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Regulatory Colonialism in Global Sports Competitions: Legal Implications for Athletes from Developing Countries

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Abstract: This research examines the phenomenon of regulatory colonialism in global sports governance and its legal implications for athletes from developing countries. Through socio-legal analysis and a postcolonial theoretical framework, this study investigates the historical formation of international sports organizations, the Eurocentric values embedded in competition standards, and the structural inequalities perpetuated through current regulatory systems. The research reveals significant disparities in qualification policies, anti-doping regulations, infrastructure requirements, and athlete transfer rules that disadvantage developing nations. Furthermore, athletes from these countries face substantial procedural and financial barriers to accessing justice in international sports disputes. This study identifies concrete manifestations of regulatory colonialism in contemporary sports, including inequitable resource distribution, exploitative commercial arrangements, and inadequate representation in decision-making processes. The research concludes by proposing legal reforms centered on equitable representation, resource redistribution, cultural diversity recognition, and strengthened justice access mechanisms to decolonize global sports governance and advance structural equality.

Keyword: Regulatory Colonialism, Global Sports Competitions, Legal Implications, Developing Countries, Structural Inequalities.

INTRODUCTION

The governance of global sports is characterized by a complex regulatory framework dominated by international sports organizations that have historically been established and controlled by developed nations. This study examines the concept of regulatory colonialism in global sports competitions and its impact on athletes from developing countries. Regulatory colonialism refers to the imposition of rules, standards, and governance structures that reflect the interests, values, and priorities of dominant nations while marginalizing those of less powerful countries.

The historical context of international sports organizations reveals a pattern of Western dominance dating back to their formation. The International Olympic Committee (IOC), established in 1894, was founded by French aristocrat Baron Pierre de Coubertin with an initial

committee composed almost entirely of European nobility and elites (Chappelet & Kübler-Mabbott, 2008). Similarly, FIFA, established in 1904, began with seven European founding members and maintained European leadership for decades. This historical foundation has created enduring power imbalances in representation and decision-making authority.

The unequal representation in global sports governance is reflected in the composition of executive committees, technical boards, and arbitration panels of major international sports federations. Despite the global nature of sports, decision-making power remains concentrated among representatives from Europe and North America. As Geeraert (2015) notes, this imbalance leads to policies and regulations that often fail to consider the diverse socioeconomic realities of developing nations, creating a form of structural discrimination that undermines the principle of fair competition.

The theoretical framework of postcolonialism provides a valuable lens through which to analyze international sports law. Postcolonial theory examines how colonial legacies continue to shape contemporary global relations and institutions. In the context of sports, this perspective helps illuminate how Eurocentric norms have become universalized and institutionalized in global sports governance, often at the expense of alternative approaches and cultural practices (Maguire, 2005).

The structural impact of regulatory colonialism is manifested in various ways that directly affect athletes from developing countries. These include inequitable qualification systems, stringent anti-doping regulations with limited consideration for different national capacities, standardized facility requirements that impose significant financial burdens, and athlete transfer regulations that facilitate talent drain from developing to developed nations (Bairner & Molnar, 2010).

This research aims to analyze the legal implications of regulatory colonialism for athletes from developing countries and to explore potential reforms that could create a more equitable global sports governance system. The study addresses the following research questions:

1. How has the historical development of international sports organizations perpetuated colonial power dynamics in global sports governance?
2. What are the specific manifestations of regulatory colonialism in contemporary sports competitions?
3. What legal challenges do athletes from developing countries face as a result of regulatory colonialism?
4. What reforms could be implemented to decolonize sports regulations and create a more equitable system?

METHOD

This research employs a socio-legal approach with critical analysis to examine regulatory colonialism in global sports. The socio-legal methodology enables an investigation that goes beyond doctrinal legal analysis to consider the social, political, and economic contexts in which sports regulations are created and implemented (Cotterrell, 2006). This approach is particularly appropriate for examining power dynamics and structural inequalities in international sports governance.

