neutrality in practice through analyses of wars and conflicts worldwide and its (in)actions regarding them.

### 3 Neutrality in practice

Throughout the history of sport, there have been numerous instances where the Olympic Movement was dragged into political matters. A comparison of wars and conflicts has to

be done cautiously as they are all different in their political nature. One can be accused of ‘whataboutism’, which is a practice whereby a critical question or specific case is not answered or discussed but instead redirected to with a counter-question or counter-accusation.<sup>36</sup> Still, learning from the past is essential in order to both understand the present and construct the future.

The 1936 Berlin Olympics as a world stage for Nazi propaganda is an emblematic example of the difference between the neutrality of actions and the neutrality of consequences since neutral actions can lead to non-neutral consequences. Although the Berlin Games was meant to be neutral, Adolf Hitler exploited it as a platform to showcase ‘Aryan superiority’ and promote Nazi propaganda. Athletes were expected to avoid criticism towards the Nazi regime and its racist and terrorist treatment of non-Nazi and non-Arian subjects.<sup>37</sup> The neutrality of the 1936 Games was heavily politicised by the host country, which aimed to rebrand the country as a superpower.

The next precedent of banning nations for non-sporting reasons only occurred at the time of the apartheid regime. South Africa was not invited to the Olympic Games from 1964 to 1988, and its NOC was excluded from the IOC from 1970 to 1991 because of its Apartheid policy.<sup>38</sup> Avery Brundage, American IOC president between 1952 and 1972, rejected calls for South Africa’s expulsion from the IOC on the grounds that apartheid was a political issue outside of the Olympic Movement’s purview.<sup>39</sup> His request to SGBs and athletes was to refrain from making political demands. Terry assumes that “there is moral equality between the oppressor and victim”<sup>40</sup>, and therefore, the ban stands in contradiction with human dignity.

The comparison of the Russian invasion of Ukraine and the Apartheid regime in South Africa can be found relevant because, in both cases, the measures taken can be claimed to be the violation of a fundamental principle of Olympism: the principle of racial non-discrimination. Back then, the reaction of the IOC was not as swift as these days. Apartheid System emerged in South Africa in 1948 and it took the IOC 16 years to suspend South Africa from the Olympic Games. Nonetheless, the measures against South Africa were more severe than those against Russia. The exclusion of South Africa from the Olympic Games was forced by UN Security Council sanctions following Resolution 418.<sup>41</sup> In the South

<sup>34</sup> CAS 2021 ‘CAS 2019/A/6500 Islamic Republic of Iran Judo Federation v. International Judo Federation, para.105’. Available at: [https://www.tas-cas.org/fileadmin/user\\_upload/CAS\\_award\\_6500\\_6580.pdf](https://www.tas-cas.org/fileadmin/user_upload/CAS_award_6500_6580.pdf) (last accessed 25/12/2023).

<sup>35</sup> Rawls 1989.

<sup>36</sup> [Bowell 2023](#).

<sup>37</sup> [Potts 2006](#).

<sup>38</sup> [Nygård and Gates 2013](#), p.236.

<sup>39</sup> [Sperber 2020](#), p.280.

<sup>40</sup> [Terry 2002](#), p.44.

<sup>41</sup> UNSCR 1977 ‘Security Council Resolution 418’, 4 November 1977. Available at: <http://unscr.com/en/resolutions/418> (last accessed 25/12/2023).

African case, sanctioning athletes is considered lawful since it is an obligation imposed by the UN Security Council. In the Russian case, while the UN General Assembly deplored aggression, the issue of sport was left out of international law. There are no UN sanctions in place against Russia or Belarus due to obvious reasons in terms of the veto of Russia.

Another precedent where the UN Security Council imposed a so-called sport embargo was Resolution 757 on former Yugoslavia.<sup>42</sup> The requirement for athletes from ex-Yugoslavia to compete at the 1992 Barcelona Games as “Independent Olympic Participants” under the Olympic flag only in the individual competition was a compromise negotiated by the IOC to ensure compatibility with the UN Security Council sanctions. This is the closest previous instance to the Russia-Ukraine war both in terms of its factual context and of the consequences faced by the athletes and the state.

However, the effectiveness of sanctions is the subject of debate with a focus on what can be achieved by sanctioning individual athletes. Tostensen and Bull state that the concept of smart sanctions is meant to target the impact on segments of society believed responsible for unacceptable behavior.<sup>43</sup> Are individual athletes among them? It should be ensured that the consequences are grave for the state that violates fundamental principles of international law, not the international sporting competition. For example, even being under UN sanctions, the Yugoslav regime remained in power for another eight years. It has been argued that the effectiveness of the sanction cannot be measured without a clear objective.<sup>44</sup> Arguably, the effectiveness of sanctions is weighted differently in the context of sport.

Going back in time to the boycott of the 1980 Moscow Olympic Games, Jimmy Carter, president of the USA from 1977 to 1981, wanted the Olympic Games cancelled or postponed unless the Soviets withdrew their troops from Afghanistan. However, the IOC declined to do so. The IOC gets its power from holding the games. The geopolitical pressure is not getting them to vote themselves out by not holding the games. Then, the US President tried to shift the games, which would be a major political decision of the IOC. In the end, the US and 65 other countries boycotted the Moscow Games, and another 15 countries took part but competed under the Olympic flag.<sup>45</sup> It was believed 43 years ago that the boycott would pressure the Soviets to withdraw troops from Afghanistan. However, it did not change much

in terms of Soviet behaviour, and the Soviet Union continued for another nine years.

According to the Olympic Charter, “each NOC is obliged to participate in the Games of the Olympiad by sending athletes”.<sup>46</sup> Thus, under this condition, by refusing to participate for political reasons in an edition of the Olympic Games, possibly under pressure from their state, each NOC would expose themselves to a sanction by the IOC. Notably, such sanctions have never been exposed, including the cold war era of boycotts that happened in the 1980 and 1984 Olympics in Moscow and Los Angeles. However, legal aspects of sporting boycotts were reflected in the Olympic Charter only in 1999. It can be argued that the recommendation of the IOC not to allow the participation of Russian and Belarussian athletes in international competitions after the invasion of Ukraine was partly to avoid sanctioning members of the Olympic Movement. For example, exposing sanctions on NOCs that would boycott the Games or athletes who would refuse to compete against Russian or Belarussian athletes or teams both on their own initiative or under pressure from their governments.

The current President of the IOC, Thomas Bach, was also an Olympian during the cold war era of boycotts. He won a gold medal in the 1976 Montreal Olympics but could not defend it because Germany boycotted the 1980 Moscow Olympic Games. Reflecting back, Bach recalled that “we (athletes) had very little say. Our voices were not heard neither by the politicians nor by our sports leaders. This was a very humiliating experience”. The current IOC President’s own experience reinforced his belief that the IOC should be “strictly politically neutral at all times. Neither awarding the Games, nor participating, are a political judgment regarding the host country”.<sup>47</sup>

There are many issues that the Olympic Movement encountered in the history of the 21st century and in which it has resorted to the principle of political neutrality. One such instance was in 2003 when the US led a coalition to invade Iraq. The reasons given by US President George W. Bush and UK Prime Minister Tony Blair were “to disarm Iraq of weapons of mass destruction, to end Saddam Hussein’s support for terrorism, and to free the Iraqi people”.<sup>48</sup> However, the UN inspection team declared that they found

<sup>42</sup> UNSCR 1992 ‘Security Council Resolution 757’, 30 May 1992. Available at: <http://unscr.com/en/resolutions/757> (last accessed 25/12/2023).

