

ISSN 2040-5847

**SPORT & EU**  
**REVIEW**

the Review of the Association  
for the Study of Sport & the European Union

**Volume 4 – Issue 1 – May 2012**

## **Sport&EU Review**

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Sport&EU Review is indexed in EBSCOhost and International Platform of Sports Law Journals.

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Sport&EU Review invites submissions for peer-reviewed articles, forum contributions, and proposals for themed special issues for publication. Contributions should reflect the general interests of the Association for the Study of Sport and the European Union.

\* Papers intended for peer-review should be up to 7000 words in length. They may represent research in progress, discussion of research methodologies, or other scholarly work that is of interest to the readership. Contributions from postgraduate research students are particularly welcome. Papers intended for peer review will be reviewed by at least two anonymous referees within eight weeks of submission. Each paper should have an abstract and a maximum of five key words.

\* Forum contributions are between 500 and 600 words including references. They are not peer-reviewed, but are intended as short items of general interest to the readership of Sport&EU Review. These include, but are not limited to, conference reports, calls for papers, brief updates on key developments in the field, and reviews of publications.

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# 1. EDITORIAL

Welcome to the first issue of the Sport&EU Review in 2012. The undergoing global economic crisis is tightly connected with a political one. In this regard, new and fresh alternative measures and solutions are intensively being searched for, promoting those who would be able to find, create and implement them. At first glance, it might be expected that in such circumstances, the role of sport would be put aside, believing that due to its nature, complex sport machinery would be able to survive the critical moments by itself. Alternatively, sport may as well be seen as a possible direct or indirect solution for the stated actual circumstances, as a strong economic generator and a tool with which it is possible to promote and enable people's physical and psychological perception of well-being and satisfaction that are all needed as the preconditions for the new winds of the future progress.

Speaking from a sports events perspective, we are facing a challenging year for sport and for the role of the EU in it. A set of big competitions will mark the year 2012 on the European grounds. The UEFA European Football Championship will be hosted by Poland and Ukraine between 8 June and 1 July, followed by the Summer Olympic Games in London from 27 July to 12 August and the 2012 Paralympic Games from 29 August to 9 September. Besides these 'exclusively' sporting events, the EU is intensively working on its major preparatory actions for preparing its first sports programme, which is supposed to be launched in 2012. In these frameworks, European Commission will finance 12 new transnational projects with a total amount of € 2,1 million, put forward by public bodies or civil society organisations in order to identify and test suitable networks and good practices in the field of sport. 4 projects on the prevention of and fight against violence and intolerance in sport and 8 for promoting innovative approaches to strengthen the organisation of sport in Europe are being conducted in this regard at the moment, with the active contributions of the Sport&EU Association members. Further on the indicated mixture of all the topical issues in the region also the 7th Annual Conference of the Association for the Study of Sport and the European Union will take place on 21st and 22nd June 2012, with a preconference event on 20th June. The main theme of the conference, 'Towards a networked governance of sport', is promising a challenging and actual problem-oriented event and discussions. The main topics to be addressed at the conference are 1) networked governance in sport; 2) Sport Betting: A transversal challenge; and 3) The Summer Olympics are back in Europe: The Games and EU Law. Papers and panels with an interdisciplinary approach will form the programme. It is anticipated that a good number of academics and practitioner will attend the conference. Graduate students are welcome to join the conference.

In more Review-related terms, we are happy to invite you to reading the materials published in the current issue of the Review. In the light of the coming football championship, this issue's leading original article is devoted to the topic of riots at football events. Jonas Havelund, Lise Joern and Kristian Rasmussen from the Section

of Sport Science at Aarhus University are disclosing the darker side of one of the sports' fundamentals on the case of Danish Ultras. Following this is a legal discussion on contractual stability in basketball authored by Boaz Sity. A Forum contribution on FIFPro is penned by Andy Harvey. After the FREE Kick corner, edited by Albrecht Sonntag, an exhaustive conference calendar and an overview of new and upcoming publishing opportunities as well as new sport data source are given. A very special emphasis in this part of the Review is devoted to the aforementioned 7<sup>th</sup> Annual Conference of the Association for the Study of Sport and the European Union which will be held at the Swiss Graduate School of Public Administration, IDHEAP in Lausanne on 21 and 22 June 2012, with a preconference event on 20 June. A provisional programme of the conference and the abstracts to be presented in further detail in Lausanne can be found in this issues of the Review as well.

As always we would like to take the opportunity to encourage you to submit your contributions for publication in the Review. The Review is indexed by the EBSCO database and by the International Platform of Sports Law Journals and welcomes all from student works to the working papers and academic and researcher project results from the field. Do not miss the opportunity to have your say.

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## 2. ORIGINAL RESEARCH

### Danish Ultras: Risk or Non-Risk?

Jonas Havelund, Lise Joern and Kristian Rasmussen\*

#### Introduction

It is well documented that knowledge of supporter culture is crucial when assessing the risk of disorder at football matches and thereby ensuring a balanced approach by police and stewards (Stott & Pearson 2007). Until just a few years ago, police in most of Europe utilised three categories to describe the risk constituted by football supporters. Peaceful supporters who do not represent a source of disorder were regarded as Category A supporters. Category A supporters remained within the law and followed instructions from police and stewards. Category B supporters, who the present article concerns, were characterised as representing a potential risk, in part due to their use of pyrotechnics and in part because of their occasional involvement in disorder. Category C supporters, on the other hand, were those who created disorder and actively sought confrontation with stewards, police officers, and/or like-minded supporters from rival clubs. Category C supporters were thus synonymous with 'hooligans'. Although these categories already represent a simplification of the reality, they have at EU level been further simplified with their replacement by a risk/non-risk supporter dichotomy in which supporters previously placed in Categories B and C are all regarded as outright 'risk supporters' (EU Council 2010). Both within Denmark and internationally, there is a weak understanding of risk supporters, often resulting in inappropriate assessments on the part of the police. This has led to conflicts that presumably could have been avoided had the police possessed a deeper awareness of supporter culture (Stott & Pearson 2007; Rasmussen, Havelund & Tranegaard Andersen 2009).

Supporter culture in Denmark has developed significantly, parallel to experiences in other European countries. The past 15 to 20 years have seen the establishment of organised supporter clubs in collaboration with the football clubs themselves. The first official support club was AaB Support Club, founded in 1990. Brøndby IF, whose supporters offer the empirical basis for this article, followed the trend with the creation of Brøndby Support in 1993. Simultaneously, a large number of unofficial supporter groups arose, often in opposition to the official supporter clubs, which they

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feel lack intensity and commitment (Joern 2006). Some of these groups are termed 'ultras' in the research literature (Pilz and Wölki-Schumacher 2009).

Ultras gain their primary inspiration from the Italian supporter culture in which audiovisual effects play a large role and in which they diverge from official supporter clubs in their more demonstrative and committed support for the club, which often results in an aggressive attitude and use of pyrotechnics like flares. Although one frequently sees collaboration between ultras and hooligans regarding, for example, tifos, they are resolutely differentiated by their rejection of violence. Their behaviour is thus a ritual display of aggression in a carnivalesque atmosphere. Any crossing from this display to disorder or real violence would be infrequent (e.g. Marsh et al. 1978, Armstrong 1998, Kerr 2005). Nevertheless, their behaviour often contributes to conflict situations with police and stadium stewards.

Over recent years, there have been various EU-level political initiatives aimed at building constructive relationships with European ultra cultures. In February 2010, the Council of Europe acted as host of an 'International Conference on Ultras – Good practices in dealing with new developments in supporters' behaviour'. This initiative was organised by the commission that had been established following the Heysel Stadium Disaster of 1985, in which 39 Italian supporters died as a combined result of hooligan disorder and poor stadium safety. This was the first time that ultra supporters, researchers, EU politicians, and police officers had gathered together from across Europe in search of a common basis for future dialogue. The conference highlighted a need for more knowledge, especially in light of the relative lack of research concerning this particular type of supporter.

This article is the result of a qualitative study of the self-declared nonviolent segment of the Danish risk supporters, i.e. the ultra culture. The study's empirical data stems from qualitative interviews and participant observation primarily focusing at matches involving Brøndby IF, the club supported by the interviewees.

The article aims to create knowledge concerning ultra supporter culture with the purpose of gaining the information necessary for building differentiated and balanced action on the part of the police and security services.

## **Methodology**

As this is a mixed methods research project (Russell Bernard 2006), the present article is based on semi-structured interviews and participant observation in which we joined supporters for home and away matches in Denmark.

### ***Qualitative Interviews***

There is no agreement within the methodological literature on how many interviews are needed (Guest, Bunce and Johnson 2006). The answer depends on a number of

factors, including the project's problem purpose and the interviewees' homogeneity. The general advice is that one should undertake interviews until one has achieved 'theoretical saturation', i.e. the point at which further interviews no longer yield significant new information (Gillham 2005). In this case, where the qualitative interviews took place alongside participant observation (see below), we stopped collecting interview data after ten interviews. A number of instances of participant observation took place following the end of the interview period, and these confirmed that theoretical saturation had been reached.

The interviews followed a semi-structured qualitative interview guide, which was divided into four sections. The introductory part of the interview concerned the interviewees' personal background (age, job, family) and sense of belonging within the supporter culture. Focus then turned to setting out the interviewees' understanding of the relationships between the various supporter groups surrounding Brøndby IF. Motivations for choosing or not choosing certain supporter groups were included in this phase. The third section of the interview involved the interviewees' own views regarding the limits of acceptable behaviour as well as the interviewees' understanding of others' ideas about acceptable behaviour. This phase also concerned how the interviewee understands the culture's development over time. The final section of the interview guide involves questions regarding relationships with the police and stewards.

The interviews generally took place in the interviewees' homes and lasted between 45 and 90 minutes.

The ten interviewees ranged between 17 and 31 years of age at the time of the interviews. Their occupations varied considerably, and include a student in upper secondary education, a chimney sweep, a clothing store sales assistant, a journalist, and the national marketing manager of a global automobile brand. What they all have in common is a passion for the Brøndby IF football club.

### ***Participant Observation***

Participant observation (Robson 2002) was undertaken at ten football matches during the preparations for match days as well as at the Brøndby IF matches themselves. At away matches, either our trip took place with the supporters, or we met the supporters when we arrived in the host town. Once in the town, we stayed with them in the hours leading up to the match, during the match, and after the match. When we travelled alone, the day's observations ended with the supporters' departure by bus or train. When we travelled with them (by train), the day's observations ended when we got off the train at the station closest to where we lived. At home matches, we met with the fans in the hours before the match, which they spent at a residence close to the stadium.

The observations focused on relationships between the police, supporters, home and away stewards as well as between the various supporter groups around Brøndby.

Informal interviews were undertaken as a means of understanding observed behaviour (Sands 2002).

Besides participant observation of supporters at Brøndby IF, participant observation was also undertaken of other clubs' ultra supporters at eight matches. Brøndby IF has the largest and most noticeable ultra culture of any Danish club, but its ultra culture is not fundamentally different from those prevailing elsewhere in Denmark, as confirmed by our participant observation of supporters of other clubs.

### ***Access to the Culture***

Following Robert G. Burgess, David Waddington differentiates between four research identities within participant observation: The complete participant (who works undercover), the participant-as-observer (who participates but does not hide the fact that he or she is there to observe), the observer-as-participant (a more distanced role in which the researcher has just occasional contact with the observed individuals in order to obtain explanatory information), and finally the complete observer (who keeps in the background and at a distance from the individuals he or she seeks to observe) (Waddington 2004, p. 154). In this study, we have shifted between research identities and adapted our observation role to the situation at hand. During the march from the town centre to the stadium, we acted the 'participant-as-observer' role by accompanying the supporters and marching alongside them. We mainly shifted between participant-as-observer and observer-as-participant roles on a situational basis.

Our success in gaining access to this environment was due to the willingness of gatekeepers to vouch for us, which was decisive both within the ultra culture and in relation to the hooligan groups (Waddington 2004). We were introduced to the leaders of the hooligan groups as part of our observation, and they were informed of and accepting of our presence.

One of the central issues we faced was that, during the same period as we undertook participant observation and interviewed football supporters, we were also collaborating with the police on a number of projects (Rasmussen & Havelund 2010). From the start, we approached this issue by making our gatekeepers and key persons aware of our work with the Danish police. In this context, we were assisted by the media attention accompanying the collaboration inasmuch as the supporters could see that we were impartial and that we had expressed public criticism of certain police practices. It also helped that the collaboration led rather concretely to the establishment of a training programme aimed at providing the police with more dialogue-based tools for policing football supporters (Havelund et. al. 2011). This was something that the supporters desired.

Working with both sides requires, of course, great discipline in maintaining the arm's length principle in which both parties are respected and treated confidentially. Both the police and the football supporters know that we work with 'the counterpart'.

We did not attempt to go ‘undercover’ in our observations, for example by wearing the same clothes as the groups in question. In other words, we did not ‘dress up’ when we went out and observed interactions between the police and supporters. A consequence of this, however, is that we differentiate ourselves. Some supporters think that we are from the police or are journalists, and it is frequently necessary for us to explain, with the help of gatekeepers, that this is not the case.

## **Passionate Relationship to the Club**

Brøndby IF’s motto is *Supra Societatem Nemo – No one is above the club*. In a way, the motto frames the interviewees’ relationship with the club. They are all fervent and loyal supporters and fall within the category of ‘traditional/hot spectator’ in the sociologist Richard Giulianotti’s football audience taxonomy in the sense, that they identify themselves with the club and its values (Giulianotti 2002). At the same time they refuse to be ‘reduced’ to consumers as they do not buy official merchandise. Consumer fans often wear several items of official club merchandise but ultra supporters reject this style. Instead they produce their own products (without infringing the club’s copyrights for their brand) and spent the profit on tifos which is an important part of their contribution to a match. Contrary to the consumer fans the ultras disapprove the transformation of the ground, the club and the ‘degradation’ of football into mere entertainment and therefore the means of consuming football (see King 1998). They are willing to do almost everything to support the club. Family parties and birthdays are deprioritised in relation to matches. One of our interviewees notes, among other things, that he went to the stadium the same day he became a father.

For most, entrance to the ultra scene was preceded by years of attending matches with their parents or friends when they were young. At the stadium, they were immediately attracted to and fascinated by Brøndby’s grandstand, ‘Faxtribunen’ (now called ‘Sydsiden’, meaning ‘Southside’ referring to the grandstand’s position), which is the main meeting point for active supporters at Brøndby Stadium.

It’s because it’s great being at the stadium, and back then with Faxtribunen, it was totally unique. You didn’t have any supporter culture elsewhere in Denmark. So I think it was just fantastic to stand there with the older boys and sing and be a part of it and so on. Yeah, that’s actually the main reason I became a Brøndby supporter.