Data sources for this research include:

1. Primary legal sources: constitutions, statutes, and regulations of major international sports organizations (IOC, FIFA, IAAF, FIBA, etc.)
2. Jurisprudence: decisions from the Court of Arbitration for Sport (CAS) and other relevant sports tribunals
3. Policy documents: strategic plans, development programs, and meeting minutes of international sports federations

4. Academic literature: scholarly articles and books in the fields of sports law, sociology of sport, and postcolonial studies

Data collection was conducted through systematic document analysis, with particular attention to provisions related to qualification criteria, resource allocation, representation in governance bodies, dispute resolution mechanisms, and commercial rights distribution. Case studies were selected based on their relevance to illustrating instances of structural inequality affecting athletes from developing countries.

The analytical framework is guided by postcolonial legal theory, which examines how legal structures perpetuate colonial relationships and power dynamics in ostensibly postcolonial contexts (Anghie, 2007). This theoretical approach helps identify how apparently neutral regulations may embed and reproduce colonial hierarchies and Eurocentric norms.

Data analysis was conducted using qualitative content analysis, focusing on identifying patterns, themes, and relationships that illuminate the structural nature of regulatory colonialism in global sports. The analysis was informed by triangulation of multiple data sources to ensure validity and reliability of findings.

RESULT AND DISCUSSION

Genealogy of Colonialism in Global Sports Regulation

The establishment of international sports organizations reveals a distinct colonial pattern that continues to influence contemporary governance structures. The IOC, established in 1894, was initially composed of 15 members, 13 of whom were European, with the remaining two from the United States (Chappelet & Kübler-Mabbott, 2008). This Eurocentric foundation established a pattern where European values, competition formats, and sporting traditions became normalized as universal standards. Recent studies indicate that this historical imbalance persists; as of 2023, European and North American representatives still constitute approximately 60% of IOC membership despite these regions accounting for less than 20% of the global population.

The colonial legacy is also evident in FIFA's development. Founded by seven European nations in 1904, FIFA maintained exclusive European leadership for its first 70 years. Even as membership expanded to include nations from Africa, Asia, and Latin America, decision-making power remained concentrated in European hands. The continental quota system for FIFA's executive committee, while ostensibly providing global representation, allocates disproportionate influence to Europe (Darby, 2002).

A critical examination of voting structures reveals how colonial power dynamics are institutionalized. In many international federations, voting rights are weighted based on factors such as competitive success, financial contribution, or historical significance in the sport – criteria that inherently favor developed nations with longer sporting traditions and greater resources. For example, until recent reforms, FIBA's central board was dominated by representatives from traditional basketball powers, primarily from Europe and North America, despite the sport's global popularity (Gems & Pfister, 2009).

The Eurocentric values embedded in competition standards represent another manifestation of regulatory colonialism. Sports that originated in Europe or North America – such as soccer, basketball, and track and field – are centrally positioned in global sports events like the Olympic Games, while traditional sports from other regions are marginalized or excluded entirely. The standardization of rules often privileges Western sporting traditions and physical ideals, creating an inherent disadvantage for athletes from different cultural contexts (Mangan, 2010).

Manifestations of Regulatory Colonialism in Contemporary Sports

Qualification policies for international competitions exemplify regulatory colonialism's contemporary manifestations. The quota allocation system for events like the Olympic Games

and World Championships often disadvantages developing regions. For example, in swimming, the qualification system combines universal places (minimum representation) with qualification standards that are difficult to achieve without advanced facilities and training support. Consequently, athletes from developing countries frequently participate through universality places rather than meeting the standards, reinforcing a two-tier system of participation (Jarvie, 2013).

Anti-doping regulations represent another area where regulatory colonialism operates. While the World Anti-Doping Agency (WADA) aims to create a level playing field, its implementation creates disproportionate burdens for developing nations. The requirement for sophisticated testing facilities, administrative infrastructure, and education programs demands financial and technical resources that many developing countries lack. As Wagner (2011) notes, this creates a situation where athletes from developing countries face greater risks of inadvertent violations due to limited access to information, medical expertise, and compliant supplements.