<sup>43</sup> Tostensen and Bull 2002, p.380.

<sup>44</sup> Biersteker et al. 2016.

<sup>45</sup> Kramareva and Grix 2018, p.1419.

<sup>46</sup> IOC (2023) Olympic Charter, p.61, available at: <https://olympics.com/ioc/olympic-charter>. (last accessed 25/12/2023).

<sup>47</sup> Bach 2020 ‘The Olympics are about diversity and unity, not politics and profit. Boycotts don’t work’, 24 October 2020. Available at: <https://www.theguardian.com/sport/2020/oct/24/the-olympics-are-about-diversity-and-unity-not-politics-and-profit-boycotts-dont-work-thomas-bach> (last accessed 25/12/2023).

<sup>48</sup> The White House 2003 ‘President Discusses Beginning of Operation Iraqi Freedom’, 22 March 2003. Available at: <https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030322.html> (last accessed 25/12/2023).

no evidence of the presence of weapons of mass destruction just before the beginning of the invasion.<sup>49</sup> There are parallels between the US invasion of Iraq and the Russian invasion of Ukraine. The Russian government involved claims related to nuclear weaponry and the objective of ‘de-nazifying’ Ukraine.<sup>50</sup> The IOC did not depart from the principle of political neutrality to condemn the illegal invasion carried out by the US and the UK in Iraq in 2003. Both the US and the UK took part in the 2004 Athens Olympics. There is a moral inconsistency in the IOC’s decision-making process. This makes us question to what extent IOC must be consistent in the use of its sanctioning power to punish nations for political purposes.

The main governing body of football, the Fédération Internationale de Football Association (“FIFA”), has decided to maintain the *status quo* in the current Israeli-Palestinian conflict despite its impact on sport. In 1998, the FIFA Congress recognised Palestine and voted to admit the Palestinian Football Association as a member of FIFA. Ever since, there has been constant conflict between the Palestinian Football Association and the Israel Football Association, with the Palestinian association accusing the Israeli association of restricting the movement of players and teams to and from the Palestinian territories, discriminating on racial grounds and also playing in the occupied Palestinian territory. In 2015, the Palestinian Football Association asked FIFA to suspend the Israeli association. To reduce tensions and find a solution to the conflict, FIFA established a Monitoring Committee. After a period of two years, FIFA agreed not to impose any sanctions or other measures on the Israel Football Association: «*The FIFA Council agrees that FIFA, in line with the general principle established in its Statutes, must remain neutral with regard to political matters*».<sup>51</sup> FIFA justified its lack of commitment to human rights by virtue of political neutrality while the bloody violence persists in the Israeli-Palestinian conflict, reaching an unprecedented level in October 2023. However, FIFA has shown a different approach to the Russian invasion of Ukraine by taking measures to ban the aggressor country from its events. The governance of football resisted the security

<sup>49</sup> United Nations 2003 ‘Security Council briefed by chief UN weapons experts on first 60 days of inspections in Iraq’, 27 January 2003. Available at: <https://www.ohchr.org/en/press-releases/2009/10/security-council-briefed-chief-un-weapons-experts-first-60-days-inspections> (last accessed 25/12/2023).

<sup>50</sup> The Washington Post 2022 ‘Putin says he will ‘denazify’ Ukraine’, 24 February 2022. Available at: <https://www.washingtonpost.com/world/2022/02/24/putin-denazify-ukraine/> (last accessed 25/12/2023).

<sup>51</sup> FIFA 2017 ‘FIFA Council statement on the final report by the FIFA Monitoring Committee Israel-Palestine’, 27 October 2017. Available at: <https://www.fifa.com/about-fifa/organisation/fifa-council/media-releases/fifa-council-statement-on-the-final-report-by-the-fifa-monitoring-comm-2917741> (last accessed 25/12/2023).

risks and public outrage in the Israeli-Palestinian conflict while showing a different approach to the Russian invasion of Ukraine. One might argue that other wars and conflicts have not been as ‘unpopular’ in the West and have not triggered enough backlash for respective SGB to react. Whilst the Russian invasion of Ukraine has threatened the Olympic Movement commercially by triggering a lot of threats of boycotts and universal condemnation.

The IOC recommended that the relevant SGBs allow Russian and Belarussian athletes to compete in the Paris 2024 Olympic Games as neutrals without a flag or anthem, but they must prove that they have not fought in or supported the war in Ukraine.<sup>52</sup> Lobby groups, supporting Gaza specifically and Palestine generally, have asked why the same regulations are not applied to athletes from Israel as the bombardment in Gaza continues, which the International Court of Justice (“ICJ”) has deemed ‘plausible genocide’.<sup>53,54</sup> The ICJ, the principal judicial organ of the United Nations, issued similar provisional measures calling on Russia to desist from acts that violate the Genocide Convention.<sup>55</sup> If Russian and Belarussian athletes are to compete in the Paris 2024 Olympics, they must prove that they haven’t been part of the military. In contrast, all Israeli athletes are conscripted into the army.<sup>56</sup> The IOC has avoided imposing any sanctions in the conflict between Israel and Hamas due to the difference between the situations.<sup>57</sup> The IOC’s spokesman outlined that the supreme governing body of the Olympic Movement would not discriminate against Israeli athletes, reaffirming that “the IOC is committed to individual responsibility, and athletes cannot be

<sup>52</sup> IOC 2023 ‘Strict eligibility conditions in place as IOC EB approves Individual Neutral Athletes (AINs) for the Olympic Games Paris 2024’, 8 Dec 2023. Available at: <https://olympics.com/ioc/news/strict-eligibility-conditions-in-place-as-ioc-eb-approves-individual-neutral-athletes-ains-for-the-olympic-games-paris-2024>. (last accessed 25/12/2023).

<sup>53</sup> DW 2024 ‘Demands for Israel sports ban grow louder’, 16 February 2024. Available at: <https://www.dw.com/en/demands-for-israel-sports-ban-grow-louder/a-68273169> (last accessed 13/07/2024).

<sup>54</sup> ICJ 2024 ‘Application of the Convention on the Prevention and Punishment of the Crime Genocide in the Gaza Strip’, 26 January 2024. Available at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>. (last accessed 16/07/2024).

<sup>55</sup> ICJ 2022 ‘Allegations of genocide under the convention on the prevention and punishment of the crime of genocide (Ukraine v. Russian Federation)’, 12 March 2022. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf> (last accessed 25/12/2023).

<sup>56</sup> Elran & Sheffer 2016.