It is at ‘Faxtribunen’ that the feeling of fellowship and love for the club gains its expression. The supporters celebrate the club through tifos, songs, rhythmic clapping, and sometimes the use of pyrotechnic and other audiovisual effects, which supporters may spend many weeks preparing. Unlike the official supporters, who work closely with the club, these fans are willing to be critical of the club and its players, coaches, and management if they are unhappy about something. The relationship with the club is characterised by ambivalence. If someone is unfairly banned, the relationship

can further deteriorate, expanding the gap between the supporters and the club. Nor do such supporters welcome attempts by the club and the media to frame the football match as a product:

It's because they think, you know, that it's American football. They don't quite get it, that football isn't entertainment but is instead all sorts of other things...Football's a lot more than damned entertainment. It's feelings, it's towns meeting one another, it's lots of other things, right? It's not just damned entertainment pure and simple.<sup>1</sup>

The elevation of the club to something more than 'just' football is a fundamental characteristic among our interviewees, and this feeling is underlined by the extensive expenditure of time and money that often accompanies their intense commitment. As noted above, many hours are spent preparing tifos, and to these could be added the hours used on debate forums, chats, and away match trips. The latter of these can cost in the order of DKK 500 (approx. 67 Euro) to DKK 1000 (approx. 134 EURO) per match when one includes purchase of ticket, beer, transport, etc. All of this is part of the celebration of the club – in other words, the club is much greater than just the players, coaches, and management: 'So it's not the players or the club employees. It's...the club's own values, the club's history, all of the memories you accumulate, the pride in feeling you're a part of something'. The motto 'No one above the club' certainly applies to the feeling of fellowship held by supporters in relation to the club, but there is scepticism when the club uses the motto itself. The motto has frequently been used as a counter-argument against criticism of the club by supporters.

## **Limits of Acceptable Behaviour**

Just because Danish supporter culture includes a significant degree of activism and testing of limits, this does not mean that the interviewees set no limits of acceptable behaviour. To the contrary, there are a number of unambiguous limits that they are not prepared to cross. Our interviewees regard themselves as nonviolent. Prearranged fights against other groups are not part of their game, as they express it:

Prearranged fights is where I draw the line. I have nothing against people doing it, but I don't want any part in it...You have the right to defend yourself, but not be the aggressive part.

However, if they are attacked by other groups or otherwise feel that their limits are being encroached upon, they will react. For example, in a televised incident from an away match in March 2009, declared nonviolent Brøndby supporters were seen using their flag sticks and megaphones as weapons against the home club's stewards. This incident was sparked by a perception among the supporters that the steward's actions

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<sup>1</sup> The same critical approach has been observed internationally, see Giulianotti (2005).

were illegitimate, highlighting how declared nonviolent supporters can resort to violence in situations in which they feel that they are being treated unfairly (Stott and Reicher 1998). From one perspective, the police received confirmation that these supporters could be categorised as risk supporters. From another perspective, it could be perceived as a case of violence in a legal sense. However, it could also be argued that the episode's origins lay in the history of relations between Brøndby fans and stewards as well as in faulty communication between the stewards and the committed football supporters.

Taken as a whole, the interviews underline the importance of a nuanced understanding of the supporters' limits of acceptable behaviour in relation to preventing football disorder and avoiding the branding of supporters on the basis of isolated incidents (Stott & Adang 2009). It has been well documented that confrontations between police and this type of supporter often involve a lack of knowledge on the part of the police, which Clifford Stott and Geoff Pearson have pointed out in a number of instances. For example, there were only around 30 known hooligans among the 965 or so people arrested during the disorder in the Belgian town of Charleroi during EURO 2000 in the Netherlands/Belgium (Stott & Pearson 2007). By comparison, the police in the Netherlands used a 'friendly but firm' strategy that focused on critical dialogue (Adang & Cuvelier 2001). Only six individuals were arrested in the Netherlands during the entire duration of the finals.

### **Pyrotechnics: A Calculated Risk**

Characteristic of this type of supporter is the idea that the use of pyrotechnics is a natural part of attending football matches. According to the supporters, it makes life more dynamic in the grandstand and enables them to express their support for the club. Support that they feel assists the players in performing better during the match. This is despite the supporters' awareness of the risks involved in using pyrotechnics: There is the risk of fines and bans, condemnation from others, and ruined clothing for the pyrotechnics user and fellow supporters.

In order to avoid detection, supporters often cut off the safety shaft from flares, this makes them smaller and easier to smuggle into the stadium. The downside is that the user needs to get rid of the flare quickly otherwise it would become too hot to hold. The supporters set a limit though and do not throw flares. The extent to which this behavioural limit is widespread is evident from the 2010 joint statement from the seven largest unofficial Brøndby groups (including hooligan groups) in which they condemned the throwing of pyrotechnics. This followed an incident in which violent disorder resulted in the throwing of pyrotechnics and other objects.

Prior to making their statement, there had been intense discussions in the fan forums. In these communications the majority of supporters distanced themselves both from the disorder and the throwing of pyrotechnics.

Despite examples of the misuse of pyrotechnics, all interviewees felt positively about the use of pyrotechnics in general. However, not all of them used pyrotechnics themselves. For some, the personal risk assessment was weighted toward the negatives. Others use pyrotechnics only occasionally:

I...use pyrotechnics but not so often anymore since I also have a personal life and a job, so I don't need to be exhibited as a hooligan. So you need to think twice about it when you do it.

As this quote highlights, the risk is not just of a fine or a ban: it also needs to be assessed on the basis of the Danish media's and public authority's association of pyrotechnics with hooliganism, which was evident in the 30 August 2009 match between Brøndby IF and Legia Warszawa in which distress rockets were set off. One hit the scoreboard, which caught fire. The other flew horizontally and hit a person, causing serious stomach damage. Supporters see this incident as something that goes far beyond the limits of acceptability, backed up by the fact that these supporters would not want to use this kind of pyrotechnic device. Nevertheless, the media's coverage of the case was so monolithic that the use of flares became synonymous with the use of pyrotechnic devices in general. It should be noted that use of pyrotechnics was legal in Denmark until 1999, and most supporters emphasise their desire for a critical and constructive dialogue concerning the use of pyrotechnics rather than the media's frequently unnuanced depiction of the issue. At the aforementioned European Council 'International Conference on Ultras – Good practices in dealing with new developments in supporters' behaviour', part of the conference was set aside for a serious discussion of this issue with the aim of working toward a mutual solution. After many years' of being banned in various places in Europe, the use of pyrotechnics remains common practice in European clubs. The debate concerning their use despite sanctions is thus a relevant one.

## **Relationship between the groups in Brøndby**

Even though the supporter scene at Brøndby IF and especially in the Sydsiden (formerly Faxetribunen) ranges from official and peaceful supporters to some of the country's most infamous hooligans, our interviewees say that there is mutual respect among the different groups. Besides the sense of intimate fellowship with members of one's own group, there also exists solidarity among Brøndby supporters as a whole. This is evident, for example, in prearranged marches – in which all types of supporters participate – from the town centre to the stadium at away matches. Communication takes place between the leaders of the various groups, for the sake of determining routes, etc. Other Danish clubs exhibit a greater degree of differentiation among the various groups, with individuals distancing themselves, for example, from the known hooligan groups.

The relationship between the groups also illustrates the existence of close collaboration and personal friendships across the groups. It is not unusual for

declared violent supporters to help out when it comes to large tifos at an important match, thereby strengthening solidarity between the groups. These relationships are further strengthened by joint trips within Denmark and abroad.

The close ties and mutual respect creates the understanding that as long as supporters support the club from the grandstand, it is not particularly important what takes place outside the stadium:

We all have our own way of doing football, and as long as we're in the grandstand for Brøndby IF, we can definitely work together. We cooperate on creating an atmosphere and on singing. Then we don't differentiate between who does what and what ideas you have outside the stadium.

This is not to say that splits never arise between the groups, but these typically concern smaller issues such as choice of songs. Significant problems, however, are rare. Even though the similarities between the support groups are substantial and mutual respect is viewed as vital, both our observation and interviews confirmed a desire to differentiate between the groups based on the declared differences in limits of acceptable behaviour. If a member of an ultra group participates in a fight, he will be excluded from the ultra group. This maintains differentiation and one's own group identity. The necessity of such differentiation is also confirmed in the actions undertaken by individuals from other groups. At the aforementioned match between Brøndby IF and Legia Warszawa at which distress rockets were fired, the two users belonged to one of Brøndby's hooligan groups (these individuals received five- and two-month prison sentences respectively as a result of their actions). In this case, participants in debate forums – in which hooligans also participate – strongly distanced themselves from the use of devices like those thrown by the hooligans, yet this does not seem to have affected collaboration between the groups. Criticism is mainly directed against the actions of individuals and is only hinted at when it comes to discussing groups as a whole. Focus rests on points of agreement and shared goals.

## **Supporters' Relationship with the Police**

As noted above, conflict situations often occur between this category of supporter and the police. The supporters exhibit general distrust of the police's judgement inasmuch as they feel that the police often misevaluate the actual risk. This feeling is also documented in international research (Stott and Adang 2009).

Since July 2008, the Danish police have sought a uniform policy in Denmark, with a national strategy focusing on dialogue, openness, and dynamic risk assessment. This has not been particularly successful since, despite the good intentions, there has been insufficient progress on and support for the new national strategy (Rasmussen & Havelund 2010). Some police forces have attempted to implement the dialogue-based strategy aimed at dynamic risk assessment, yet others have made no changes to their practice and continue to operate on the basis of a mobile action strategy, which does little to promote dialogue (Havelund et al 2011). It is thus no surprise that supporters

report experiencing significant geographical differences in the police's management of football matches in Denmark. The supporters also feel that such gaps have widened following the introduction of the national strategy.

In light of the new national strategy, it is interesting that the supporters themselves express a desire for better dialogue with the police. They would like to see far more cooperation than currently exists. Cooperation can concern agreements about bars and marching routes to and from stadia, which often spark conflicts both large and small as a result of insufficient dialogue between the parties involved. The supporters would like to remove the misunderstandings at the root of these conflicts. At the same time though, they have had poor experiences with the police, and they have limited trust in the police's ability to manage football appropriately. They feel that the police have decided in advance that when Brøndby supporters visit, it is a high-risk match regardless of their actual behaviour. They feel that they have been judged in advance. As one of our interviewees said: 'Many of the police officers we meet believe what they read in the papers, so they think that all Brøndby fans are violent psychopaths and are incredibly dangerous'. It is true that Brøndby's supporters have a bad reputation among police officers. An earlier interview-based study found that police officers often take their point of departure from experiences with Brøndby supporters in particular when they discuss the negative sides of the supporter culture (Rasmussen & Havelund 2010). Our fieldwork confirms this inasmuch as we have seen that Brøndby fans are often treated by police in a much more confrontational way than are fans of other clubs.

Despite their negative experiences with the police, supporters are open to dialogue, which is in fact a relatively new phenomenon. Just a few years ago, a supporter who had contact with the police would have been considered an informant, yet it is now acceptable to openly have contact with the police with the aim of achieving better conditions for supporters. Supporters nevertheless find that few police forces contact them prior to matches even though their contact details are easily available from the internet, not to mention the fact that the police forces can easily access contact information from the local police force's football contact point (every Danish police force has a contact person for football issues, who is responsible for information exchange among forces).

## **Conclusion**

The relationship between groups and especially between ultras and hooligans places great demands on the police in terms of handling supporters. As has been shown, the undifferentiated handling of supporters, in which everyone is regarded as a hooligan (and hooligans are regarded as people who *always* seek conflict) can have a negative influence on the police's ability to maintain order (Stott & Pearson 2007). A differentiated view of football supporters requires prior knowledge of a sort that can be difficult to obtain from a club like Brøndby where, despite their differences regarding acceptable behaviour, solidarity among groups is very strong.

We recognise the limitations of this relatively small empirical data. But it does point to the problematic issue and the risk in using a too simplistic supporter categorisation tool. A tool, that itself is limited in taking into account the complexities and nuances of the supporter culture. When one categorises supporter groups as either risk or non-risk without clarifying what the risk consists of, there is the danger of regarding declared hooligans and declared nonviolent supporters as a homogenous group. One consequence may be the relinquishing of the ability to facilitate nonviolent supporters in their desire to maintain differentiation between themselves and the hooligans. This may be an unintended consequence of an undifferentiated and confrontational approach to what the police regard as a homogenous group. Social psychology has documented how otherwise-peaceful supporters seek aid from declared hooligans in situations in which they see the police's actions as illegitimate (Reicher et al 2004).

A vital point as far as the categorisation of supporters is concerned involves their use of pyrotechnics. As mentioned above, pyrotechnics have been under discussion at the EU level, and some places in Europe are working to legalise their use under controlled conditions. Brøndby IF's management supports this and has publically announced that it would welcome work on some form of legalisation. It is outside this article's remit to discuss whether the use of pyrotechnics is a good idea and the extent to which they should be legalised. This article's interviewees emphasise that use of pyrotechnics is widespread among 'normal' people with normal jobs/educations, and everyone agrees with the use of pyrotechnics. They feel that it is part of the game. Some are active users themselves while others have assessed the risk and decided not to take part.

As far as future strategies for preventing football disorder are concerned, it is essential that the police maintain a differentiated view of supporters. Yet the risk/non-risk dichotomy might not be a tool that makes this possible. To the contrary, in fact: the optimisation of police action requires more nuanced consideration.

### ***Acknowledgement***

The authors would like to thank Lasse Kristensen for constructive cooperation in relation to this study.

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# 3. LEGAL COMMENTARY

## Case Report & Comment - Jeremy Pargo vs Maccabi Tel Aviv Basketball Club Ltd

Boaz Sity\*

Contractual Stability in Basketball: Emergence of ‘Specificity of Sport’ Compensation

### Introduction

The European Court of Justice’s revolutionary ruling in the Bosman case changed the balance of powers between football players and football clubs<sup>2</sup>. Traditionally, scholars placed the players at the bottom of the football ‘pyramid of control’<sup>3</sup>. Today, players are earning enormous salaries, while many football clubs are drowning in vast financial debts and are battling insolvency<sup>4</sup>. Consequently, the ability of clubs to preserve their stars and talents is diminishing by the day.

In light of these changes, ‘contractual stability’ is of paramount importance in football<sup>5</sup>. In order to address this issue, the Federation Internationale de Football Association (‘FIFA’) has incorporated explicit provisions regulating the contractual relations between clubs and players into its Regulations, and specifically the infamous Article 17 of the FIFA Regulations<sup>6</sup>. In keeping with this principle, football

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<sup>2</sup> For the effects of the Bosman ruling on the world of football, see: John Cubbin, *The Bosman Ruling and the Emergence of a Single Market in Soccer Talent*, E.J.L. & E 2000 9(2), 157-173 (2000); Christina Lembo, *FIFA Transfer Regulations & UEFA Player Eligibility: Major Changes In European Football and the Negative Effect on Minors*, 25 Emory int’l rev. 539 (2011).

<sup>3</sup> See: Borja Garcia, *The 2001 Informal Agreement on the International Transfer System*, in Contractual Stability in Football 11, 11 (Michele Colucci ed., Sports Law & Policy Ctr. 2011) (hereafter: ‘Garcia’). The author notes: ‘The control structures of football have traditionally positioned players at the bottom of the football pyramid’.

<sup>4</sup> Michele Colucci & Felix Majani, *The Specificity of Sport As a Way to Calculate Compensation in Case of Breach of Contract*, in Contractual Stability in Football 125, 134 (Michele Colucci ed., Sports Law & Policy Ctr. 2011) (hereafter: ‘Colucci & Majani’).

<sup>5</sup> Michele Colucci, *Introduction*, in Contractual Stability in Football, 1 (Michele Colucci ed., Sports Law & Policy Ctr. 2011).