Infrastructure standardization requirements impose significant economic barriers for developing nations. International federations mandate increasingly sophisticated venue specifications that necessitate substantial financial investment. For example, FIFA's stadium requirements for hosting international matches include specific standards for seating, lighting, media facilities, and pitch quality that many developing nations struggle to meet. These requirements effectively exclude many countries from hosting major events, concentrating the economic benefits of sports tourism and infrastructure development in already wealthy nations (Cornelissen, 2010).

The regulation of athlete transfers and development has created a system that facilitates a "brain drain" of athletic talent from developing to developed countries. Transfer regulations in sports like soccer allow wealthy clubs from Europe to recruit talented young players from Africa, Latin America, and Asia with minimal compensation to their development clubs. This system depletes developing countries of their sporting talent while enriching already powerful clubs and leagues in developed nations (Darby, Akindes & Kirwin, 2007).

Legal Implications for Athletes from Developing Countries

Access to justice in sports disputes represents a significant area of inequality. The Court of Arbitration for Sport (CAS), headquartered in Lausanne, Switzerland, serves as the primary forum for resolving international sports disputes. However, athletes from developing countries face substantial barriers to accessing this system. The financial costs of CAS arbitration – including legal representation, arbitrator fees, and travel expenses – are prohibitive for many athletes without institutional support. Additionally, language barriers and unfamiliarity with Swiss legal principles create procedural disadvantages (Foster, 2006).

Financial barriers extend beyond arbitration fees to include costs associated with gathering evidence, securing expert witnesses, and obtaining translations of key documents. While CAS has a legal aid program, its scope is limited and often insufficient to address the multiple barriers faced by athletes from developing countries. Consequently, many athletes are effectively denied access to the primary mechanism for challenging regulatory decisions that affect their careers and livelihoods (Young, 2017).

Case analysis reveals patterns of structural discrimination in regulatory application. For example, in anti-doping cases, athletes from developing countries are more frequently sanctioned for violations involving substances that could be attributed to contaminated supplements or inadequate medical advice – circumstances directly linked to resource limitations rather than intentional cheating (Berry, 2015). The principle of strict liability in anti-doping regulations, while ostensibly neutral, disproportionately impacts athletes without access to comprehensive support systems.

The economic impact of regulatory colonialism on athletes from developing countries is substantial. Qualification barriers limit participation in high-profile international competitions, reducing opportunities for sponsorship, prize money, and professional contracts. These economic disadvantages compound over time, limiting athletes' ability to reach their full potential and transition to coaching or administrative roles after their competitive careers (Samson & Solity, 2015).

Economic and Political Dimensions of Sports Regulatory Colonialism

Revenue distribution from global competitions reveals significant inequities. While events like the FIFA World Cup and Olympic Games generate billions in revenue, the distribution formula favors already wealthy federations and national Olympic committees. For example, FIFA's development funding, while important, constitutes a small percentage of its overall revenue, with the majority flowing to participants in its flagship tournaments – predominantly teams from wealthy nations (Sugden & Tomlinson, 2017).

Commercial agreements between international federations and global sponsors often include territorial exclusivity clauses that limit the ability of developing countries to generate local sponsorship revenue. Broadcasting rights are sold in packages that prioritize wealthy markets, resulting in limited media coverage and revenue potential for sporting events in developing regions. These commercial arrangements reinforce economic disparities and limit the growth potential of sports in developing countries (Horne, 2015).

Exploitative contractual arrangements are evident in hosting agreements for major events. The terms imposed on host cities and countries often include tax exemptions, infrastructure guarantees, and favorable business conditions for official sponsors that reduce the economic benefits for host nations while protecting the financial interests of international federations and their commercial partners. These conditions are particularly burdensome for developing countries seeking the prestige and development opportunities associated with hosting international events (Zimbalist, 2015).

Resistance and Decolonization of Sports Regulations

Reform efforts from developing nations have emerged in response to regulatory colonialism. Regional associations such as the Confederation of African Football and the Asian Football Confederation have pushed for greater representation in international governance structures and more equitable resource distribution. These efforts have achieved incremental changes, including expanded World Cup participation and increased development funding, though structural power imbalances largely remain intact (Alegi, 2010).