<sup>57</sup> Inside the games 2024 ‘IOC won’t sanction Israel before Paris Olympics’, 9 March 2024. Available at: <https://www.insidethegames.biz/articles/1144142/ioc-wont-sanction-israel-before-paris> (last accessed 15/07/2024).

held responsible for the actions of their governments”.<sup>58</sup> The implicit silences and imposed inconsistencies in the applicability of the principle of political neutrality become too thunderous not to reconceptualise it. The discrepancy in handling international conflicts urges a need for an objective framework for crimes against genocide to be in place, clarifying the circumstances under which the IOC imposes the sporting ban against the NOC of the state that violates international law. The governance of sport has been incapable of acting objectively and consistently.

The concept of principle at its core shares a fundamental requirement of “stability, which assumes its constancy”.<sup>59</sup> The applicability of the principle of political neutrality can be successful if the policies of neutrality are systematically pursued in a consistent way. Inconsistent application and enforcement of the fundamental principles of Olympism puts under scrutiny the international reach and undermines the credibility of SGBs’ authority because sport “*is a global phenomenon which demands globally uniform standards. Only if the same terms and conditions apply to everyone who participates in organised sport, are the integrity and equal opportunity of sporting competition guarantee*”.<sup>60</sup> The Olympic Movement should generally abide by their terms and insure the consistency in decision-making. On the occasion of the Russian invasion of Ukraine, the IOC seemingly decided to abandon once and for all the principle of political neutrality. After the IOC broke its silence, Lindholm compared the situation with a famous variation of Pandora’s Box and posed the SGB’s future as: “one thing that is clear is that the genie cannot be put back into the bottle”.<sup>61</sup> Neutrality that held the uncertainty of politics seemed to disappear with certainty. However, in the case of the ongoing armed conflict between Israel and Palestine, the IOC’s renouncement of the principle of political neutrality was cut short, and genie found its way back. The principle of political neutrality remains. Yet its tenet changes in the quest for the demanded balance between the integrity and equal opportunity of sporting competition and ‘amoral universalism’. The latter refers to the idea that all the states “must take part in the Games, no matter how repressive or inhumane their governments may be”.<sup>62</sup>

Sadly, around 70 armed conflicts and wars are currently happening in lots of areas around the world with unique political dynamics and complexities.<sup>63</sup> For example, there is little talk about the Armenia-Azerbaijan conflict. Baku replaced Moscow as the 2023 European Rhythmic Gymnastics Championships host. It led to a precedent where Armenian gymnasts could not take part in the continental Championship due to the prohibition of the entry of the citizens of Armenia to Azerbaijan.<sup>64</sup> As far as we know, no steps have been taken by the IOC or corresponding SGBs to ensure participation in the international competition without any obstacle posed by international borders.

The underlying assumption within the neutrality debate is that neutrality is independent of acceptability. The non-applicability of neutrality, in its traditional meaning, is widely argued.<sup>65,66</sup> There has been a public outrage, predominantly in Western democratic societies, about the unacceptability of absolute neutrality within the Olympic Movement. The fundamental paradox observed in the Olympic Movement’s response to the Russian invasion of Ukraine points to an intensification of the degree to which the governance of sport has been Western-centric. Furthermore, the resolution of such a paradox could be achieved through the acknowledgement by sport governance that the public’s widespread indignation undermines the tenets of political neutrality. The IOC President, Thomas Bach, said that “the far-reaching political, social and economic consequences of the war make it a turning point in world history”.<sup>67</sup> Following the general line of thought, if not outright abandonment of the principle of political neutrality, it would be an exceptional reaction to a practically exceptional situation.

While one should exercise prudence when drawing comparisons between different wars and conflicts, analyses of the SGBs (in)actions based on historical events show inconstancy in how the governance of the Olympic Movement has (in)acted in some similar situations. Observation of situations that the Olympic Movement encountered in its history and resorted to the principle of political neutrality points to the fact that one war is being isolated when there are and have been so many others that the Olympic

<sup>58</sup> Inside the games 2023 ‘IOC defends the participation of Israeli athletes in Paris 2024’, 6 November 2023. Available at: <https://www.insidethegames.biz/articles/1142358/ioc-defe#:~:text=The%20spokesman%20added%3A%20%22The%20IOC,the%20Tokyo%202020%20Olympic%20Games.%22> (last accessed 13/07/2024).

<sup>59</sup> Aleshkova 2021, p.1590.

<sup>60</sup> CAS 2007 ‘CAS 2006/A/1180 Galatasaray SK v Ribery et al., para 12’. Available at: <https://jurisprudence.tas-cas.org/Shared%20Documents/1180.pdf> (last accessed 15/07/2024).

<sup>61</sup> Lindholm 2022, p. 4.

<sup>62</sup> Hoberman 2011, p.21.

<sup>63</sup> Crisis Watch Database 2023 ‘Tracking Conflict Worldwide’. Available at: <https://www.crisisgroup.org/crisiswatch/database> (last accessed 25/12/2023).

<sup>64</sup> Saralidze 2022 ‘Armenia will have problems with international forums’. Available at: <https://vestikavkaza.ru/news/gia-saralidze-u-armenii-budut-problemy-s-mezdunarodnymi-forumami.html> (last accessed 25/12/2023).

<sup>65</sup> Meeuwssen and Kreft 2022.

<sup>66</sup> Næss 2022.

<sup>67</sup> IOC 2022 ‘Continuation of the 139th IOC Session, p.3’, 20 May 2022. Available at: <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/Sessions/139th-Session/IOC-Session-May-2022-speech.pdf> (last accessed 25/12/2023).

Movement has not politically targeted. This suggests that the IOC applies different standards when it comes to deciding when to uphold the principle of political neutrality. The IOC's selective solidarity exemplifies moral inconsistency through its governance.

The next section will attempt to develop the distinction between 'apolitical' and 'politically neutral' and reflect on it through an analyses of the Olympic Movement's peace contribution activities as well as its emerging commitment to human rights.

#### 4 'Apolitical' vs. 'Politically neutral'

The Olympic Movement has grown into a dynamic industry that brings together capitalism<sup>68</sup>, entertainment<sup>69</sup>, and politics in an environment of high pressure and public attention. Rowe claims that sport is often "the plaything of the political apparatus".<sup>70</sup> The IOC was appointed as a Permanent Observer at the United Nations General Assembly ("UNGA") in 2009 as a Non-Member State of the United Nations.<sup>71,72</sup> Despite obtaining geopolitical power and being under escalating political pressures, the current IOC President, Thomas Bach, keeps welcoming "the unequivocal support from the UN Member States for the political neutrality of the IOC and the autonomy of sport".<sup>73</sup>

However, does the principle of neutrality require sport to be apolitical? Due to the absence of a detailed explanation of the word 'neutrality' in the context of sport, it becomes more troublesome for scholars and practitioners to highlight the difference between being neutral and apolitical. Mapping the field of sport where stakeholders regulate sport "from an apolitical, 'universal' point of view"<sup>74</sup> goes in line with Coubertin's main idea of the Olympic Games, which was to bring peace without involving any political means. While promoting Olympic ideals of peace, universality,

and human rights, the premise is that one cannot ignore the whims of politics *per se*.