<sup>6</sup> Article 17 of the FIFA Regulations on the Status & Transfer of Players, states: ‘In all cases, the party in breach shall pay compensation [...] unless otherwise provided in the contract, compensation for breach of contract shall be calculated with due consideration for the law of the country concerned, the specificity of sport, and any other subjective criteria [...]’.

players (or rather their new clubs) have been obligated to pay clubs millions of Euros due to breach of contract<sup>7</sup>.

The importance of ‘contractual stability’ in football raises the question whether the ‘contractual stability’ principle is expressed in basketball, and if so, in what manner. As opposed to the FIFA Regulations, the Regulations of the Federation Internationale de Basketball (‘FIBA’) – the world basketball governing body – do not prescribe a monetary sanction for breach of contract nor do they offer a means of calculating such compensation. As such, clubs stand helpless before contract-breaching players, without any well-grounded ability to insure themselves, professionally or financially.

This matter was recently addressed in the case of Jeremy Pargo, Maccabi Tel Aviv's point guard, who breached a contract in order to sign with the Memphis Grizzlies of the National Basketball Association (‘NBA’). In the absence of a normative framework in the FIBA Regulations that would make it possible for it to recover its damages, Maccabi Tel Aviv actually requested to rely on the ‘FIFA Regulations on Status & Transfer of Players’ and on the precedents of the Court of Arbitration of Sport (‘CAS’) taken from football, and to extrapolate therefrom to basketball.

This paper shall review the Pargo case and examine whether Maccabi Tel Aviv succeeded in its attempt to apply the principles prescribed in the FIFA Regulations to basketball disputes. In Chapter Two, I shall present the basketball dispute resolution mechanism and the activities of the institution established by FIBA to address basketball contractual disputes. In Chapter Three I shall review the landmark cases in the matter of contractual stability in basketball, and particularly the above mentioned Pargo case. In Chapter Four I shall express my comments regarding the ruling in the Pargo case, and particularly regarding the emergence of ‘specificity of sport compensation’ in basketball.

## **General Background: Dispute Resolution in Basketball**

In 2006, FIBA inaugurated a dispute resolution institute named the FIBA Arbitral Tribunal (‘FAT’). FAT was established in order to resolve basketball disputes in a simple, quick and inexpensive manner<sup>8</sup>. FAT offers an arbitral instance before Arbitrators who have training and knowledge in Sports Law<sup>9</sup>. It is located in Geneva,

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<sup>7</sup> See, for example: CAS 2008/A/1519, *FC Shakhtar Donetsk vs Matuzalem Francelino da Silva & Real Zaragoza* (hereafter: ‘Matuzalem’), CAS 2008/A/1644, *Adrian Mutu vs Chelsea Football Club Limited* (hereafter: ‘Mutu’); CAS 2010/A/2145, *Udinese Calcio S.p.A vs de Sanctis & Sevilla FC SAD & FIFA* (hereafter: ‘de Sanctis’).

<sup>8</sup> Reg. L2.1.2, FIBA Regulations (old version), the preamble states: ‘FIBA establishes an independent FIBA Arbitral Tribunal (FAT) for the simple, quick and inexpensive resolution of disputes arising within the world of basketball...’.

<sup>9</sup> IAN BLACKSHAW, *Settling Sports Disputes by ADR: Major Sports Disputes Resolution Bodies Modeled after the Court of Arbitration for Sport*, 2 DISP.RESOL.INT’L 169 (2009) (hereafter: ‘Blackshaw’). The

Switzerland, and is subject to Swiss law. FAT's authority is by virtue of a contractual consent between the parties to hand the dispute over to FAT. A sole Arbitrator is appointed to each dispute submitted to FAT. The Arbitrator hears the dispute *ex aequo et bono*, i.e. in accordance with the principles of justice and fairness<sup>10</sup>. Notwithstanding, and similarly to the method of operation of the CAS arbitrators<sup>11</sup>, FAT arbitrators tend to follow the Tribunal's prior rulings and decisions, probably in order to create *lex sportiva* for the sport of basketball and to preserve judicial uniformity.

According to FAT's original model, FIBA recognized the authority of CAS to serve as an appellate instance and the parties had a right to appeal FAT rulings. In this format, FAT gained popularity and recognition in Europe and even in countries outside Europe, such as China, Lebanon and Saudi Arabia<sup>12</sup>.

In 2010, FIBA rebranded the dispute resolution institute as the Basketball Arbitral Tribunal ('BAT'). In this framework, FIBA updated and refreshed the regulations regulating the institute's activity. In general, in terms of procedure, FIBA preserved FAT's simple and efficient format: disputes shall be heard before a sole arbitrator<sup>13</sup>; the arbitrator shall hear the dispute *ex aequo et bono*<sup>14</sup>; in general, the arbitrator's ruling shall be reached based solely on written pleadings, without a hearing being held<sup>15</sup>; BAT's working language is English<sup>16</sup>; the regulations enable imposing sanctions on parties that do not honor BAT's rulings, such as a monetary fine or a severe sanction in the form of a ban on signing and registering new players<sup>17</sup>.

In terms of substance, FIBA effected a significant change to the BAT model: FIBA chose to cancel the right to appeal to CAS on BAT rulings. It seems that FIBA wanted

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author states that all of the FAT arbitrators have CAS experience and its President is Professor Gabrielle Kaufman Kohler of Geneva University, who is well-known in CAS circles.

<sup>10</sup> *Id.*, Blackshaw notes that: '[...]time is saved by the fact that the dispute is decided on an *ex aequo et bono* basis - in other words, by applying general rules of justice and fairness, including, of course, the rule of due process, obviating the need to refer to any particular national or international law'.

<sup>11</sup> MATTHEW.J. MITTEN & HAYDEN OPIE, *Sports Law: Implications for the Development of International Comparative and National Law and Global Dispute Resolution*, 85 TUL L. REV. 269 (2010) (hereafter: 'Mitten & Opie'), See also: LORENZO CASINI, *The Making of Lex-Sportiva by the Court of Arbitration for Sport*, 12 GERMAN L.J. 1317 (2011).

<sup>12</sup> Blackshaw, *supra* n. 8.

<sup>13</sup> See: Basketball Arbitral Tribunal (BAT) Arbitration Rules (hereafter: 'BAT Arbitration Rules'), Rule 8.1.

<sup>14</sup> *Id.*, Rule 15.1.

<sup>15</sup> *Id.*, Rule 13.1: 'No hearings are held in arbitration proceedings under these rules unless one of the parties requests a hearing [...]'.  
<sup>16</sup> *Id.*, Rule 4.1.

<sup>17</sup> FIBA Regulations, Chapter VII, Reg. 300, states: '[...] The sanctions can be imposed by FIBA: (a) a monetary fine of up to CHF 150,000; this fine can be imposed more than once; and/or (b) A ban on international transfers if the first party is a player's agent; and/or (c) A ban on international transfers if the first party is a player; and/or (d) A ban on registration of new players and/or a ban on participation in international club competition if the first party is a club'.

to make the dispute resolution process between the parties more efficient and to prevent the parties from delaying the performance of the rulings by approaching CAS. In the current format, the parties are entitled to appeal to CAS only if this right was explicitly granted in an agreement. Any ruling by BAT, being a dispute resolution institute located in Switzerland, is subject to appeal to the Swiss Supreme Court, in accordance only with the causes prescribed in the Swiss Arbitration Law. In general, the Swiss Supreme Court avoids intervening in the contents of the rulings and its main examination is whether the rules of natural justice were preserved<sup>18</sup>.

Statistically, as of 2011, a total of approximately 178 requests for arbitration were filed with BAT. Of the 96 awards delivered by BAT, in 16.6% of the cases the parties appealed to CAS. In 24% of the cases the parties reached a settlement, without needing the arbitrator's ruling and as a result of the BAT procedure<sup>19</sup>.

## **Contractual Stability in Basketball: Landmark Cases**

As opposed to football, there are only a few cases in basketball in which the matter of 'Contractual Stability' from the club's perspective has been addressed. Usually the cases that were addressed were those of clubs refusing to pay salaries to players.

The first documented case, in 2009, addressed the matter of the American guard, Alfrie Eugene ('Tre') Kelley, who breached his contract with the Greek Panellinios KAE Basketball Club (the 'Kelley Case')<sup>20</sup>. BAT was recently required to address this matter once again, in the case of the American point guard Jeremy Pargo. In the circumstances of this case, Maccabi Tel Aviv claimed that the player, Jeremy Pargo, breached a contract and demanded compensation due to the damage it suffered (the 'Pargo Case')<sup>21</sup>.

This Chapter shall review these cases - and particularly the recent Pargo Case, in the framework of which Maccabi Tel Aviv attempted to extrapolate from the FIFA Regulations regarding 'contractual stability' and apply their principles to basketball as well.

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<sup>18</sup> Mitten & Opie, *Supra* n. 10, the authors acknowledge the CAS awards and state that judicial review of CAS arbitration award by the SFT is limited to very narrow grounds: 'The Swiss Federal Code on Private International Law provides for judicial review of a CAS arbitration award by the SFT on very narrow grounds. The SFT is authorized to vacate an arbitration award if the CAS panel was constituted irregularly, erroneously held that it did or did not have jurisdiction, ruled on matters beyond the submitted claims, or failed to rule on a claim...'. Consequently, the same principle and rationale is applicable to all FAT/BAT awards.

<sup>19</sup> Basketball Arbitral Tribunal Statistics (published on the FIBA website), retrievable from the FIBA website, at: [http://www.fiba.com/downloads/v3\\_expe/bat/Statistics\\_1April2011.PDF](http://www.fiba.com/downloads/v3_expe/bat/Statistics_1April2011.PDF)

<sup>20</sup> FAT 0041/09, *Panellinios KAE Basketball Club vs Alfrie Eugene Kelley* (hereafter: 'Kelley').

<sup>21</sup> BAT 0209/11, *Jeremy Pargo vs Maccabi Tel Aviv Basketball Club (1995) Ltd* (hereafter: 'Pargo').

## ***The Kelley Case***

In February 2008, Tre Kelley signed for two years with the Greek Panellinios club. The agreement included an opt-out/buy-out mechanism – in the framework of which, at the end of the first season, the club would be able to opt out of the second year of the agreement by paying Kelley \$25,000. If the club shall decide to continue the agreement with the player for the second season as well, the player may buy out of his second year by paying the club \$50,000. These options were in effect until July 2008.

In August 2008, after the expiry of the term of the option, the club agreed to release the player for a twenty-day leave of absence in order to search for another club and offer his services to other clubs. Although it had been agreed that the player would return to the club at the end of the twenty days, the player did not return to the club. In September 2008, the player joined Miami Heat. In October 2008, the player was released from Miami and soon thereafter signed with the Israeli club Eldan Ashkelon.

Panellinios filed a claim against the player demanding that he compensate it for the damages he caused, as follows: (a) Panellinios demanded that the player pay \$50,000 in accordance with the buy-out option in the agreement; (2) Panellinios claimed that the Player must compensate it for transfer fees that were paid for the player to the Croatian Cibona Zagreb club; (3) Sports related damage caused in light of the specificity of sport, at such rate to be determined by the Arbitrator.

The Arbitrator noted that the only substantiated damage suffered by Panellinios is the unamortized part of the compensation paid to Kelley's former club, Cibona Zagreb, in order to obtain the services of Kelley. The Arbitrator found that 70% of the compensation paid to Cibona was still unamortized, which corresponds to 14,000 USD.

However, the Arbitrator completely rejected the club's demand for compensation for the specificity of sports and sports-related damages. The Arbitrator explained that the club was entitled to demand only damages that were actually suffered and sports-related damages are not damages that were actually suffered. The Arbitrator further stated that the club had not specified the sports-related damages that were caused to the club and how such compensation should be calculated, if at all. According to the Arbitrator's ruling:

Claimant can only request damages actually suffered...Claimant does not specify the sporting damages allegedly suffered. Nor does it provide any guidance as to how this compensation for sporting damages should be calculated.

In fact, the meaning of this ruling is that as opposed to football, where compensation for sport-related damages caused in light of the specificity of sport was recognized, in basketball, this compensation is not recognized or customary. This places the player in a position superior to that of the club, since there are sports-related damages –

such as damages to preparations for the season, damage to the team chemistry and even financial damages – which the club is unable to prove or quantify.

### ***The Pargo Case***

In the summer of 2009, Jeremy Pargo signed with a low-profile Israeli club, Hapoel Galil-Gilboa. In that season, Hapoel Galil-Gilboa did not participate in European tournaments. Pargo played exceptionally for Hapoel Galil-Gilboa, leading the club to a sensational championship victory over Maccabi Tel Aviv.

In light of his success with Hapoel Galil-Gilboa, in the summer of 2010, Maccabi Tel Aviv signed Pargo to a one-season contract. Maccabi Tel Aviv is a European-class club – the club has won five European Cups and an unmatched 49 Israeli championships. Pargo's signing with Maccabi Tel Aviv was considered a significant upgrade for him, both professionally and financially. Pargo quickly became one of Maccabi Tel Aviv's outstanding players and led the club to a respectable appearance in the Final Four of the Euroleague, the senior European competition.

At the end of the season and in light of Pargo's extraordinary performance with Maccabi Tel Aviv, the parties signed an additional agreement for a period of two seasons. In the framework of the new agreement, Pargo's salary was significantly upgraded. The agreement even enabled Pargo to terminate the agreement with the club if the conditions specified below were met:

It is understood and agreed that Player shall have the right and option to terminate the Agreement upon satisfaction of the following conditions: Player's Certified Agent...shall provide written notice to Club that Player shall sign a guaranteed contract with an NBA club for the 2011/2012 NBA Season...given on or before August 1, 2011..." (emphasis added)

On 26 July 2011, Pargo exercised the option in his contract and requested to terminate the agreement with the club, claiming that 'Player shall sign a fully guaranteed contract with an NBA club for the 2011-2012 season upon conclusion of the current NBA lockout'. At that time the NBA league was in a lock-out and the teams in the league were not allowed to contract or negotiate with players (hereinafter: the 'NBA Lockout'). Maccabi Tel Aviv replied to Pargo that due to the NBA Lockout, there is no actual possibility that the player will present a guaranteed contract, as required in his contract as a condition to exercising the option in the agreement.

On 4 August 2011, Maccabi Tel Aviv announced that it signed the point guard Jordan Farmer for the period of the NBA Lockout. On 9 August 2011, Maccabi Tel Aviv demanded that all of its players, including Pargo, attend the team's official first practice at the Nokia Stadium on 28 August 2011. Jeremy Pargo did not attend the first practice nor the club's preparation games.

On 23 August 2011, Pargo filed a request for arbitration with BAT, in the framework of which he requested to rule that the agreement was duly terminated and that Maccabi Tel Aviv must release him immediately of all of his obligations. In response, Maccabi Tel Aviv filed a counterclaim, in the framework of which it was alleged that Pargo grossly breached his contract with the club and as such he must compensate the club for the damages caused thereto. Maccabi Tel Aviv estimated the damages it suffered as a result of the breach as amounting to \$1,498,053.

### **The Application of the FIFA Regulations on the Status and Transfer of Players**

As noted, Maccabi Tel Aviv demanded in its claim monetary compensation amounting to \$1,498,053. Interestingly, Maccabi Tel Aviv based the elements of damages in its claim on Article 17 of the FIFA Regulations on the Status and Transfer of Players and on the CAS precedents that addressed the application of this article, and particularly upon the ruling in the *Matuzalem* case.