Cross-national athlete solidarity has become an increasingly important form of resistance. Organizations such as the World Players Association and sport-specific player unions have advocated for greater athlete representation in governance structures and more equitable treatment across national boundaries. These coalitions have successfully challenged certain aspects of regulatory systems, particularly in the areas of athlete rights and welfare (Gilbert & Lister, 2018).

Legal advocacy for structural equality has focused on challenging discriminatory regulations through various forums, including CAS, national courts, and human rights mechanisms. Strategic litigation has targeted regulations that disproportionately disadvantage athletes from developing countries, such as nationality requirements, qualification systems, and resource allocation formulas. While these efforts have achieved some success, the high costs and limited accessibility of legal recourse remain significant barriers (Schwab, 2018).

Alternative governance models that offer more inclusive approaches to sports regulation have been proposed and, in some cases, implemented. These include models with balanced continental representation, athlete participation in decision-making, and more equitable resource distribution. Regional competitions that reflect local priorities and cultural

contexts provide examples of how sports governance can be decolonized while maintaining competitive integrity (Thibault, 2009).

Legal Reforms for Global Sports Justice

Equitable representation principles must be central to governance reform. Proposals include adjusted voting rights to better reflect global participation, guaranteed positions for developing countries on executive committees and technical boards, and transparency requirements for decision-making processes. These structural changes would help ensure that regulations reflect diverse perspectives and priorities (Geeraert & Drieskens, 2019).

Resource redistribution mechanisms represent another critical area for reform. These could include progressive funding formulas that allocate greater resources to regions with demonstrated need, investment in sports infrastructure in developing countries, and technology transfer programs to address gaps in technical capacity. Such mechanisms would help address the material inequalities that underpin regulatory colonialism (Murray & Pigman, 2014).

Cultural diversity recognition in regulatory standards would acknowledge that the "universal" rules of sport are often culturally specific. This could involve flexibility in facility requirements based on local contexts, recognition of diverse approaches to athlete development, and incorporation of traditional sporting practices into international competition formats. Such recognition would help decolonize the concept of sporting excellence itself (Giulianotti & Robertson, 2009).

Strengthened justice access for athletes from developing countries requires both procedural and substantive reforms. These could include decentralized arbitration venues, reduced or subsidized fees for athletes from lower-income countries, provision of pro bono legal representation, and substantive rules that acknowledge resource disparities. Such reforms would help ensure that the principle of equal treatment before sports law becomes a reality rather than an aspiration (Foster, 2019).

CONCLUSION

This research has demonstrated that regulatory colonialism in global sports competitions manifests through historically rooted power imbalances, Eurocentric standardization, and structural inequalities that systematically disadvantage athletes from developing countries. The analysis reveals that seemingly neutral regulations regarding qualification standards, anti-doping procedures, infrastructure requirements, and commercial arrangements reproduce colonial hierarchies and power dynamics within contemporary sports governance.

The theoretical implications of this research extend beyond sports to broader questions of global governance and institutional design in postcolonial contexts. The findings suggest that formal equality in regulatory systems is insufficient when underlying resource disparities and historical advantages remain unaddressed. This highlights the need for substantive approaches to equality that acknowledge and actively counter structural disadvantages.

Practical recommendations for reform include: (1) restructuring voting systems within international sports organizations to ensure equitable representation across regions; (2) developing progressive resource allocation models that prioritize countries with demonstrated need; (3) establishing decentralized dispute resolution mechanisms with reduced financial barriers; (4) creating flexibility in infrastructure and technical standards to accommodate diverse contexts; and (5) implementing transparent decision-making processes with meaningful stakeholder participation.

Future research should examine successful decolonization efforts in specific sports or regions, develop metrics for measuring regulatory equity, and explore the intersection of regulatory colonialism with other systems of inequality such as gender, disability, and

socioeconomic status. Additionally, comparative analyses of sports with different governance structures could provide valuable insights into alternative regulatory approaches.

The decolonization of global sports governance represents not only a matter of justice for athletes from developing countries but also an opportunity to enrich sports through genuine global participation and diverse perspectives. By addressing the colonial legacies embedded in current regulatory systems, the international sports community can move toward a more equitable future that fulfills the promise of sports as a universal language and vehicle for human development.

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