By taking into account political considerations in its decision-making process, the IOC presumably puts weight on the implications of its (in)actions and leaves an opening for applying neutrality differently than mere apoliticism. Smith accurately notes that "crucially, not being political is a political act".<sup>75</sup> Being apolitical and staying silent can still have political consequences and can be interpreted as a political statement or a tacit endorsement of the *status quo*. Silence is political, whereas inaction is considered to be a political choice. By remaining silent on the issues of human rights violations, discrimination or war crimes, the IOC may, arguably, be seen as indirectly supporting these issues.

On a global scale, sport cannot be apolitical. However, the main question for international sport governance is whether sport should be politically neutral. Does the political neutrality of the Olympic Movement constitute an international obligation? From a legal point of view, the principle of political neutrality is not a general principle of law that the CAS would impose on the IOC or SGBs, nor that state or inter-state jurisdictions would give precedence. It is the principles that the Olympic Movement imposes on itself. The IOC ought to hold itself accountable for its (in)actions, meaning that such a commitment can be removed from the law. Thus, renunciation of the principle of political neutrality is possible. While from the point of its usefulness, the abundance of it might be vital to achieving the goals of the Olympic Movement.

An essential condition for maintaining the principle of political neutrality and, at the same time, promoting Olympic ideals of peace, universality, and human rights would require the Olympic Movement to acknowledge outright that it is placed in a social realm that is inherently political. Therefore, this section is divided in two. Firstly, we critically assess the peacemaking capacity of the Olympic Movement and the tradition of the Olympic Truce. Secondly, we analyse human rights and/in sport as well as problems of political instrumentalisation of human rights. We identify philosophical and legal reasoning and explain how the IOC's commitment to human rights may conform with the political neutrality principle in the context of the Russian invasion of Ukraine.

##### 4.1 Political neutrality and the promotion of peace

Sport has its inherent values to act as an enabler of peace and inspire unity through a universally accepted activity.<sup>76</sup> During the First World War, the Christmas Truce allowed

<sup>68</sup> Jacob 2020.

<sup>69</sup> Hirschfelder 2020.

<sup>70</sup> Rowe 2016 'Why Sport Needs Sociology and Why Sociology Needs Sport.' Available at: <https://idrottsforum.org/forumbloggen/why-sport-needs-sociology-and-why-sociology-needs-sport/> (last accessed 25/12/2023).

<sup>71</sup> United Nations General Assembly 2009 'Observer status for the International Olympic Committee to the General Assembly.' Available at: [www.undocs.org/A/64/458](http://www.undocs.org/A/64/458) (last accessed 25/12/2023).

<sup>72</sup> Van Luijk 2018.

<sup>73</sup> IOC 2022 'UN General Assembly recognises that "the unifying and conciliative nature" of major international sports events "should be respected".' Available at: <https://olympics.com/ioc/news/un-ga-recognises-unifying-conciliative-nature-of-major-international-sports-events-should-be-respected> (last accessed 25/12/2023).

<sup>74</sup> Meeuwssen and Kreft 2022, p.9.

<sup>75</sup> Smith 2022, p.1.

<sup>76</sup> Gldenpfennig 1985, p.206.

British and German soldiers to meet in no man's land where they played football and enjoyed a short period of peace that sport brought to them on Christmas Eve of 1914.<sup>77</sup> According to Parry, the peacemaking capacity of sport informs its peacekeeping potential.<sup>78</sup> In contrary, another study shows that none of the SGBs has met the minimum standards required for credible peace-promoting effects.<sup>79</sup>

On the one hand, the Olympic Movement has to be politically neutral in accordance with the Fundamental Principle of Olympism 5:

*“Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall apply political neutrality”.*<sup>80</sup>

On the other hand, political neutrality is framed by the overall Olympic postulate of peace that guides international sport as stated in the Fundamental Principle of Olympism 2.

*“The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity”.*<sup>81</sup>

One of the missions and roles of the IOC is, therefore, “to cooperate with the competent public or private organisations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace”.<sup>82</sup> In other words, the principle of political neutrality would in no way impose an obligation of absolute neutrality. It would only impose a general duty of care that could be waived in situations incompatible with the aims of Olympism.

The Olympic Truce has a rich history of promoting peace through sport. The meaning of Olympic Truce transposed from ancient times to the modern world was characterised as an anachronism. Observance of the truce is a public international norm of Olympic origin that is the subject of the UNGA resolution. The breach of the Olympic Truce is, therefore, non-respect of a norm which can have consequences in the form of condemnation since the UNGA resolution is not legally binding. From a legal perspective, the demonstration of *opinio juris* can be translated into customary law since its scope is well-defined with the limits to purposes of the smooth running of the Olympic Games. However, the content of such a display of goodwill is yet to

be precisely determined. In the case of war or conflict, the Olympic Truce urges belligerents to establish and respect safe corridors that allow transit or exit through the area of belligerent states.

The implementation of the Olympic Truce partially fulfils one of the functions of the principle of political neutrality in the context of sport, which is to maintain the sporting order within the Olympic Movement and to contribute to the safety and serenity of competitions. Vladimir Putin violated the Olympic Truce two times as the president and once as prime minister of the Russian Federation. In 2008, Russia invaded Georgia at the same day as the opening ceremony of the 2008 Olympics in Beijing.<sup>83</sup> In 2014, Russia annexed Crimea days after the closing ceremony of the 2014 Olympics in Sochi.<sup>84</sup> In February 2022, Putin moved forward with the Ukraine invasion after the end of the 2022 Beijing Olympics, where during the closing ceremony, the IOC's President plea for ‘giving peace a chance’.<sup>85</sup> While in 2008 and in 2014, the Olympic Movement resisted to public urge to ban Russia, this time was different.

Facing the third breach of the Olympic Truce, the IOC upheld the task and duty within the framework of their competence to contribute to promoting peace and excluded Russian and Belarussian athletes from sporting competitions as a consequence of breaching the Olympic Truce. It can be argued that with the current ban, the IOC makes a significant peace contribution by preventing international sporting events and athletes from being abused for the purpose of Russian war propaganda. Given that the Resolutions of the UNGA do not have a normative force, the Olympic Truce is a recommendation and soft law that is not legally binding. Thus, the IOC's condemnation of non-respect of a public international law norm by Russia and Belarus coupled with the blanket ban of athletes and teams from aggressor ‘countries cannot be considered a legitimate and proportionate restriction. The restrictive measures go with a breach of the non-discrimination principle that is essentially a corollary principle of the principle of political neutrality. Meaning the measures are applied to some people only based solely on their nationality.

However, protecting the integrity of sporting competitions from war propaganda is a legitimate concern. Therefore, those athletes who actively involved in propaganda for war can be banned based on legitimate restriction of participation in sport pursued in Article 20 of the International

<sup>77</sup> Adetunji 2021 ‘The Christmas truce football match’. Available at: <https://theconversation.com/the-christmas-truce-football-match-a-picture-of-a-greek-kickabout-is-misappropriated-yearly-173468> (last accessed 25/12/2023).