Based on the ruling in the *Matuzalem* case, Maccabi Tel Aviv demanded compensation for the following elements of damage: (1) Remuneration Element; (2) Lost Earnings and Missed Transfer Fees; (3) Extra Replacement Costs; (4) Specificity of Sport Damages.

Maccabi Tel Aviv was forced to try to rely on the FIFA Regulations and the rulings by virtue thereof, since the FIBA Regulations do not address ‘contractual stability’. Additionally, and as mentioned above, the case law in basketball relating to ‘contractual stability’ from the club’s perspective is limited and sparse.

The Arbitrator rejected, *in limine*, the attempt to extrapolate from the FIFA Regulations to the dispute being addressed. The Arbitrator ruled that the FIFA Regulations are specific to football and that one cannot learn from them – not even by analogy - about the appropriate compensation for the breach of contract in basketball. The Arbitrator noted that the FIFA Regulations indeed follow the principle customary in Swiss law – pursuant to which an employee that walks away from his place of work without reason must compensate the employer - however this is not sufficient to apply the FIFA Regulations to basketball. As noted by Arbitrator Stephan Netzle:

The FIFA Transfer Regulations are specific to football. No comparable provisions exist in the regulations of FIBA...The rules of one association do not apply to another association, even if the underlying facts may be comparable.

However, this does not mean that the breach of a Player Contract goes without consequences for the Player...The Arbitrator accepts that Article 17 of the FIFA Regulations and the corresponding CAS jurisprudence are based on, and further specify, the general obligation of the employee to compensate employer for all costs and damages caused by his breach of

contract. However, the Arbitrator prefers not to apply the FIFA Regulations and the corresponding CAS jurisprudence to the sport of Basketball.

### **Is the Club Entitled to Damages?**

After it was ruled that Pargo breached his contract with Maccabi Tel Aviv<sup>22</sup>, the Arbitrator had to calculate the compensation that Pargo was to pay due to the breach of the contract. As mentioned, Maccabi Tel Aviv relied on the ruling in the case of *Matuzalem* and demanded compensation for four elements of damage addressed below.

#### ***The Remuneration Element***

Maccabi Tel Aviv claimed in its counterclaim that Pargo was a significant player in the professional roster that the club had established towards the upcoming season and that his departure caused the club significant damage. *Inter alia*, Maccabi Tel Aviv claimed that the damage suffered by the club should be calculated based on Pargo's value in the eyes of other clubs in Europe who had pursued his services. Thus, Maccabi Tel Aviv claimed that a Spanish team had agreed to pay Pargo \$200,000 more than his contract with Maccabi Tel Aviv, and that therefore Pargo's real value is higher than the amount Maccabi Tel Aviv had agreed to pay him. Therefore, according to Maccabi Tel Aviv, the player must compensate the club with the difference between the pay he was paid by Maccabi Tel Aviv and his real value in the players' market.

The Arbitrator rejected Maccabi Tel Aviv's argument under this element of damage. The Arbitrator ruled that Maccabi Tel Aviv did not present any supporting evidence that a Spanish team in fact offered Pargo a higher salary and this was also denied by the player's agent. The Arbitrator added that the assumption that the player's value is greater than the salary that the club had agreed to pay him is speculative: Maccabi Tel Aviv had, not long before, renewed Pargo's contract with the club and significantly upgraded his salary. Therefore, it cannot claim that his value increased during the period since the signing of the agreement.

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<sup>22</sup> Pargo argued that he did not breach his contract and that the termination was lawful, according to the provisions of the agreement. However, the Arbitrator ruled that Pargo indeed breached his agreement with the club. This paper shall not elaborate this aspect of the case. For further reading, see Pargo, para. 57-68.

### ***Lost Earnings & Missed Transfer Fee***

Maccabi Tel Aviv claimed in its counterclaim that Pargo's breach of the agreement prevented the possibility of transferring Pargo to another club, and receiving, in consideration therefor, transfer fees for the player. Maccabi Tel Aviv estimated that it would have agreed to release Pargo for an amount of \$500,000 and therefore is entitled to compensation for the lost opportunity of transferring Pargo to another club in consideration for such amount. Maccabi Tel Aviv did not present a concrete offer that had been received by the club for the player, but rather claimed, in a general manner, that it would have agreed to release the player had an offer in such an amount been received for the player.

In this matter the Arbitrator relied on *Matuzalem* and ruled that a theoretical argument that the club lost an economic opportunity to transfer the player is insufficient, and that it is necessary to actually prove that such an opportunity was indeed lost. Specifically, since Maccabi Tel Aviv did not present a concrete offer of another club for Pargo, and sufficed with a theoretical claim that it lost such an opportunity, it is not entitled to compensation for this element of damage. It can be construed from the Arbitrator's words that had Maccabi Tel Aviv proven that a concrete offer for the Player had been received, then its claim in this element of damage would have been granted.

### ***Extra Replacement Costs***

According to Maccabi Tel Aviv, after Pargo's departure, Maccabi Tel Aviv signed two players to replace him: the American point guard, Jordan Farmer, who signed with the team subject to the NBA Lockout, and the Greek point guard Theodoros Papaloukas. Maccabi Tel Aviv was of the opinion that Pargo should compensate the club in the amount of the difference between Farmer and Papaloukas' combined salaries and Pargo's salary, amounting to \$198,203. Pargo argued that Maccabi Tel Aviv's claim that it signed two players to replace him rather than one, should be rejected.

Maccabi Tel Aviv replied that Farmer was signed for a limited period of time (until the end of the NBA Lockout) and therefore it had to sign the senior Papaloukas as well, as a back-up. Maccabi Tel Aviv stated that Papaloukas is not an adequate substitute due to his age and due to the fact that he cannot play effectively for more than 20 minutes per game. Therefore, following Farmer's departure, upon the termination of the NBA Lockout, Maccabi Tel Aviv will have to continue searching for an additional point guard.

The Arbitrator rejected Maccabi Tel Aviv's claim and ruled that Farmer was Pargo's primary replacement, at least until the end of the NBA Lockout. Since Farmer's salary does not exceed Pargo's salary, Maccabi Tel Aviv is not entitled to compensation for signing Farmer. With respect to Papaloukas, it was ruled that to the extent that the player was signed by the club to be a substitute with reduced playtime for Farmer, his

signing does not directly derive from Pargo's breach of contract and therefore this amount should not be recovered from Pargo. The Arbitrator added that it is most likely that the NBA Lockout shall end and Maccabi Tel Aviv shall be forced to search for a replacement for Farmer, however ruling compensation for future damage of such sort is speculative and impossible in the circumstances at hand.

### ***Specificity of Sport***

The Arbitrator stated that Pargo's sudden departure caused Maccabi Tel Aviv non-monetary damages which are difficult, and perhaps impossible, to prove. However, this does not deprive Maccabi Tel Aviv of its right to demand 'special indemnity', in accordance with what is generally acceptable in Swiss employment law. The Arbitrator ruled that the breach of the agreement and Pargo's 'surprising' behavior disturbed Maccabi Tel Aviv's preparation for the upcoming season and its chances of success.

As such, the Arbitrator recognized Maccabi Tel Aviv's right to 'special indemnity' due to the specificity of sport. The Arbitrator expressed sympathy towards Maccabi Tel Aviv's argument that the regulations of the Israeli Basketball Superleague Administration entitle the club to 'improvement fees' in the event that a player leaves one Israeli club and transfers to another. The Arbitrator further noted that Maccabi Tel Aviv improved the player and invested in his progression. Weighing all of these factors, the Arbitrator estimated that Maccabi Tel Aviv is entitled to 'special indemnity' in the amount of three of the player's monthly salaries, totaling \$270,000. As mentioned, in light of the ruling in the Kelley Case, the Arbitrator's decision to grant Maccabi Tel Aviv 'specificity of sport' compensation is precedential in basketball.

### **Implications of the Pargo Case: Emergence of 'Specificity of Sport' Compensation in Basketball.**

The Pargo Case is precedential and important in two aspects: It is the first time that the relationship between the FIFA Regulations regarding the Status and Transfer of Players and other branches of sport was addressed. In the Pargo Case, the Arbitrator chose not to learn from the FIFA Regulations – not even by analogy – regarding the proper manner of relating to the breach of contract in the world of sports. In this matter, it can be argued that BAT missed an opportunity to create a *lex sportiva* in all that relates to the issue of 'contractual stability'. Had the Arbitrator adopted the mechanism prescribed in the FIFA Regulations, then this mechanism would have become the norm in basketball as well and would have created uniformity between the governing laws in both football and basketball.

Secondly, the Pargo Case brought 'specificity of sport compensation' to basketball. In football, the ability to demand compensation due to the specificity of sport was

grounded in Article 17 of the FIFA Regulations. There is no corresponding provision in the FIBA Regulations and in the Kelley Case this doctrine was completely rejected. In the Pargo Case, BAT first recognized that clubs may suffer sport and/or financial damages which are difficult (and perhaps impossible) to quantify. Therefore, and in light of the fact that Pargo caused ‘substantial complications’ to the club and damaged its preparations for the season, the Arbitrator ruled compensation in the amount of \$270,000. There is no doubt that this is progress for the application of the contractual stability doctrine in basketball.

Generally speaking, and from a broader perspective, it appears that the ‘specificity of sport compensation’ doctrine is becoming more and more common in sports. While FIFA first used this term in order to balance the powers between the player and the club<sup>23</sup>, and to enable considering additional criteria in calculating the compensation for breach of contract, it now appears that this doctrine is becoming more common in additional sports, such as basketball. This, too, contributes to the creation of a *lex sportiva* for the Sports.

Accordingly, there are several similarities between the application of this compensation in football and basketball. In the *de-Sanctis* case<sup>24</sup>, for example, which addressed the breach of contract by the Italian goalkeeper, Morgan de-Sanctis, CAS noted that the specificity of sport compensation should be used in cases in which the club suffered damages that cannot be quantified or monetarily proven. This rhetoric is identical to the Arbitrator’s rhetoric in the Pargo Case. Also in terms of the scope of compensation, it appears that the Arbitrator used the ‘specificity of sport compensation’ as a correcting factor rather than as an additional element of damage, in accordance with the CAS rulings in the matter of breach of contract<sup>25</sup>.

Pargo Case	de-Sanctis Case	Kelley Case
The Arbitrator accepts that the departure of the Player caused substantial complications for the club in maintaining its competitive level which are difficult or even impossible to quantify.	[A]t any club, when a key player is sold or goes and time is required for a new ‘hero’ to materialize, revenues will be affected, the injured party will suffer losses which it may not be able to prove on	Claimant can only request damages actually suffered...Claimant does not specify the sporting damages allegedly suffered. Nor does it provide any guidance as to how this compensation

<sup>23</sup> Colucci & Majani, *supra* n. 3, p. 134-135.

<sup>24</sup> de Sanctis, *supra* n. 6, para. 96.

<sup>25</sup> *Id.*, the CAS panel emphasized that: ‘specificity of sport is not an additional head of compensation nor a criteria allowing to decide in equity (Sic.), but a correcting factor which allows the Panel to take into consideration other objective elements which are not envisaged under the other criteria of art. 17 of the Regulations’.

Euros. This, in the for sporting damages  
opinion of the Panel, is should be calculated.  
where specificity of sport  
can be used and should be  
used.

## **Conclusions**

To date, FIBA has not yet regulated the matter of 'contractual stability' in its Regulations, and many clubs, such as Panellinios, found it difficult to recover the damage they suffered due to contract-breaching players. To date, following the Pargo Case ruling, several question marks still remain regarding 'contractual stability' in basketball. Indeed the basketball case law still lags behind the football case-law; however the Pargo Case has brought an important statement to basketball: the emergence of compensation due to the specificity of sport.

## 4. FORUM

### **The FIFPro world players' union transnational on-line academy**

**Andy Harvey<sup>1</sup>**

#### **Introduction**

In September 2009 FIFPro – the world players union<sup>2</sup> applied for funds under the EU Preparatory Action in the Field of Sport programme<sup>3</sup> to develop an on-line academy that could be accessed by players across the European Union. Specifically the aim of the project was to enable players who may be working in countries outside of their national origin to study with the purpose of enhancing their career options once their football career had ended. The project commenced on 1 December 2009 and concluded on 31 March 2011. The present author's interest in the project was as the external evaluator. This short article is based upon the findings of my evaluation report and to provide an update of the work of the academy after project funding had finished.

#### **Project design**

The project commenced with a needs analysis of players conducted through their national player associations under the guidance of the project team. The results of the survey confirmed that players were primarily interested in business studies, specifically sports management. This focus was unsurprising and, given the number of career opportunities in the field of leisure and sport across the EU, it made sense for the initial courses offered by the Academy to meet this need.

The second element of the project was to undertake a review of the educational systems across 11 EU Member States to identify opportunities for future transnational work. Finding an appropriate educational partner would prove crucial to the success of the project. The approach taken was to develop a number of criteria that would need to be met and to invite potential Universities to express an interest. One of the most controversial decisions that needed to be taken was whether the courses would be offered in languages other than English. Although some FIFPro affiliates

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<sup>1</sup> Harvey ([andy@andyharveyetc.co.uk](mailto:andy@andyharveyetc.co.uk)) is Director of Andy Harvey Education and Training Consultancy Ltd in London.

<sup>2</sup> See <http://www.fifpro.org/>.

<sup>3</sup> See [http://ec.europa.eu/sport/preparatory\\_actions/introduction\\_en.htm](http://ec.europa.eu/sport/preparatory_actions/introduction_en.htm).

expressed a desire for courses to be offered in their own language, the overall consensus was that the pilot courses should be offered only in English and that players whose English language skills needed improvement would be offered a pre-course summer school in English. For many players the ability to study in English was welcome due to the wide use of English as an international business language. However, this decision came with the risk of excluding some players from the ability to access the course and there is a continuing desire to be able to offer courses in different languages where there is a demand and where resources allow.

The College that was chosen for the delivery of the pilot course was University College, Northern Denmark who were able to offer a seven semester course lasting approximately three and a half years with two of the thirteen-week semesters involving internships with sports employers.<sup>4</sup> The final stage and challenge was to enrol students to the course. At the final project meet, held in Dublin in March 2011 the On-line sports management programme was launched to an audience of FIFPro affiliates with the course due to start in September 2011.

## **Recruitment and future plans**

Clearly recruitment was going to be vital and the acid test as to whether the project could be deemed a success. Following an active recruitment programme, the academy commenced with 50 students in September 2011, of which 36 are still enrolled. For 2012 the number of places made available will be increased to 80 and currently there are 31 applications from countries whose seasons run from March till October. It is anticipated that more players will apply over the summer from countries where the season ends in May. The demands for places underscores the desire of players to access education for long-term career options, and plans are under consideration to offer further courses and courses in languages other than English.

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<sup>4</sup> See <http://www.fifpro-onlineacademy.org/index.php/news/27-brochure-fifpro-online-academy> for a brochure.

## 5. THE *FREE* KICK (2)

Edited by Albrecht Sonntag

*In its last issue, The Sport&EU Review introduced ‘The FREE kick’, a regular column about an interdisciplinary European research project in the social sciences. FREE stands for ‘Football Research in an Enlarged Europe’ and is the surprise winner of the call ‘The Anthropology of European integration’ issued by the 7th European Framework Programme for Research and Development (FP7) for 2011. The project will be running from April 2012 to March 2015.*

**Now online: [www.free-project.eu](http://www.free-project.eu) – feel FREE to contribute to it!**

On its official starting date, 1 April 2012, the FREE project went online. Its brand-new website [www.free-project.eu](http://www.free-project.eu) is now publicly available. It informs about the different project activities, sums up the research objectives, presents the nine partner institutions and the team members, provides information about forthcoming events and launches a documents section that already includes some downloads such as the project logo and a project synopsis in four different languages. Illustrations are kindly provided by Europe’s leading sports daily *L’EQUIPE*, who is a member of the project’s media network and gave FREE access to its photo archive. *L’EQUIPE* will also assist, along with other media in the nine target countries of the study, with the planned quantitative online surveys.

All this is of course only the starting point. The website is expected to be enriched regularly over the next three years, with information about events organised by the project or attended by project members, working papers, publications, policy briefs etc. It is both a tool of dissemination – a research objective and evaluation criteria on which the European Commission insists ever more strongly – and a very convenient archive for the all activities linked to the project.

It has, however, no intention to live in a hermetically closed bubble and provide one-way information. Quite the opposite: through the calls for papers for the FREE events it invites for participation by those who work on adjacent topics and feel inspired by the different work packages or research strands. And through its integrated BLOG (<http://www.free-project.eu/Blog/>) any interested reader is invited not only to provide feedback – for which the team is always grateful – but also to contribute actively in submitting a blog post on a topic related to the themes covered by FREE.

And of course, every reader should feel FREE to subscribe to the newsletter.

### **First calls for paper**

The two first calls for paper for events that will be organised by FREE are already available and downloadable from the website. Both are published by the historical work packages of the project, the first one by Paul Dietschy from the Université de Franche-Comté in Besançon, which is located in the French Jura region near the Swiss border, the second one by Wolfram Pyta from the Universität Stuttgart (Germany).

The Besançon conference, scheduled for 28-29 September 2012, will focus on **‘The Origins and Birth of a Europe of Football’**. Paper proposals should centre on the following themes: International football in Europe before 1914; Central Europe’s football (1902-62); European football’s fathers (such as Walther Bensemann, Santiago Bernabéu, Henri Delaunay, Gabriel Hanot, Hugo Meisl, Vittorio Pozzo, etc.); the first European stars (such as Stanley Matthews, Giuseppe Meazza, Matthias Sindelar, Ricardo Zamora, etc.); the invention of national and European styles of play; the audience and spectators of European competitions; as well as the beginnings of the European football cups (European Champion Clubs’ Cup, Inter-Cities Fairs Cup, Cup Winners’ Cup, European Football Championship). Deadline for submittals of abstracts is 15 May 2012. More at <http://www.free-project.eu/events/Pages/competitions-2012.aspx>.

The Stuttgart conference, which will take place on 22-23 February 2013, is built around the theme **‘European Football and Collective Memory: Transnational Media Events’**. It will investigate research questions such as the extent to which football contributes to the construction of a ‘European collective memory’; how specific transnational events and their constitution as national or continental ‘lieux de mémoire’ may be best described; what meanings media producers, journalists and recipients attribute to European football competitions, or which peculiar role European football played in transcending the pattern of East/West opposition during and after the Cold War? Deadline for submittals of abstracts (only in English) is 30 September 2012. More under <http://www.free-project.eu/events/Pages/memory-2013.aspx>.

### **Getting the scientific concepts right**

In its first instalment, ‘The FREE kick’ described interdisciplinarity as ‘both a promise and a challenge’. That sounds of course good as an announcement, but now that the project has started, the consortium will have to show whether it can both keep its promise and rise to the challenge. As a matter of fact, the multiple disciplinary backgrounds may very well produce strong centrifugal tendencies over a period of three years. And together with the different national origins of the researchers involved they may result in serious misunderstandings on fundamental scientific concepts that underpin the entire project and which everyone seemingly agreed upon, but perhaps interpreted in very different ways.

Getting the concepts right from the start is therefore essential. For this reason **the Kick-off conference that will take place on 20 April 2012 at ESSCA School of Management in Angers** (host to the 2009 UACES Annual Conference) will not focus that much on football. It is rather seen as an excellent opportunity to draw on the knowledge of some of the leading scholars of European Studies who, without being necessarily football fans themselves, have seen the interest of football as relevant object of academic research and have accepted to share their expertise. These speakers will include Marion Demossier (University of Southampton), who will discuss what the anthropology of Europe may bring to research on identity; Sophie Duchesne (CRNS and Université de Nanterre), who will share her long-standing

experience on ‘The pitfalls of research on European identity’; Hans-Jörg Trenz (University of Copenhagen and ARENA, Oslo), whose presentation on ‘Affirmations of Ordinary Life in the Process of European Integration’ will put the concept of the ‘European Public Sphere’ in the project’s perspective; as well as Alex Warleigh-Lack (University of Surrey), who will give precious advice on how to take up ‘The Challenge of Interdisciplinarity’ in the most appropriate way.

It is only in the afternoon that these conceptual exposés will be followed by a series of more football-related contributions. The consortium is delighted that Christian Bromberger (Université de Provence, Aix-en-Provence) has accepted its invitation to contribute some reflections on ‘Football as a serious object of study’. Christian, who carried out extensive and path-breaking ethnological studies on the terraces and in the streets of Marseille, Torino and Naples in the 1980s already, is uniquely well placed to speak about the traditional lack of legitimacy of football research and the reasons why this has changed in recent years. Gabriele Klein (Universität Hamburg, member of the scientific advisory board of the FREE project) will follow up with a critical reading of the project’s objectives and methodological choices, asking whether FREE will really take ‘Football research beyond the state-of-the-art’. The day will close with two non-academic observations of football supporters by the renowned football writer and *Financial Times* columnist Simon Kuper and Antonia Hageman, head of development of Supporters Direct, which is part of the project’s Civil Society Network.

Registration for the event is FREE and even last-minute registrations can be considered. Just E-mail Aline Brisset ([aline.brisset@essca.fr](mailto:aline.brisset@essca.fr)) in case you are interested. Several of the contributions will also be made available on the project website in the follow-up of the conference. A report on the conference will no doubt be part of the third instalment of ‘The FREE kick’ in the next issue of the Sport&EU Review.

# 6. SPORT & EU 7<sup>th</sup> ANNUAL CONFERENCE PROGRAMME

**Sport & EU Conference: Swiss Graduate School of Public Administration (IDHEAP), Lausanne (CH), 21-22 June 2012**

## **‘Towards a networked governance of sport’**

Full details about the registration process, accommodation and travel information to Lausanne can be found at <http://www.sportandeu.com/events/sporteu-conferences/sporteu-conference-2012/>.

## **Provisional conference programme**

### **20 June (Pre-Conference)**

- 14.00 Cheating to win / Cheating to loose: sport and gambling  
**Jean-Luc Moner-Banet**, *Director General Loterie Romande*  
**David Folker**, *General Manager – Football DataCo*  
**Jean-Patrick Villeneuve**, *Professor, Swiss Graduate School of Public Administration*  
Other speakers to be confirmed
- 16.30 The Beijing Olympics: 4 years later  
**Feng Huiling**, *Vice-President and Professor, Renmin University*  
“The social impact of the Beijing 2008 Olympic Games”  
**Wei Na**, *Professor, School of Public Admin. and Policy, Renmin University*  
“The volunteers legacy of Beijing 2008”  
**Li Shuwang**, *Professor, Sports Department, Renmin University*  
“The impact of the Beijing Paralympics on Paraspport Development in China”  
**Xin Zhong**, *Professor, School of Journalism and Communication, Renmin University*  
“The Beijing Olympics Sport Diplomacy”
- 18.00 Cocktail

### **21 June (Conference Day 1)**

- 08.00 Registration
- 09.00 Welcome and introductions  
Keynote speaker: **Julien Zylberstein**, *EU Legal Affairs Advisor, UEFA*

- 09.45            Session I  
**Marjan Olfers, Alan Littler**, *VMW Taxand & Vrije Universiteit Amsterdam*  
 “How can we overcome diffused sports governance when tackling match-fixing through the regulation of sports-betting?”  
**Dawn Aquilina, Angelo Chetcuti**, *IDHEAP*  
 “Match-fixing and corruption: are micro-states more prone? The case of Maltese football”  
**Yann Hafner**, *University of Neuchâtel*  
 “The fight against doping and the new Swiss Federal act on the promotion of sport: a good model of governance or a model of good governance?”
- 10.45            Coffee break
- 11.15            Session II  
**Ben Van Rompuy**, *Georgetown University Law Center*  
 “The introduction of salary caps in European football: an EU internal market and competition law perspective”  
**Daniel Geey**, *Field Fisher Waterhouse LLP*  
 “A legal assessment of the Financial Fair Play rules”  
**Alex Bielefed**, *European Commission*  
 “Financial Stability and Competitive Balance in professional football – lessons to be learned for the public sector?”
- 12.15            Lunch
- 14.00            Session III  
**Henrik H. Brandt, Jens Sejer Andersen**, *Danish Institute for Sports Studies*  
 “Play the Game: Action for better governance in international sport”  
 Play the Game Panel Discussion
- 15.30            Coffee Break
- 16.00            Session IV  
**Henk Erik Meier**, *Münster University Institute for Sport and Exercise Sciences*  
 “From corporatism to open networks? Policy-making in German sport”  
**Mark James, Guy Osborn**, *Salford Law School, Westminster University*  
 “Legislative Creep: unpacking lex olympica”  
**Karen Jones**, *Asser Instituut*  
 “Defining the Organization of Sports in terms of Transnational Governance”
- 17.00            End of Sessions
- 19.30            Conference Dinner

## **22 June (Conference Day 2)**

- 09.00 Keynote speaker: **Stanislas Frossard**, *Council of Europe*
- 09.45 Session V  
**Nihal Kirkpınar Acar**, *İzmir Kâtip Çelebi University*  
“The Impact of Networked Governance on Success of Sport Club: The Case of Fenerbahçe Sports Club”  
**Antonia Hagemann**, *Supporters Direct*  
“Improving Football Governance through Supporter Involvement and Community Ownership”  
**Ozgehan Senyuva**, *Middle East Technical University, Ankara*  
“Fenerbahçe SK vs UEFA: A Governance Crisis in Turkish Football”  
**Sean Hamil**, *Birkbeck College, University of London*  
“The Future of Governance of FIFA”
- 11.15 Coffee Break
- 11.30 Session VI  
**Mgr Piotr Łebek**, *Law and Administration Faculty, University in Opole*  
“Sport Governance”  
**Kevin Carpenter**, *law firm SJ Berwin*  
“Sport Betting: A transversal challenge”  
**Jack Anderson**, *Queen’s University, Belfast*  
“Gambling, Corruption and Crime in International Sport”
- 12.30 Conclusions & end of conference
- 13.00 Lunch

# Conference abstracts

## Day 1, 9.45 – Session I

### **How can we overcome diffused sports governance when tackling match-fixing through the regulation of sports-betting?**

*Marjan Olfers / Alan Littler*, VMW Taxand & Vrije Universiteit Amsterdam / VMW Taxand, Amsterdam

Match-fixing scandals are frequently international in nature and given the transnational nature of the internet online sports betting has taken on the same international flavour. Nevertheless numerous gaps are identifiable in the scope of potential regulatory responses to allegations of match-fixing. This governance matrix can be understood in term of national regulatory authorities competent to licence and supervise sports betting operators and the parallel yet entirely detached relationship prevailing between public regulatory authorities and private (inter-)national sports governing bodies. Sport-betting operators collect a wealth of data during the normal course of business which can be used as an instrument to respond to the threat posed by match-fixing in sport. Data alone offers no protection to sport, but the use of data can be overcome by creating a duty on operators to report suspicious betting patterns. This paper will analyse the existence and nature of duties to report suspicious patterns and place the scope of these duties and potential public regulatory responses in an international context. Thereafter it will analyse the competence of (inter-)national sports bodies to respond to match-fixing allegations whilst aligning this regulatory sphere with that offered by national regulatory authorities. Weaknesses in the public-private and national-international discourses will thus become apparent. In order to overcome these governance gaps we will conclude by considering the contribution that an international match-fixing organisation could make and how the aforementioned duty to report has considerable potential to play a central role.

### **Match-fixing and corruption: are micro-states more prone? The case of Maltese football**

*Dawn Aquilina / Angelo Chetcuti*, IDHEAP / Malta FA

Maintaining the principles of integrity of competition and uncertainty of result have become a top-priority challenge for sports associations and federations, particularly with the rapid growth and increased accessibility of online betting. In the absence of a determined holistic response, we risk seeing the existing models of sport governance being eroded and, above all, a gradual detachment from sport by both athletes and fans mainly due to lack of trust. This work attempts to determine whether the threat to integrity in sport is more pronounced in small countries. It focuses on football in

Malta – the smallest EU member state – with the aim of ascertaining whether specificities related to size, such as inevitable parochialism, the familiarity between players and administrators in the football circles, as well as the modest stakes involved in domestic competitions, render local football more prone to experience cases of match-fixing or other forms of corruption. Data will be collected from amongst local clubs and their members, as well as the Malta FA. An overview of local perceptions will be given with an eye to historical development of the status quo and to specific measures taken to address the problem. Finally, a number of proposals will be put forward with a view to ensure maximum respect of the core value of maintaining the integrity of the game.

## **Day 1, 11.15 – Session II**

### **Competition law perspective**

***Ben Van Rompuy***, Georgetown University Law Center

At a time when EU leaders are struggling to tackle the Eurozone's ongoing sovereign debt crisis, the European football world is faced with its own debt crisis. In recent years, bankruptcies and spiraling debts carried by many top clubs have caused concerns about the financial stability of European football. Part of the reason clubs are saddled with so much debt is their out-of-control spending on player salaries and transfer fees. The UEFA Financial Fair Play rules, which mandates clubs to match their expenditure with 'football-related income' (e.g. revenue from TV rights, gate receipts, merchandising, and sale of players) at the peril of missing out on UEFA club competitions, is but one manifestation of the strong felt need to curb rampant spending and large cash injections by rich club owners. Various stakeholders, ranging from FIFA to the European Commission, are currently exploring alternative measures, such as the imposition of a hard salary cap (that would put a ceiling on each club's expenditures on players or even on football agent's earnings). Much ink has been spilled on the introduction of salary cap mechanism in European football from a governance perspective. Yet surprisingly little attention has been given to the question whether such measures are compatible with EU internal market and competition law. In the 2007 White Paper on Sport, the European Commission listed the compatibility of salary caps with the EU competition rules as a pending and undecided issue. An additional question is whether a salary cap could be objectively justified as a restriction of the free movement of workers (Article 45 TFEU). Both questions still linger. In this paper, the author undertakes an in-depth analysis of the EU internal market and competition law aspects of the introduction of salary caps in European football. The paper examines these legal questions and explores whether and how compliance with EU law can be ensured.