<sup>78</sup> Parry 2012, p.11.

<sup>79</sup> Hoberman 2011.

<sup>80</sup> IOC (2023) Olympic Charter, p.8, available at: <https://olympics.com/ioc/olympic-charter>. (last accessed 25/12/2023).

<sup>81</sup> IOC (2023) Olympic Charter, p.8, available at: <https://olympics.com/ioc/olympic-charter>. (last accessed 25/12/2023).

<sup>82</sup> IOC (2023) Olympic Charter, p.13, available at: <https://olympics.com/ioc/olympic-charter>. (last accessed 25/12/2023).

<sup>83</sup> Saakashvili 2008 ‘When Russia Invaded Georgia’. Available at: <https://www.wsj.com/articles/when-russia-invaded-georgia-1533682576> (last accessed 25/12/2023).

<sup>84</sup> Kobierecki 2014, p.165.

<sup>85</sup> IOC 2022 ‘IOC President's speech – Beijing 2022 Opening Ceremony’. Available at: <https://olympics.com/ioc/news/ioc-president-s-speech-beijing-2022-opening-ceremony> (last accessed 25/12/2023).

Covenant on Civil and Political Rights.<sup>86</sup> However, the question remains whether athletes can choose to be politically active by engaging in propaganda for war in the realities of a brutal regime that suppresses everyone who speaks out against the so-called Special Military Operation in Ukraine. The Russian regime stresses that the situation in Ukraine does not constitute an invasion or a declaration of war and insists on calling it a special military operation.<sup>87</sup> Furthermore, a law passed on March 4, 2022, makes the expression of antiwar sentiment in Russia punishable by a jail term of up to 15 years that *de facto* prohibit calling the special military operation in Ukraine ‘war’ or ‘invasion’.<sup>88</sup>

The peaceful mission of the Olympic Truce and the beneficial effects of the neutrality stance are to limit the spread of armed conflicts and promote peace. In the context of the Russian invasion of Ukraine, the Olympic Movement departed from the principle of political neutrality while paradoxically aiming to achieve what the principle claimed to achieve: promote peace. Unfortunately, the clear stance of the Olympic Movement in the Russia-Ukraine war has scant evidence of peacemaking. The legitimate expectations about the breach of the Olympic Truce used as a legal justification supporting the IOC’s decision do not constitute a legal backbone and put considerable stress on the IOC’s narrative of political neutrality. Implementing a sporting ban on athletes involved in war propaganda can be viewed as the least restrictive measure and a viable solution to legitimise the exclusion of Russian and Belarussian athletes and teams by the Olympic Movement.

## 4.2 Political neutrality and the protection of human rights

Di Marco argues that SGBs endorsement of human rights “have *de jure* accepted to be drawn into political issues”.<sup>89</sup> The main challenge for the IOC and its SGBs is to integrate an understanding of human rights as a global framework with their implementation in specific circumstances without,

at the same time, the Olympic Movement’s autonomy and neutrality coming into conflict with their actions.<sup>90</sup> However, scholars from the field of philosophy of law claim the neutral status for human rights. Zwitter presents a framework that guarantees the fulfilment of the human rights mandate under the principles of neutrality and impartiality.<sup>91</sup>

While the Olympic Charter does not recognise respect for human rights in itself as a fundamental principle of Olympism in its 2021 edition, it does mention specific human rights as inherent to the three fundamental principles of Olympism. Principle 2 states the preservation of human dignity as a key goal of Olympism, principle 4 recognises the practice of sport as a human right, free from any kind of discrimination and principle 6 reiterates no discrimination from any kind in the enjoyment of rights and freedoms. Later in 2023 the Olympic Charter has been amended, the new wording of Fundamental Principle of Olympism states “respect for internationally recognised human rights within the remit of the Olympic Movement”.<sup>92</sup> Emerging commitment to respect human rights highlights the ongoing search for a desirable balance between preserving the integrity of the competition and committing to societal progress. The question arises whether the IOC is ready to pay attention to human rights violations by states both as the owner of the Olympic Games and as the leader of the Olympic Movement.<sup>93</sup>

One might argue that a human rights argument could be raised by the IOC and those SGBs who had recent changes to their statutes, policies and regulations. Interestingly, the letter from the UN Special Rapporteurs of the UN Human Rights Council played an important role in getting the IOC to review its 2022 recommendations. The UN experts claimed that the ban of Russian and Belarussian athletes from international competitions based solely on nationality raises “serious issues of non-discrimination” and a flagrant violation of human rights.<sup>94</sup> (OHCHR 2022). In contrast, Wiater argues that the exclusion of Russian and Belarussian athletes “serves the aims of protecting the rights of Ukrainian

<sup>86</sup> OHCHR 1966 ‘General Assembly resolution 2200A (XXI)’ Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (last accessed 25/12/2023).

<sup>87</sup> Human Rights Watch 2022 ‘Russia Criminalizes Independent War Reporting, Anti-War Protests.’ Available at: <https://www.hrw.org/news/2022/03/07/russia-criminalizes-independent-war-reporting-anti-war-protests> (last accessed 25/12/2023).

<sup>88</sup> Federal Law 2022 ‘Criminal Code of the Russian Federation. Article 207.3. Public dissemination of knowingly false information about the use of the Armed Forces of the Russian Federation and the exercise of their powers by State bodies of the Russian Federation.’ Available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/65e0c88a157ad970eb20e97979647f03c0cd927d/](http://www.consultant.ru/document/cons_doc_LAW_10699/65e0c88a157ad970eb20e97979647f03c0cd927d/) (last accessed 25/12/2023).

<sup>89</sup> Di Marco 2021, p.634.

<sup>90</sup> Rook et al. 2022.

<sup>91</sup> Zwitter 2010.

<sup>92</sup> IOC 2023 ‘Olympic Charter amendments approved by 141st IOC Session’ IOC News, 15 October, available at: <https://olympics.com/ioc/news/olympic-charter-amendments-approved-by-141st-ioc-session> (last accessed 25/12/2023).

<sup>93</sup> James 2023, p.269.

<sup>94</sup> OHCHR 2022 ‘Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance’, 14 September 2022. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27552> (last accessed 25/12/2023).

athletes”.<sup>95</sup> The question raised is whether the human rights of Ukrainian athletes are protected by violating the human rights of Russian and Belarussian athletes.

In the face of the illegal invasion of Ukraine by Russia, a number of human rights of Ukrainian athletes have been violated, such as the human right to mental health, protection of one’s dignity and the right to participate freely in sport as an expression of one’s cultural life, as well as the right to work.<sup>96</sup> In a more grey zone, being banned from international competition based on their nationality, the human rights of Russian and Belarussian athletes have been infringed, such as the right to non-discrimination, the right to participate in cultural life, and the right to work and earn a living. The common standard of human rights does not involve reciprocity. However, there can be an “objective and reasonable justification” for a differential treatment based on nationality.<sup>97</sup> Thus, the legality of such measures depends largely on the consequences of each case. Such justifications were put forward in light of the suspension of Russia due to a state-sponsored doping system where grounds for collective punishment of athletes were justified to be objective and reasonable. Athletes concerned in the doping scandal were ineligible in principle to take part in international competitions. The measures taken by the Olympic Movement have been held lawful, and the doping scandal in sport led to consequences for the Russian sporting community as a whole.<sup>98</sup> Beyond the differences between sporting and non-sporting situations that provoked the exclusion, the decisions in response to both the Russian state-sponsored doping system and the Russian invasion of Ukraine taken are based on a common rationale: to respond to the breach of a sporting norm to ensure it is respected.

The sporting measures against Russian and Belarussian athletes accompanying the condemnation of a state’s actions as the consequences of the non-sporting situation seem questionable: from the effect of its measures on the perpetrator

to its dissuasive effect on the potential of others. If the IOC were to protect the human rights of Ukrainian athletes in the shadow of the military invasion by Russia and Belarus, the IOC also would take a stance in condemning and excluding the states concerned, which are responsible for human rights violations in wars that are taking place at the moment worldwide. Should the condemnation of a state’s behaviour by the Olympic Movement systematically be accompanied by protective measures? Realistically speaking, the international sporting arena would risk losing a majority of nations by eliminating from sporting competitions those states that violate human rights. The principle of political neutrality appears to be an insurmountable obstacle to less variable geopolitical condemnations and selective denunciations.

Will the commitment to respect human rights reflected in the Olympic Charter stop the continuous practice of the IOC in choosing which rights the governance wants to focus on at their convenience? To make a change in the organisational discourse, the IOC would have to uphold the Fundamental Principles of Olympism as a core belief that guides decision-making. Thus far, there has been a notable shift where the political neutrality of sport has transitioned from being a fundamental principle of Olympism to an instrumental principle which primarily functions as a tool to attain specific goals.

## 5 The relationship between political neutrality and the autonomy of sport in the governance of SGBs

The IOC and SGBs are the sole authority and stand to be an autonomous arena of transnational society which claims not to be subject to undue external influence. The specificity of sport allows aligning SGBs governance structures and processes with the characteristics of a particular sport.<sup>99</sup> The link between autonomy and neutrality of the Olympic Movement is implicit in the Olympic Charter. According to the IOC mission, one of the roles of the IOC is “to take action to strengthen the unity of the Olympic Movement, to protect its independence, to maintain and promote its political neutrality and to preserve the autonomy of sport”.<sup>100</sup> The Olympic Movement’s use of neutrality is fundamentally conditioned to the autonomy of sport governance from political interference.

The IOC and the SGBs are non-governmental and not-for-profit associations with a high degree of autonomy and legal personalities.<sup>101</sup> According to Rule 25 of the Olympic

<sup>95</sup> Wiater (2023b) ‘Peaceful and Neutral Games’, 23 March 2023. Available at: <https://verfassungsblog.de/peaceful-and-neutral-games/> (last accessed 25/12/2023).

<sup>96</sup> International Court of Justice 2022 ‘Allegations of genocide under the convention on the prevention and punishment of the crime of genocide (Ukraine v. Russian Federation)’, 12 March 2022. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf> (last accessed 25/12/2023).

<sup>97</sup> UN Committee on the Elimination of Racial Discrimination 2009 ‘International Convention on the Elimination of all Forms of Racial Discrimination’, 24 September 2009. Available at: <https://www.refworld.org/type,GENERAL,CERD,,4adc30382,0.html> (last accessed 25/12/2023).

<sup>98</sup> CAS 2016 ‘CAS 2016/O/4684 Russian Olympic Committee (ROC), Lyukman Adams et al. V. International Association of Athletics Federations (IAAF)’, 10 October 2016. Available at: <https://jurisprudence.tas-cas.org/Shared%20Documents/4684.pdf> (last accessed 25/12/2023).

<sup>99</sup> Kehrli 2013, p.405.

<sup>100</sup> IOC 2023 ‘IOC Mission’. Available at: <https://olympics.com/ioc/mission> (last accessed 25/12/2023).

<sup>101</sup> Rook et al. 2022.

Charter, SGBs are international non-governmental organisations governing one or several sports at the world level.<sup>102</sup> SGBs create regulations using soft law, which has less legal force compared to state-based legal orders. However, because of the significance of sports on a global level, these rules are still highly valued and have a level of control similar to hard law instruments. By contrast, some NOCs are subject to governmental interference and are considered to be public organisations. In this case, governments take an interventionist approach to regulating the sports sector based on the premise that sporting activity is a public good and, therefore, the responsibility of the state (Chappelet 2010).

Autonomy as a concept is used to justify self-governance. SGBs' practice of autonomy is outlined in the literature as "controlled",<sup>103</sup> which is "commonly justified as an important tool through which the values inherent to sport can be safeguarded from political, legal and, in the modern era, commercial influences".<sup>104</sup> Nevertheless, the autonomy of sport has been subject to challenge. The Council of Europe underlined the importance of good governance in practice and warned that the autonomy of sport is earned rather than granted *ipso facto*.<sup>105</sup> Any claim for autonomy must be justified and demonstrated with sport's added value to society.

The preservation of the autonomy of the Olympic Movement is an external function of the principle of political neutrality. Sanctioning power of the IOC and political neutrality are ways to protect the independence of the Olympic Movement from the states' interference in sporting affairs. The IOC President said: "*It takes two to tango. It takes us to apply political neutrality and it takes the governments, politics, to respect this political neutrality because we cannot impose it*".<sup>106</sup> The Olympic Movement reciprocally shall not interfere in state or inter-state doings. Notwithstanding the struggle for keeping autonomy, the Olympic Movement claims that the governance of sport is best kept private. On 5 April, 2023, the president of the IOC, Thomas Bach, described governments that are interfering in the autonomy of sport as "deplorable" since "some governments do not want to respect the majority within the Olympic Movement

or the autonomy of sport which they are praising and requesting from other countries in countless speeches and UN and EU resolutions". Additionally, he warned that it could lead to "the end of world sport" if governments are "to decide which athletes can participate in which international competitions".<sup>107</sup>

A broad number of scholars argued that the IOC organised itself with a State-like regulatory power.<sup>108</sup> According to Seger and Fleck, "the duties and rights of neutrality only apply to sovereign states and not to any other subjects of international law".<sup>109</sup> Nonetheless, the IOC and other SGBs imitated the neutrality and organised themselves with a state-like regulatory power and organisational structure.<sup>110</sup> Still, neither the legitimacy nor sovereignty of the IOC and its SGBs are similar to those of states. Considering the geopolitical landscape, the more politically neutral the Olympic Movement is, the more autonomy from political interference it retains. However, it also works the other way around: the governance of the Olympic Movement accepted autonomy and, in return, gave up its political potential.