## **The fight against doping and the new Swiss Federal act on the promotion of sport: a good model of governance or a model of good governance?**

**Yann Hafner**, University of Neuchâtel

On 17 June 2011, the Federal Assembly (Swiss Parliament) passed the Federal Act on the promotion of sport. It is to repeal in a near future the current legislation on sport dating back from 1972, and last modified in the field of doping in 2000. Although this new piece of legislation reaffirms the core values established in the mid-70s, it embeds a more comprehensive set of provisions regulating the fight against doping. Naturally, the latter raises interesting legal issues. Indeed, Switzerland is often pictured as the main forum of governance of the sporting world, notably due to the fact that many sporting governing bodies, such as the IOC, UEFA or FIFA, are located there. Equally, regulatory authorities of sport, namely the Court of Arbitration for Sport and the World Anti-Doping Agency, are incorporated under Swiss law. Hence, this paper will discuss the impact of the Federal Act on the promotion of sport may have on sporting governing bodies. In this respect, distinction between national and international ones will be made when appropriate. Then, the nexus between the national antidoping organisation, sporting governing bodies and the Swiss Confederation, including its administration, will be addressed. In this part, the main focus will be on the division of competences among the various stakeholders. In addition, the issue of international transmission of athletes' personal data will be discussed. Last, the Federal Act on the promotion of sport implements a new legal obligation for athletes to undergo drug testing. Thus, the scope of the latter will be considered.

## **A legal assessment of the Financial Fair Play rules**

**Daniel Geey**, Field Fisher Waterhouse LLP

**Abstract:** The aim of presentation is to set out the rationale for the new UEFA Financial Fair Play Rules (FFPRs), examine what the provisions state and offer a conclusion about their significance. The presentation will illustrate that there are a number of criteria and exceptions which clubs can use to their advantage. There will also be an explanation regarding the amortisation of transfer fees and how such accounting practices will affect clubs wishing to break-even in order to qualify for UEFA club competitions. The FFPRs will therefore start to bite from the 2013-14 season. The rules need to be borne in mind, however, from the 2011-12 season onwards because the 2011-12 and 2012-13 accounts will be used to determine a club's license application in the 2013-14 season. There will also be further insight into how clubs are gearing up towards FFP compliance (like Manchester City) as well as how national leagues are debating whether such regulations should be implemented.

## **Financial Stability and Competitive Balance in professional football – lessons to be learned for the public sector?**

*Alex Bielefed*, European Commission

Financial stability is the key resource for successful and sustainable economies as well as for healthy and competitive sports leagues. Both, the public sector of the EU 27 and the professional football sector in Europe have seen in recent years a dramatic increase of record-high debt levels, in each case leading the system into situations with high risk in regard to liquidity problems. Even though the underlying factors for the heavy public debt burdens and the weak growth perspectives in the public sector may differ from the very particular circumstances in the professional football sector, there might still be lessons to be learned from recent steps taken by UEFA to fight financial instability in professional football in Europe. The Financial Fair Play mechanism introduced by UEFA is the result of increasing pressure from inside the football sector and demands from the outside to achieve better sustainability in professional football. The Financial Fair Play mechanism is set up to (1) Protect the long-term financial stability of European club football and (2) Restore the competitive balance between clubs and leagues. Financial Fair Play introduces a European wide harmonized regulatory financial framework which has to be followed by all clubs taking part in UEFA competitions, with a clear benchmark for a break even requirement. With regard to restore the competitive balance between clubs and leagues the regulatory framework provides for the so called 'relevant income' which excludes money acquired from private investors to be spent otherwise than on youth development and infrastructure. In this context, questions arise in how far the professional football sector has reacted better and in a more coherent manner than the public sector does during the ongoing financial crisis in the EU. The paper will touch upon concepts of competitive balance in football and in the public sector between the EU 27 and will analyse in how far spill overs and comparisons between the two sectors are possible.

### **Day 1, 14.00 – Session III**

#### **Play the Game: Action for better governance in international sport**

*Henrik H. Brandt / Jens Sejer Andersen*, Play the Game/Danish Institute for Sports Studies

In recent years a number of scandals revealing various forms of corruption and mismanagement in international sport have put the values of sport and the credibility of its organizations under increased pressure. Sports organizations have proven unable to establish efficient mechanisms to protect sport from various threats from corruption or other criminal activities, and politicians at the national and EU level have started showing great concern about the way sport and society interacts. In cooperation with six European academic and media institutions, Play the Game and

the Danish Institute for Sports Studies is currently carrying out an EU Preparatory Action on the organization of sport, aiming at bringing fresh considerations into the debate on sports governance. In the panel, the project managers and two of the project partners will outline some of the preliminary results of the projects and invite to an open debate about a number of key issues. The panel is open to debate on the following issues: (1) Analyse to which extent sports organizations can become transparent and subject to external control while upholding a strong degree of legitimate autonomy. (2) To focus on specific guidelines and measures that can enable sports organizations to cope with the ongoing commercialization, professionalization and globalization of sport, preventing corruption, mismanagement and fraud. (3) Discuss how the current structure of international federations based on the one nation-one vote principle can be amended in order to achieve more balanced democracy and strengthened stakeholder influence. (4) Assess advantages and disadvantages of establishing an international anti-corruption body in sport, similarly to WADA on the doping front.

## **Day 1, 16.00 – Session IV**

### **From corporatism to open networks? Policy-making in German sport**

***Henk Erik Meier Münster***, University Institute for Sport and Exercise Sciences

Policy-making in German sport has had a strong reputation to rely on neo-corporatist structures and processes. The sport associations have developed negotiation capacities and co-regulatory skills and gained routine access to the government (Winkler & Karhausen, 1985; Meier, 1988; Heinemann, 1996). However, in a number of other policy domains in Germany, neo-corporatist patterns are eroding or at least subject to substantial transformations. In some sectors, neo-corporatist structures have been abandoned or refined because they were deemed inefficient. In other domains, long-established interest groups have faced an erosion of their organizational base. In result, interest group involvement has been transformed from neo-corporatism to more 'open' policy networks. Given these far-reaching changes in some policy domains, this paper asks whether the policy domain of sport has experienced similar trends since the policy domain of sport has been subject to a number of major transformations and exogenous shocks, such as, diversification, commercialization and Europeanisation. Therefore, research to be presented here will examine access patterns to federal policy-making in sport in Germany in order to assess whether there is a trend from corporatism to more open networks of governance.

## **Legislative Creep: unpacking lex olympica**

**Mark James / Guy Osborn**, Salford Law School / School of Law, Westminster University

At Atlanta 1996 many commentators argued that the value of the official sponsorship agreements was undermined by rival brands and the look and feel of the Games diluted by unregulated clutter. Following this, and since the Sydney 2000 Games, the International Olympic Committee has required specific legislation, via the Host City Contract, to protect the commercial and intellectual property rights associated with each edition of the Games. In terms of the evolution and scope of the legislation and regulatory measures each host uses, this 'law' tends to be iterative in that it uses the previous legislation as the starting point from which it enacts measures based on the assumed successes and perceived shortcomings of what has gone before. This 'horizontal legislative creep' has seen host governments enact ever more draconian restrictions on the ability of local businesses to trade effectively during the Games period in order to fulfil the requirement of the Host City Contract but without ever pausing to contemplate whether or not such legislation is necessary or appropriate. However, in addition to this there is a related form of creep that needs to be evaluated. Here we see the practices and approaches developed for the Olympic Games adopted and utilised across sporting mega events in a form of 'vertical creep'. This paper analyses these instances of creep, and locates it within the debate around the need for, and scope of, 'Olympic Law', or what, in a nod to the debates on the emergence, existence, scope and desirability of *lex sportiva*, we have contentiously termed 'Lex Olympica'.

## **Defining the Organization of Sports in terms of Transnational Governance**

**Karen L. Jones**, T.M.C. Asser Instituut

Sport can be seen as an organization. However, identifying the perimeters and the benefits of defining sports as an organization is not yet clear. Currently sport is "governed" at the local, national and in some cases the international level. Although there are some recent guidelines and directives that address certain aspects of sport, there is no single sports policy that addresses sport as an organization at the international or even the EU level. Such an approach might serve to make the sports institution more consistent and cohesive across country borders, particularly in the EU. Transnational governance approach can help define some of those key issues that other organizations have struggled with such as harmonization, ethics, double-deontology, human rights, discrimination, etc. The Olympics has a governance structure that is more in line with an organizational structure that lends itself to transnational governance. This paper will explore the idea of defining sports as an organization, and the benefits of transnational governance. In part, the Olympic structure will be used as a reference and a model for an EU sports organization and transnational governance framework. Would this type of transnational governance

structure be appropriate for all professional sports in the EU, not just the Olympic Games?

## **Day 2, 09.00 – Session V**

### **The Impact of Networked Governance on Success of Sport Club: The Case of Fenerbahçe Sports Club**

*Nihal Kirkpınar Acar*, İzmir Kâtip Çelebi University, İzmir

Networked governance which suggests partnership, cooperation and collaboration as an alternative to hierarchical authority focuses on relations and interactions between organizations involved in the formation of policy of an institution. Recently, with increasing in concerns about the management of professional and amateur sport organizations and demands for more effective representation of stakeholders such as athletes, volunteers, and supporters, networked governance becomes more essential for sport and management of sport organization. In this study, the impact of networked governance on success of sport organization will be analyzed by examining success of Fenerbahçe Sports Club at local, national and international level in all leagues in all 8 amateur sport branches it has in recent years. The difference of Fenerbahçe Sports Club from other clubs in Turkey and in the world is its achievement in all 8 amateur sport branches and even professional football branch (Although the club has faced some problems because President, Aziz Yıldırım and some members of board of directors of the club are accused of getting involved in match fixing activities). This study suggests that achievements of Fenerbahçe Sport Club are derived from changing governance understanding of the club directors since 1998. From that time to present time, greater number of policy actors and interests both inside and outside the sport club involved in decision making process of the Club, lots of endorsement deals have been signed with other local , national and international organizations in all branches, 130 supporters associations have been established (16 of them are located abroad), analytical tools such as supporters activities, establishment of infrastructures in all branches, the use of mass media via its own TV , web sites and publication have been more active.

### **Improving Football Governance through Supporter Involvement and Community Ownership**

*Antonia Hagemann*, Supporters Direct

Across Europe professional sport is suffering from unsustainable financial models, weak governance and a lack of democratic accountability in the ownership and regulation of football in particular, which weakens the social function of sport. In spite of this general environment some excellent examples of community owned football clubs have been developed by democratic supporters trusts, particularly in

England, Scotland, Germany and Spain, which demonstrate the power of sport to engage people of all ages and social backgrounds and the effectiveness of supporters involvement in promoting good governance at clubs and active citizenship in local communities. Supporters Direct (SD) has seen a marked increase in demands for its services across Europe in recent years, which clearly indicates that there is real appetite for both improved governance and supporter ownership at all levels of European football. The European Commission, under the PREPARATORY ACTION IN THE FIELD OF SPORT, has selected Supporters Direct's project in the area of good governance, 'Improving Football Governance through Supporter Involvement and Community Ownership,' for receipt of a grant, to continue the process of harnessing that desire. Coordinated by SD, the project will involve nine partners: A la nantaise (France); Associação de Adeptos Sportinguistas (Portugal); Federación de Accionistas y socios del Fútbol Español (Spain); Friends of the Rebel Army Society (Ireland); Svenska Footballsupporterunionen (Sweden); Unione Italiana Sport per tutti – Comitato Regionale Emilia Romagna (Italy); Unsere Kurve (Germany); and Vzw Eskabee 1935 (Belgium); Cooperatives Europe. The project will be broken up into four phases: Development; National Workshops; Production of tools, information and training material; and Dissemination. As well as strengthening the network of supporter ownership in Europe through the identification and sharing of best practice and lessons learnt, eight partners, with the support and supervision of SD, will undertake the production of a 'toolkit' for their country, in its native language. These documents will provide a key resource for supporters' trusts/groups and mutually owned clubs in the future. There will also be a final report, produced in English, French and German. This is to be launched at a conference in the UK, and will also be presented at SD's annual event at the European Parliament in Brussels. The report will provide a benchmark for future developments in good governance, policy development, and research.

### **Fenerbahce SK vs UEFA: A Governance Crisis in Turkish Football**

***Ozgehan Senyuva***, International Relations Department, Middle East Technical University, Ankara

On 3 June 2011, Turkish football witnessed a major shake-down. The champions of the Turkish Super league for 2010-2011, Fenerbahce SK was under investigation under the allegations of match fixing and the president of the club, Aziz Yildirim, a major kingpin in Turkish football scene was arrested, along with major figures from other super league teams. Arrested individuals included the technical director and vice-president of Besiktas JK, the cup winners of 2010-2011 and Trabzonspor SK, the runner up, was also under investigation. This was an unprecedented development in professional Turkish football, but the after events brought about major crisis regarding the football governance in Turkey. Following UEFA's recommendation, Turkish Football Federation replaced Fenerbahce SK with Trabzonspor SK to participate in the Champions League. Fenerbahce SK's response was very harsh, bringing the case to CAS, blaming primarily UEFA for "intervening in Turkish affairs"

and making the issue even more personal, holding Michel Platini, the president of UEFA, personally responsible for a scheme against Fenerbahce. This article aims at analyzing the football governance in Turkey by using the case of Fenerbahce SK and look at how the relations between Turkish professional football clubs, Turkish Football Federation and UEFA is structured and perceived by involved parties.

## **The Future of Governance of FIFA**

**Sean Hamil**, Birbeck College University of London, Birbeck Sport Business Centre

The Fédération Internationale de Football Association (FIFA) is the world governing body of football. It is a not-for-profit association governed under the Swiss Civil Code, with 208 member, national, football associations. Its stated aim is the global development of football (FIFA Statutes, 2010, Article 2a). But it is also a major competition organiser, notably of the FIFA World Cup™, and a commercial property rights exploitation organiser; it also has important regulatory functions including: (1) ensuring the rules of the game are adhered to, as laid down by the International Football Association Board (IFAB); (2) player agent regulation; (3) player status and transfers regulation (4) ensuring that there can be only one football association and league structure in each country; (5) acting to regulate and protect the health of national team competitions –clubs are compelled to release players called up for national team competitions unless they are injured. Clearly it is an organisation with very complex roles and responsibilities. However in the last year the ability of FIFA to carry out its multiple functions effectively have been called into question by a series of scandals. The FIFA President has now initiated a review of the organisation's governance structures. This paper will review the current governance structures of FIFA, and drawing on a review of the published literature on the evolving governance reform process, making reference to the views of all the key stakeholders both internal and external, critically assess what new forms of organisational governance structure might emerge at the end of this process.

## **Day 2, 11.30 – Session VI**

### **Sport Governance**

**Piotr Lebek**, The Law and Administration Faculty, University in Opole

One of the fundamental problems connected with the analysis of “sport governance” is the definition of the term. It is very important, as governance is easily misunderstood as “management”. Of course, it does not mean that a few private opinions may usurp the right to the legal definition of the term. However, we should not be under the false impression that “management” is synonymous with “governance”. The conceptual framework of the argumentation should be plain. That is why the definition of governance by Bob Tricker, the first scholar who was dealing

with corporate governance, cannot be overestimated: *if management is about running the business, governance is about seeing that it is run properly*. The problem is about the guarantee of the representatives to take actions in the best interest of sport. An expanded thesis requires an analysis of the structure and organization of sport in light of "the best interest of sport" clause, which has been used in the American model of sport since K. Landis's authoritarian governance at MLB. Even though the European model of sport did not develop the clause, the general idea of *pro sportiva favorem* should be reconstructed under the Bob Trickers words of "run properly". This *sui generis* "pledge of loyalty" is also visible in the legal formula of the *affectio societatis* of shareholders. Unfortunately, a good decision for the shareholders is not always a good decision for the company. However, the management of a corporation needs to be professional. In consequence, the conflict of interests seems to be unavoidable. That is why when professional managers govern, the issue of "the stakeholders interest *versus* the company's interest" is always present. All this brings us to the necessity of creation of a good governance code for sport practices. The paper will deal with the presented topic, taking the professional sport leagues as an example of sport governance issues. It provides a systematic overview of the way in which the concept of professional leagues is applied in the context of European and American model of sport. Special concern will be given to legal forms of professional leagues (legal entity v. joint venture). Finally, it will present the draft of the code of good practices in sport.

### **Match Fixing - The Greatest Threat to Sport in the 21st Century?**

**Kevin Carpenter**, Executive Contributor - LawinSport.com / Lawyer - SJ Berwin LLP

Many of the problems surrounding sport gambling arise from territories and markets where gambling is banned, such as the Far East, because where there are prohibitions gambling is driven into the black market. Indeed Interpol has revealed that through operations in this part of the world it has made nearly 7000 arrests. Further it estimates that the volume of illegal betting and match fixing to be worth \$500bn (£311bn) on the Asian market alone. The advent of in play betting, betting exchanges and advances in technology also provide new challenges for authorities in this area. Indeed the head of Interpol, Secretary General Ronald K. Noble, has said recently that with increased internet access, remote betting has revolutionised the gambling market in terms of reach and speed, providing opportunities for cybercrime to overlap illegal betting, creating more potential targets and more challenges for law enforcement. An interesting interplay is with the legal betting industry and legal bookmakers many of whom are now household names. If there is a match fixing scandal involving betting licensed bookmakers can lose money as people stop betting and the whole industry is tarnished. This leads on to a discussion on the primary source of concern for governing bodies around the world on this topic, illegal betting and gambling.

## **Gambling, Corruption and Crime in International Sport**

**Jack Anderson**, School of Law, Queen's University

In 2011, the President of the International Olympic Committee, Jacques Rogge, identified gambling-led corruption as the single biggest threat to the integrity of international sport. The commercial, legal and integrity threats emanating from gambling-related corruption are not confined to international sport. By utilising online gambling platforms and mobile phone technology, recognised international crime syndicates have the capacity not only to undermine the credibility of major sporting events but also to launder money and to engage in assorted secondary criminality of a financial nature including tax evasion, identity theft, economic conspiracy and fraud. Against that backdrop, this paper discusses three aspects to the, at times, problematical relationship between sport and betting. First, account is given of the social and legal history of sports gambling with reference to the fact that that relationship between sport and betting is long, colourful and controversial and contains lessons and actions that usefully can be applied to the contemporary problems besetting international sport. The second part outlines the vulnerability of modern sport to betting-led corruption and particularly that facilitated by unregulated online betting exchanges. The third part considers various risk management and preventative measures currently in place in a number of leading "betting" jurisdictions such as the UK and Australia with a view to assessing possible future resilience and anti-corruption mechanisms that could be applied globally in the international sports industry.

## **Accepted papers that will not be presented at the conference**

### **Access to sports content: media law versus competition law**

**Katrien Lefever**, Interdisciplinary Centre for Law and ICT (ICRI) – KU Leuven

The last decade, the media landscape has changed fundamentally. Due to technological evolutions, sports fans can be informed about sports events 24/7. As a result, it is often argued that any existing constraints on access to (sports) information will disappear and that media regulation, which traditionally contains rules safeguarding access to information, pluralism and diversity, will become redundant. Moreover, it was sometimes proposed to leave the regulation of the broadcasting market solely to competition law. However, the regulation of the broadcasting sector can only be left to competition law, if competition authorities, when dealing with the sale and exploitation of sports broadcasting rights, can take into account the public's access to live sport on television. This paper examine whether competition law could be the right tool to protect the public's access to live sports content. In doing so, different decisions of the European Commission and the national competition authorities will be analysed.

## **Ambush Marketing and Freedom of Speech**

**Kim de Beer**, Dutch Performing Arts Fund

In the last twenty years the Olympic Games have been the stage for incidents of ambush marketing. Ambush marketing can be described as “the actions of companies which seek to associate themselves with a sponsored event without paying the sponsorship fees” (Garrigues, 2011). The International Olympic Committee (IOC) claims ambush marketing is a threat to their agreements with official sponsors. The official sponsors of the Olympic Games pay enormous amounts of money to gain the exclusive rights to advertise in relation to this event. According to the IOC, it needs the official sponsors because they finance a significant part of the event. To be able to attract official sponsors the IOC needs to guarantee exclusive rights. Ambush marketing threatens the exclusivity of these rights. The IOC is of the opinion that standard legislation with regard to intellectual property rights and unfair competition does not provide sufficient protection. Therefore the IOC demands of the host country that it will guarantee the effective protection of its commercial rights. These government guarantees have led to the implementation of event-specific legislation such as “The London Olympic Games and Paralympic Games Act 2006 (LOGPA 2006)”. The LOGPA 2006 creates exclusive association rights for the IOC and the official sponsors. An association right is an exclusive right of the IOC and the sponsors to associate themselves with the event. Third parties are prevented from advertising with regard to the Olympic Games. The protection offered by these association rights goes much further than the protection offered by regular intellectual property and unfair competition legislation. The prevention of ambush marketing and other forms of commercial expression (in relation to the event) are a limitation of the right to freedom of expression. The European Court of Human Rights (ECtHRs) has repeatedly stated that information of commercial nature is protected by article 10 of the European Convention on Human Rights (ECHR) (ECHR, app. No. 10572/83, 20 November 1989). The question is whether the limitation of the right to freedom of (commercial) speech can be justified based on article 10 (2) of the ECHR. Against this background, the central question I will address in this paper is: whether limitations of freedom of speech based on the LOGPA 2006 are a violation of article 10 ECHR. In my paper I will firstly provide an analysis of the LOGPA 2006. Secondly, I will explain some general principles the ECtHRs has established with regard to freedom of speech. Thirdly, I will narrow the focus to commercial speech. Then I will analyse whether limitations based on the LOGPA 2006 are in line with the case-law of the ECtHRs with regard to commercial speech. The paper will close with several conclusions.

# 7. CONFERENCES AND EVENTS

Edited by Simon Ličen

## **Sport&EU 2012 Conference: 'Towards a Networked Governance in Sport'**

The seventh annual conference of the Association for the Study of Sport and the European Union will be organised by the Swiss Graduate School of Public Administration in Lausanne, Switzerland, on 21-22 June 2012.

**Location:** Lausanne, Switzerland

**Date:** 21-22 June 2012

**Organiser:** Association for the Study of Sport and the European Union in cooperation with the Swiss Graduate School of Public Administration in Lausanne

**Website:** <http://www.sportandeu.com/events/sporteu-conferences/sporteu-conference-2012/>

## **ACFF Football Conference: 'Knowing, detecting and growing Youth talent player in football'**

**Location:** Rennes, France

**Date:** 30 May-1 June 2012

**Organiser:** University of Rennes

**Website:** <http://www.m2slab.com/>

## **Football and Communities**

**Location:** Manchester, England

**Date:** 1 June 2012

**Organiser:** Manchester Metropolitan University

**Website:** <http://footballcommunities2012.wordpress.com/>

## **Transatlantic Conference on Transparency Research**

**Location:** Utrecht University, Utrecht, Netherlands

**Date:** 7-9 June 2012

**Organiser:** Utrecht University

**Website:** <http://www.transparencyconference.nl>

## **26th ICCP World Play Conference ‘Providing Play: Applications for policy and practice from research’**

**Location:** Tallinn, Estonia

**Date:** 18-19 June 2012

**Organiser:** International Council for Children’s Play in co-operation with Tallinn University and the Estonian Union for Child Welfare

**Website:** <http://www.iccp-play.org/conferencetallinn2012.htm>

## **European Association for the Sociology of Sport Conference ‘Sport in Globalised Societies: Changes and Challenges’**

**Location:** Berne, Switzerland

**Date:** 20-23 June 2012

**Organiser:** European Association for the Sociology of Sport (eass) and the Institute of Sport Science of the University of Bern

**Website:** <http://www.eass2012.ch/>

## **International Sport, Race and Ethnicity Conference**

**Location:** Belfast, Northern Ireland

**Date:** 27-30 June 2012

**Organiser:** Sport and Exercise Sciences Research Institute at the University of Ulster

**Website:** <http://www.science.ulster.ac.uk/sre2012/>

## **Cricket, Migration and Diasporic Communities conference**

**Location:** Leeds Metropolitan University, Leeds, England

**Date:** 4 July 2012

**Organiser:** Leeds Metropolitan University

**Website:** <http://www.leedsmet.ac.uk/conferences/cricket/>

## **Annual Congress of the European College of Sport Science**

**Location:** Brussels, Belgium

**Date:** 4-7 July 2012

**Organiser:** Vrije Universiteit Brussel (VUB), Université Libre de Bruxelles (ULB), together with Howest, university college West Flanders

**Website:** <http://www.ecss-congress.eu/2012/>

## **Globalizing Cultures and Identities: Sport, Lifestyle, Heritage**

**Location:** Manchester, England

**Date:** 5-7 July 2012

**Organiser:** Manchester Metropolitan University and the British Sociological Association

## **International Society for the History of Physical Education and Sport (ISHPES) conference**

**Location:** Gama Filho University, Rio de Janeiro, Brazil

**Date:** 9-13 July 2012

**Organiser:** International Society for the History of Physical Education and Sport (ISHPES) and the Brazilian Society for the History of Physical Education and Sport

**Website:** <http://www.isphes.org>

## **Teaching Games for Understanding (TGfU) Conference**

**Location:** Loughborough, England

**Date:** 14-16 July 2012

**Organiser:** Loughborough University, School of Sport, Exercise and Health Sciences

**Website:** <http://www.equity-events.co.uk/tgfu>

## **International Sociology of Sport Association World Congress**

**Location:** Glasgow, Scotland

**Date:** 16-18 July 2012

**Organisers:** International Sociology of Sport Association/Association Internationale de Sociologie du Sport

**Website:** <http://issa-glasgow2012.com/>

## **International Convention on Science, Education and Medicine in Sport (ICSEMIS)**

**Location:** Glasgow, Scotland

**Date:** 19-24 July 2012

**Organisers:** International Council of Sport Science and Physical Education (ICSSPE), International Olympic Committee (IOC), International Paralympic Committee (IPC), and International Federation of Sports Medicine (FIMS)

**Website:** <http://www.icsemis2012.com/>

### **Third International Conference on Sport and Society**

**Location:** Murray Edwards College, Cambridge, England

**Date:** 23-25 July 2012

**Organisers:** International Conference on Sport and Society and Cambridge University

**Website:** <http://www.SportConference.com/>

### **1908 – 1948 – 2012: London’s Contribution to Olympic History and Culture**

**Location:** Bristol, England

**Date:** 25 July 2012

**Organisers:** University of Bristol

### **World Congress of Performance Analysis of Sport IX**

**Location:** Worcester, England

**Date:** 25-28 July 2012

**Organisers:** International Society for the Performance Analysis in Sport and the University of Worcester

**Website:** <http://www.worc.ac.uk/wcpas9/>

### **International Pierre de Coubertin Olympic Symposium on ‘Olympism, Olympic Education and Learning Legacies’**

**Location:** Canterbury, England

**Date:** 3 August 2012

**Organisers:** Canterbury Christ Church University and International Pierre de Coubertin Committee.

### **The Olympic Games: Meeting New Global Challenges**

**Location:** Oxford University Club, Oxford, England

**Date:** 13-14 August 2012

## **Disability Sport: A vehicle for social change?**

**Location:** Coventry Cathedral, Coventry, England

**Date:** 23-25 August 2012

**Organisers:** Centre for Peace and Reconciliation Studies at Coventry University and the International Wheelchair and Amputee Sports Federation

**Website:** <http://www.coventry.ac.uk/researchnet/cprs/Pages/Home.aspx>

## **Exchanging Ideas on Europe 2012: Old Borders - New Frontiers**

The conference might include a panel on European football

**Location:** Passau, Germany

**Date:** 3-5 September 2012

**Organisers:** UACES – The academic association for contemporary European studies

**Website:** <http://www.uaces.org/passau/index.php>

## **European Sports Development Network Symposium 2012**

**Location:** Sheffield Hallam University, Sheffield, England

**Date:** 5 September 2012

**Organisers:** Sport and Physical Activity Academy, Sheffield Hallam University and European Sports Development Network

**Website:** <http://www.shu.ac.uk/ad/sport-conference/>

## **The British Society of Sports History Annual Conference**

**Location:** University of Glasgow, Glasgow, Scotland

**Date:** 7-8 September 2012

**Organisers:** The British Society of Sports History

## **International Association for the Philosophy of Sport Annual Conference**

**Location:** Porto, Portugal

**Date:** 12-15 September 2012

**Organisers:** International Association for the Philosophy of Sport

**Website:** <http://iaps.net/conference/>

## **20th European Association for Sport Management conference**

**Location:** Aalborg, Denmark

**Date:** 19-22 September 2012

**Organisers:** European Association for Sport Management, University College of Northern Denmark (UCN) and Danish Institute for Sports Studies/Play the Game.

**Website:** <http://www.easm2012.com>

## **World conference of the International Society for the Social Sciences of Sport (ISSSS)**

**Location:** Kranjska Gora, Slovenia

**Date:** 19-22 September 2012

**Organisers:** International Society for the Social Sciences of Sport and SPOLINT, Institute of Sport Development

**Website:** <http://www.spolint.org/index.php?id=31&lang=en>

## **The Origins and Birth of a Europe of Football: a History of European Football Competitions conference**

**Location:** Besançon, France

**Date:** 28-29 September 2012

**Organisers:** Centre for Historical Sciences at the Université de Franche-Comté

**Website:** <http://www.free-project.eu/events/Pages/competitions-2012.aspx>

## **International Symposium for Olympic Research ‘Problems, Possibilities, and Promising Practices: Critical Dialogues on the Olympic and Paralympic Games’**

**Location:** Ivey-Spencer Leadership Centre, London, Ontario, Canada

**Date:** 19-20 October 2012

**Organisers:** International Centre for Olympic Studies (ICOS) at the University of Western Ontario

**Website:** <http://www.uwo.ca/olympic>

### **III Congreso Latinoamericano de Estudios Socioculturals del Deporte: ‘Sport & physical activity in the process of Latin American integration’**

**Location:** University of Concepción, Chile

**Date:** 24-26 October 2012

**Organisers:** Latin American Association of Socio-Cultural Studies of Sport (ALESDE)

**Website:** <http://www.udec.cl/alesde>

### **‘Hosting, Organising and Celebrating the Olympics’ conference**

**Location:** Rouen, France

**Date:** 29-31 October 2012

**Organisers:** University of Rouen

**Website:** <http://carrefour2012.free.fr/EN/indexEN.php>

### **International Congress on Enhancement of Physical Activity and Motor Skills**

**Location:** Jyväskylä, Finland

**Date:** 1-3 November 2012

**Organisers:** University of Jyväskylä

**Website:** <http://www.icepa.fi>

### **Sport – Probing the Boundaries**

**Location:** Salzburg, Austria

**Date:** 7-9 November 2012

**Website:** <http://www.inter-disciplinary.net/probing-the-boundaries/persons/sport/>

### **North American Society for the Sociology of Sport Conference**

**Location:** New Orleans, Louisiana, USA

**Date:** 7-10 November 2012

**Organisers:** North American Society for the Sociology of Sport

**Website:** <http://www.nasss.org>

## **Sport and the Global South II: Legacies, Possibilities, Transformations**

**Location:** George Mason University, Fairfax, Virginia, USA

**Date:** 12-14 November 2012

**Organisers:** George Mason University

## **The Future of Sport in Small Nations**

**Location:** Dunedin, New Zealand

**Date:** 21-23 November 2012

**Organisers:** The University of Otago

**Website:** <http://physed.otago.ac.nz/sportinsmallnations2012>

## **European Football and Collective Memory: Transnational Media Events**

**Location:** Stuttgart, Germany

**Date:** 22-23 February 2013

**Organisers:** Football Research in an Enlarged Europe and Universität Stuttgart

**Website:** <http://www.free-project.eu/events/Pages/memory-2013.aspx>

## **19th International Symposium of Adapted Physical Activity (ISAPA)**

**Location:** Yeditepe University, Istanbul, Turkey

**Date:** 19-23 July 2013

**Organisers:** International Symposium on Adapted Physical Activity

**Website:** <http://ww.isapa2013.com>

# 8. JOURNALS

Edited by Simon Ličen

## **Special Issue of Journal of Sport Management on ‘Community Sport’**

The intent of the special issue is to provide a platform for the examination of various aspects of community sport, and thus to foster progress in its study and practice.