In response to the Russian invasion of Ukraine, the Olympic Movement exercised its power and took a clear stance "as one of global political powers engaged in the cold war".<sup>111</sup> In return, the IOC and its SGBs allowed other States to let their political convictions dictate its sporting order. Such a precedent constrains the functions of the principle of political neutrality within the Olympic Movement, which ought to protect the integrity of competitions and preserve autonomy. In the aftermath of the Russian invasion of Ukraine, the Olympic Movement failed to keep governments at arm's length but instead lined up with intergovernmental organisations and national governments. The discrepancy between the Olympic Movement's policies on political neutrality and its governance erodes sporting autonomy. The more vague the application of neutrality, the more eroded autonomy becomes. Coming under increasing pressure from political institutions and stakeholders, the governance of sport should be carried out under the commitment to responsible autonomy. The highest standards of governance will eventually lead the Olympic Movement to its autonomy.

In the context of the Israeli-Palestinian conflict, the chairman of FIFA's Monitoring Committee emphasised that FIFA

<sup>102</sup> IOC 2023 'Olympic Charter'. p.56. Available at: <https://olympics.com/ioc/olympic-charter> (last accessed 25/12/2023).

<sup>103</sup> Chappelet 2016.

<sup>104</sup> Parrish 2016, p.20.

<sup>105</sup> Council of Europe 2018 'Towards a Framework for Modern Sports Governance', 24 January 2018. Available at: <https://assembly.coe.int/nw/xml/XRef/XrefXML2HTML-en.asp?fileid=24443%26lang=en> (last accessed 25/12/2023).

<sup>106</sup> IOC 2019 'ANOC General Assembly. Speech of Thomas Bach, p.5'. Available at: <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/2019/10/2019-10-17-PRESIDENT-BACH-SPEECH-ANOC-GENERAL-ASSEMBLY-DOHA-2019-English.pdf> (last accessed 25/12/2023).

<sup>107</sup> IOC 2023 'Q&A regarding the participation of athletes with a Russian or Belarusian passport in international competitions'. Available at: <https://olympics.com/ioc/news/q-a-on-solidarity-with-ukraine-sanctions-against-russia-and-belarus-and-the-status-of-athletes-from-these-countries> (last accessed 25/12/2023).

<sup>108</sup> Meier and García 2021.

<sup>109</sup> Seger and Fleck 2014, p.248.

<sup>110</sup> Næss 2018.

<sup>111</sup> Meeuwssen and Kreft 2022, p.8.

“as a citizen of the world, is not an island by itself; and should not be unmindful of its global obligations in terms of international law”.<sup>112</sup> For a considerable period, international public law paid little attention to sports. An assessment of the legal status of SGBs under international law departed from the private ordering of the Olympic Movement that is governed by the domestic law of the country of the seat in which its autonomous regulatory body is domiciled and operates.<sup>113</sup> Thus, based in Switzerland and operating under the private law provisions of the Swiss Civil Code, the IOC and most of the SGBs are subject to the legal framework of the country of the seat and to the limited binding law provisions at the international level.<sup>114</sup> The overarching relationships between public international law and sports governance are established through international conventions and resolutions that promote cross-sector cooperation by intergovernmental organisations in a manner in which neutrality is not compromised. The Olympic Movement recognises that it requires government support in particular areas due to the number of threats that it cannot protect sport on its own.<sup>115</sup> The IOC appears to accept that international law and international human rights law apply to its activities in addressing issues beyond its jurisdiction and competence to control, from public order issues (hooliganism and spectator violence,<sup>116</sup> corruption<sup>117</sup>) to integrity issues (doping<sup>118</sup> match-fixing<sup>119</sup>).

The autonomous bubble of the Olympic Movement has been disforming. The great integration of sporting society into international society culminated in light of the sports embargo imposed on Russia in the IOC’s swift and forceful

response to Russia’s invasion of Ukraine. Consequently, international law has become more relevant in addressing contemporary issues in sport, alongside the importance of international human rights law in evolving the principle of political neutrality. With the recent amendments to the Olympic Charter, the IOC dedicated itself to complying with international human rights law despite not being formally bound to any international human rights conventions.<sup>120</sup> As a globally influential private regulatory body whose decisions indirectly impact the lives of the international community, the IOC has a duty to act in the spirit of human rights; its autonomy comes with the obligation to respect international human rights law.<sup>121</sup> It is conceivable that sporting sanctions may become a compliance mechanism for international law in the future. Compliance with international legal norms can be seen as an opportunity to thrive in exercising the IOC’s governance and maintain consistent decision-making in interaction with international law. The IOC and its SGBs can use “the unrivalled allure of sport at the service of the defence of international legality”.<sup>122</sup> The question is how to create a threshold from which the governance of the Olympic Movement could have a certain objectivity in triggering sporting sanctions in response to the violation of international law that protects the most fundamental interests of the international community.

To address global challenges that violate fundamental principles of international law and develop a human rights compliance framework, the IOC would need to incorporate transparent procedures and rules into the Olympic Charter. This adaptation would involve aligning the principle of political neutrality with the legitimate demands of the evolving geopolitical landscape. The neutrality of the Olympic Movement can be justified and the Olympic Charter can fit the purpose if the IOC and SGBs follow a set of rules or principles that they, as the neutral parties, abide by and that dictate their actions. These rules, acknowledged as authoritative by the IOC, would govern the sport and ensure that a moral order binds the Olympic Movement.

The Olympic Movement would foresee the exclusion of the sporting nation in case the state has been overwhelmingly condemned by the international community. Any state committing or deemed liable to commit the gravest crimes against humanity should be suspended as a matter of statutory obligation. Criteria for compliance with international law could be a Resolution for breaching fundamental principles of international law issued by the UN Security Council and/or the UN General Assembly and/or the International

<sup>112</sup> Sexwale 2017 ‘FIFA Monitoring Committee: Israel-Palestine. Report by Committee Chairman Mr Tokyo Sexwale’, 27 October 2017. Available at: <https://daoudkuttub.medium.com/full-text-of-tokyo-sexwale-chairmans-report-to-fifa-on-palestine-israel-53c27c909a5b> (last accessed 16/07/2024).

<sup>113</sup> Coleman 2020.

<sup>114</sup> Mavromati 2023.

<sup>115</sup> IOC 2006 ‘Resolutions of the First Seminar on the Autonomy of the Olympic and Sports Movement’, 13 Oct 2006. Available at: <https://static.pmg.org.za/docs/2006/061013resolutions.pdf> (last accessed 20/07/2024).

<sup>116</sup> Council of Europe 1985 ‘European Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sport Events’, 19 Aug 1985. Available at: <https://rm.coe.int/168007a086> (last accessed 20/07/2024).

<sup>117</sup> UN 2003 ‘Convention Against Transnational Organized Crime’, 29 Sep 2003. Available at: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (last accessed 20/07/2024).

<sup>118</sup> UNESCO 2005 ‘International Convention against Doping in Sport’, 19 Oct 2005. Available at: <https://www.wada-ama.org/en/resources/unesco-international-convention-against-doping-sport> (last accessed 20/07/2024).

<sup>119</sup> Council of Europe 2014 ‘The Convention on the Manipulation of Sport Competitions (the Macolin Convention)’, 18 Sep 2014. Available at: <https://rm.coe.int/16801cdd7esport> (last accessed 20/07/2024).

<sup>120</sup> Gürcüoğlu 2023.

<sup>121</sup> Worster 2024.

<sup>122</sup> Pérez 2022.

Court of Justice.<sup>123</sup> Introducing the well-defined scope to the Olympic Charter would represent the transparent procedures when the principle of political neutrality no longer applies in the context of the Olympic Movement.

The proposed limitations on the principle of political neutrality focus mainly on legitimising the Olympic Movement's discourse and justifying its actions based on respect for international law, which has an extensive legal foundation. Adding a rule to the Olympic Charter that excludes teams and athletes from states that don't abide by international law establishes a legal link between the power of non-state actors to impose bans and the Olympic Movement's human rights obligations.<sup>124</sup> Drawing a line where neutrality ends seeks to prioritise consistency and legitimacy of the Olympic Movement's governance as fundamental elements guiding its future actions.

The Olympic Movement's active stance in the Russia-Ukraine war outlines the geopolitical power of the IOC, which erodes the Movement's political autonomy by subjecting it to political interference from state actors. To get a certain degree of legitimacy, the Olympic Movement has to engage in enforcing international law rules. Having a clear line of conduct in the practical use of the principle of political neutrality can place the Olympic Movement into the current geopolitical landscape where the commitment to political neutrality strengthens sport's inherent ethical core and withstands the influence of international politics.

## 6 Conclusion

Sport is “effectively modern morality plays”.<sup>125</sup> It indeed has the power to exhibit the best of human conduct and character just as it may showcase the worst. In and through the Olympic Charter, the IOC aims to promote the Olympic ideals of peace, universality and human rights and contribute to peaceful societies and the development of humankind. The Russian invasion of Ukraine is undoubtedly inconsistent with a view of the value and power of sport to enhance individual lives and foster international cooperation. Unfortunately, the same can be argued for numerous wars and crimes against humanity. The literature on the political philosophy of sport is heavily derived from Aristotle's virtue ethics.<sup>126</sup> This article invites to acknowledge a famous statement from Aristotle's *Politics*: “Man is by nature a political animal”.<sup>127</sup> While cultivating virtues and ethics, the premise

is that one cannot ignore the whims of politics *per se*. As a custodian of universal ethical principles, the IOC ought to “openly acknowledge the need to take decisions on the basis of political or ethical considerations in certain situations and to introduce proper procedures and rules in their statutes and rulebooks to deal with such cases”.<sup>128</sup>

The political neutrality of the Olympic Movement is a longstanding principle of fundamental importance, particularly in light of the developments in sport and geopolitics. The changing role of the Olympic Movement has been central to the debates in the field of sport policy and politics with an emphasis on reconsidering the ethical foundation, policy content and practice of neutrality.<sup>129</sup> The IOC's attachment to the principle of political neutrality without explaining it adequately places the governance under public scrutiny and undermines the delivery of key integrity imperatives. The Russian invasion of Ukraine shed light on a notable inconsistency in the way the governance of sport handles conflicts and wars, raising questions about the fundamentality of the principle of political neutrality and the limitations it imposes. There has been a notable shift where the neutrality of sport has transitioned from being a fundamental principle of Olympism to an instrumental principle. Instead of representing a core belief that guides decision-making, it primarily functions as a tool to attain specific goals. The governance of sport often leverages the apolitical nature of the Olympic Movement as an argument when it benefits the interests of sport. The inconsistency between the theory and practice of the fundamental principle of political neutrality within the Olympic Movement highlights a lack of unification in how an organisation talks about itself and how an organisation acts. The governance review highlighted the need to ‘talk the talk’ with conceptual clarity but also to ‘walk the walk’ with consistent decision-making.

Russia's aggression on Ukraine represents an international conflict of rare magnitude that seemingly required the Olympic Movement to navigate the principle of political neutrality to the legitimate demands of the times. In an attempt to display a legal basis for suspending athletes and teams from Russia and Belarus for governmental actions, this article proposed ethical and political commitments of the Olympic Movement around peace contribution, commitment to human rights, and effects of measures on the Russian regime. However, no factual evidence was found to reconcile the fundamental principle of political neutrality with the Olympic Movement's reaction to the Russian invasion of Ukraine. The Olympic Movement had to compromise its neutrality due to the worldwide outrage evoked by the Russian invasion of Ukraine and, consequently, the

<sup>123</sup> Duval 2023.

<sup>124</sup> Jamali et al. 2023.

<sup>125</sup> McNamee 2008, p.1.

<sup>126</sup> Meeuwssen and Krefit 2022.

<sup>127</sup> Aristotle 1986.

<sup>128</sup> Duval 2023.

<sup>129</sup> Naess 2022.

threats of massive sporting boycotts from predominately Western nations. The Olympic Movement's dependency on the political sensitivity of any given conflict in the sport context and selective solidarity exemplifies moral inconsistency through its governance. The Olympic Movement's public calls for peace should be viewed within the context of its objectives and the broader financial landscape.

The Olympic Movement's reaction to the Russian invasion of Ukraine is a source of reflection for the future of the principle of political neutrality that seemingly requires the redefinition of its contours. The geopolitical role of the Olympic Movement in the current geopolitical landscape becomes noticeable and comparable to that of the states. By exercising this role and taking sides in the Russia-Ukraine war, the Olympic Movement gave up political neutrality and, therefore, political autonomy from states' interference in sporting affairs. The scholarship in transnational law argues that the Olympic Movement, as a complex system of multiple private regulatory bodies that exercise transnational governance functions of a public character, exerts considerable power and has to be a subject of principles that typically apply to public authorities.<sup>130</sup>

The role of international law in the face of contemporary issues in sport lies at the core of the search for legitimating the principle of political neutrality. Based on the assessment of the legal status of the IOC and its SGBs under international law, the Olympic Movement comes within the purview of international law and should comply with the principles enshrined therein. Despite its duty to act, the IOC will continue to prevaricate unless and until enough pressure is brought to bear. The future role of the Olympic Movement in war times should be performed under a set of coherent and transparent procedures and rules. The IOC can maintain consistent decision-making in interaction with international law by adhering to international legal standards and developing a human rights compliance framework. Obviously, what is proposed cannot solve an existing ethical dilemma surrounding the principle of political neutrality. However, bringing a factual change in organisational disclosure would encourage responsible autonomy and prevent the Olympic Movement's neutrality from taking priority over the protection of human rights and using sport as an instrument of peace. While the IOC outwardly champions peace as part of its public relations efforts, true peace can only be born from justice.

At long last, the conducted research adds value to the field of sport policy with well-founded insights into an existing ethical dilemma on political neutrality. For the governance of the Olympic Movement, the article establishes a theoretical basis for sport-political recommendations on how to

protect the integrity of sport and preserve autonomy in the face of contemporary issues in sport. From a holistic people-centred perspective, the undertaken research attempts to put sport at the service of humanity and protect and support athletes in the mutual quest for athletic excellence. It is hoped that this article contributes to further conceptual clarity in the neutrality debate and we invite scholars to further look into the apparent need of reconceptualisation of the principle in (Olympic) sport.

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<sup>130</sup> Mavromati 2023.

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