Possible topics include (but are not limited to):

- The nature and impact of community sport program design and delivery
- Strategy and structure of community sport organizations and delivery mechanisms
- The development, nature and impact of community sport policy, and the impact of policy on community sport
- Community sport governance, at the organizational and/or government level
- Organizational capacity development
- Community sport volunteerism
- Interorganizational relations in community sport
- Legal aspects of community sport
- Community sport marketing
- Facility challenges, including access and affordability
- Innovation in community sport
- Commercialization of community sport
- The impact of community sport programs and experiences on individuals and groups, including marginalized cohorts
- Local and societal impact of community sport

Note: The focus is community-based sport programs and organizations rather than school sport and large-scale sport events.

Manuscripts should be submitted no later than **1 September 2012**. Please address questions to guest editors Alison Doherty ([adoherty@uwo.ca](mailto:adoherty@uwo.ca)) or Laura Cousens, ([lcousens@brocku.ca](mailto:lcousens@brocku.ca)).

## **Special Issue of European Journal for Sport and Society on ‘Sport in Globalised Societies - Changes and Challenges’**

As a follow up to the 9<sup>th</sup> eass conference in Bern 2012, a special issue of the European Journal for Sport and Society will be dedicated to ‘Sport in Globalised Societies’.

According to the programme and the contributions of the conference it will offer a

broad thematic focus on social issues relating to questions concerning sport and globalisation (see the different subtopics in the conference programme). Articles on both, theoretical and empirical, perspectives are welcome. The editors encourage particularly all speakers of the conference to submit extended papers for the special issue while contributions from other researchers who work in this field are also welcome.

The deadline for submissions is **15 September 2012**. All articles will be reviewed by two members of the Scientific Committee of the conference or by other experts in a double-blind review process. The guest editors Sandra Günter, Torsten Schlesinger, and Yvonne Weigelt-Schlesinger, and the editor-in-chief will select the papers published in the Special Issue. Other articles which will be evaluated positively will be integrated in future issues of ejss. Papers should not exceed 8,000 words incl. references. Further information can be found at <http://www.ejss.ch>. Papers should be submitted by email to [ejss@ispw.unibe.ch](mailto:ejss@ispw.unibe.ch).

### **Special Issue of Mass Communication and Society on ‘The Olympics, Media, and Society’**

Routledge intends to produce a set of Olympics themed special issues in several of its journals. To that end, Mass Communication and Society invites submissions for the second of two special issues exploring the relationship between the Olympics, media, and society. The focus of this second special issue will be on the blurring of lines between producers and consumers of the 2012 London Olympic spectacle in the new media landscape. Submissions should contribute to the understanding of the increasing degree of overlap between traditional and new forms of media as it relates to production and consumption of the London Olympic or Paralympic Games. Studies should examine the ways in which audiences consume news and competition (live or as-live) or the various intersections between athletes, journalists, etc. within social, user-generated, and other online forms of media and more traditional forms of print and/or broadcast coverage.

Manuscripts that are accepted for this special journal issue are also likely to be proposed for inclusion as a book chapter in an Olympic-themed book series to be published by Routledge, giving potential for wider dissemination.

Manuscripts must be submitted by **2 January 2013**. Selected manuscripts are scheduled to be published on 1 December 2013 in Volume 16(6) of MCS. Please contact the guest editors Marie Hardin ([mch208@psu.edu](mailto:mch208@psu.edu)) or Andrew Billings ([acbillings@ua.edu](mailto:acbillings@ua.edu)) for additional information.

## **Special Issue of Sociology of Sport Journal on ‘Conversations between Sociology and Psychology: Applying Social Theory in Micro-Level Sport and Physical Cultural Contexts’**

This Special Issue examines the potential to combine critical psychology and sociology to create positive change in sport and physical cultural contexts. Developing a theoretically informed analytical approach to practical issues in sport and exercise, it will seek to move beyond the longstanding divide between the sociology and psychology of sport and physical culture by inviting contributions that contest structure/agency, society/individual, macro/micro, and/or theory/practice dichotomies. Submissions that attempt to enhance individuals’ experiences in practical sport and exercise contexts through research informed by a larger social critique and analysis are encouraged. Articles that emphasize the interconnections between the socio-cultural and the psychological to expand critical understanding of lived experiences, and inform research practices and politics in particular sport and physical cultural contexts, are sought after. Ideally, contributors will draw from both psychological and sociological literatures to go beyond individual-based modes of analysis.

The editors invite contributions that adopt a transdisciplinary dialogue that engages critical theory to examine topics such as (but not limited to):

- Health (e.g., sport and physical cultural health practices, trainers, medical practitioners and athletes’ experiences of ruptured embodiment)
- Moving bodies (e.g., body-image, body practices, extreme bodies, body aesthetics)
- Identities in sport and physical culture including analyses of participants’ lived experiences
- Coaches’ and instructors’ practices as discursively formed
- Youth sport (e.g., socio-cultural dimensions of athlete development, talent detection and production of careers in high performance sport, competition vs. play)
- Performance enhancement interventions that recognize ‘sporting problems’ as social constructions
- Transitions (e.g., career transitions, transnational mobilities, trans-athletes)
- Affective and/or sensuous sporting experiences (e.g., anger, pleasure, joy, fun)
- Risk-taking, injury and pain in sport, exercise and physical culture

Authors should follow the “Instructions for Contributors” found at <http://journals.humankinetics.com/submission-guidelines-for-ssj> and in every issue of the Sociology of Sport Journal. Word limit is 8,000, including back matter.

Online submissions should be sent to [http://mc.manuscriptcentral.com/hk\\_ssj](http://mc.manuscriptcentral.com/hk_ssj), and questions should be sent to Guest Editors Dr Holly Thorpe, [hthorpe@waikato.ac.nz](mailto:hthorpe@waikato.ac.nz), Dr Tatiana Ryba, [ryba@sport.au.dk](mailto:ryba@sport.au.dk), and/or Dr James Denison, [jim.denison@ualberta.ca](mailto:jim.denison@ualberta.ca). **Due date for Papers: September 30, 2012.**

## Special Issue of Soccer and Society on 'Football in Asia'

The main objective of this special issue is to assess and further development the current research on football and modern sports in Asian contexts. Sports issues in Asia have either been ignored or poorly addressed. Because of the plentiful traditions and the current proliferation of football in Asia, the imperative to examine the complex relationship between the globalization of football and local reception or appropriation grows stronger.

Topics of interest in relation to Football in Asia include but are not limited to:

- History of football in Asia
- Football and colonialism/imperialism
- Local, national, and regional football leagues in Asia
- Broadcasting football in Asia
- Football fandom and fan activism in Asia
- Football and political controversy in Asia
- Asian football franchise, and Asian football celebrity
- Cyberspace and football in Asia
- Women/gender and football
- International labor division in football
- Football goods: their production, circulation and consumption in Asia
- Football events in Asia such as Asian Cups, Malaysian Cups
- Football and violence in Asia
- Football and gambling in Asia
- Asian football and the world hierarchy
- Representation of football in Asia

This special issue seeks manuscripts that critically engage the complexity of football in Asian context. It welcomes cross-disciplinary types of research papers that consider empirical, historic, case study, and/or theory-based papers.

Authors interested in contributing to this special issue should send an abstract for their paper (a 300-500 word) and a brief biography by **30 June 2012**. Successful applicants will be notified by 15 July 2012 and will be asked to write up articles for the journal (no more than 8000 words) by **30 November 2012**. The special issue is to be published in the summer of 2013.

Please submit and address all applications and enquiries to Dr. CHO Younghan from Hankuk University of Foreign Studies, Seoul, South Korea ([c.youngchan@hotmail.com](mailto:c.youngchan@hotmail.com)) or Dr. Eunha Koh from Korea Institute of Sport Science, Seoul, South Korea ([ehkoh@sports.re.kr](mailto:ehkoh@sports.re.kr)). More details on the guidelines and instructions for authors can be found at:

<http://www.tandf.co.uk/journals/journal.asp?issn=1466-0970&linktype=44>

## **Call for Special Issue Proposals for the International Review for the Sociology of Sport**

The *International Review for the Sociology of Sport* invites proposals for guest-edited special issues of the journal. The IRSS, now in its 47<sup>th</sup> year, is the most longstanding scholarly publication focused on sport and culture. Interdisciplinary, inclusive, and global, the IRSS is the journal of the International Sociology of Sport Association and publishes six issues a year in partnership with Sage Publications. Please visit the journal website for more information about its Aims & Scope, the Editorial Board, and sample issues at <http://irs.sagepub.com/>.

Proposals by prospective guest editors of special issues will be reviewed by Editor-in-Chief Lawrence Wenner and seven Corresponding Editors from across the globe in consultation with the IRSS Editorial Board and ISSA Executive Board. Manuscripts for special issues will be solicited via open calls for submissions and undergo a double-blind review process under the supervision of the special issue editor(s) and Editor-in-Chief. Proposals addressing the following points should be sent to [lawrence.wenner@gmail.com](mailto:lawrence.wenner@gmail.com) with 'IRSS Special Issue Proposal' in the subject line:

1. Theme to be addressed.
2. Relevance and timeliness of the theme.
3. Expected contribution to the sociology of sport.
4. Interdisciplinary interest and impact.
5. Interest to the international academic community.
6. Quality and quantity of expected submissions.
7. Academic qualifications and editorial experience of the proposed editor(s).

## **New Journal 'Case Studies in Sport Management' to be Launched in May**

Human Kinetics announced the May 2012 launch of Case Studies in Sport Management (CSSM), a peer-reviewed journal focusing on the publication of teaching case studies related to sport management.

The purpose of Case Studies in Sport Management (CSSM) is to enhance pedagogy in the discipline through the dissemination of teaching cases across varied topics consistent with the COSMA Common Professional Component topical areas, including sport management, marketing, finance and law.

The online journal will serve as a searchable library of cases that instructors can use to incorporate into their classrooms.

The case method provides an action-oriented teaching and learning environment, allowing students to develop and enhance skills such as critical thinking, strategic decision making, creativity, teamwork, and leadership.

The Journal is calling for submissions of case studies which should be 10 to 20 pages in length, exclusive of supplemental materials, while the length of the teaching notes may vary. More information on submissions can be found on the journal website here: [http://www.humankinetics.com/news-and-excerpts/news-and-excerpts/call-for-papers-case-studies-in-sport-management?associate=7043&hq\\_e=el&hq\\_m=1609672&hq\\_l=10&hq\\_v=f7cd5975e6](http://www.humankinetics.com/news-and-excerpts/news-and-excerpts/call-for-papers-case-studies-in-sport-management?associate=7043&hq_e=el&hq_m=1609672&hq_l=10&hq_v=f7cd5975e6)

# 9. RESOURCES

Edited by Simon Ličen

## **Canadian Sport Governance Portal Launched**

Sport Information Resource Centre (SIRC), working together with Sport Canada and the Canadian Olympic Committee launched a new Sport Governance Portal. This portal is a single destination point where users can find recommended governance related resources. The resources, which are Canadian-specific, include templates, guidelines, good practices in sport, and online learning materials. The portal can be reached at <http://www.sirc.ca/governance>.

# 10. THE READING CORNER

Edited by Simon Ličen

## **Communication and Sport: Surveying the Field**

Billings, Andrew C., Michael L. Butterworth and Paul D. Turman  
London/Thousand Oaks: Sage, 2012  
344 p. ISBN 9781412972932 \$57.00 (pbk)

## **Discourses of Olympism**

Chatziefstathiou, Dikaia and Ian P. Henry  
Basingstokes: Palgrave Macmillan, 24 August 2012  
320 p. ISBN 9780230289574 £55.00

## **Global Boxing**

Woodward, Kath  
London: Bloomsbury, June 2012  
ISBN 9781849667982 (pbk), ISBN 9781849668101 (hc) £50.00

## **Global Media Sport: Flows, Forms and Futures**

Rowe, David  
London: Bloomsbury, 2011  
224p. ISBN 9781849661577 (pbk), ISBN 9781849666756 (ebook) £50.00 (available online through a Creative Commons copyright)

## **Japanese Women and Sport: Beyond Baseball and Sumo**

Kietlinski, Robin  
London: Bloomsbury, 2011  
ISBN 9781849666701 (pbk), ISBN 9781849663403 (hc), ISBN 9781849666688 (ebook) £50.00 (available online through a Creative Commons copyright)

## **Making Meaning out of Mountains: The Political Ecology of Skiing**

Stoddart, Mark  
Toronto: University of British Columbia Press  
240 p. ISBN 9780774821964 (hc) CA\$ 85.00

## **Sport for Development and Peace: A Critical Sociology**

Darnell, Simon  
London: Bloomsbury, 2012

ISBN 9781849663441 (hc) £50.00 (available online through a Creative Commons copyright)

**Sport, Spectacle, and NASCAR Nation: Consumption and the Cultural Politics of Neoliberalism (Education, Politics and Public Life)**

Newman, Joshua and Michael Giardina  
Basingstokes: Palgrave Macmillan, 2011  
302 p. ISBN 978-0230115194 (hc) \$90.00

**Sports Fans, Identity, and Socialization: Exploring the Fandemonium**

Earnheardt, Adam, Paul Haridakis and Barbara Hugenberg (eds.)  
Lanham, MD: Lexington, 2012  
314 p. ISBN 978-0739146231 (hc) ISBN 978-0739146224 (ebook) \$80.00, £49.95

**Tainted Glory: Marshall University, The NCAA, and One Man's Fight for Justice**

Ridpath, B. David  
Bloomington, IN: iUniverse, 2012  
286 p. ISBN 9781469790879 \$12.32 (pbk)

**The Transformation of European Football: Towards the Europeanisation of the National Game**

Niemann, Arne, Borja Garcia and Wyn Grant (editors)  
Manchester: Manchester University Press, 2011  
224 p. ISBN 978-0719085758 (hc) £56.06/\$100.00 (email [europeanisation@sportandeu.com](mailto:europeanisation@sportandeu.com) for information on potential discounts)

**The Urban Geography of Boxing: Race, Class, and Gender in the Ring**

Heiskanen, Benita  
Abingdon, UK: Routledge, 2012  
192 p. ISBN 978-0-415-50226-9 (hc) 978-0-203-11928-0 (ebook) \$125.00 (hc)