

Olympic Agenda 2020

Recommendation 28

Support autonomy

The IOC to create a template to facilitate cooperation between national authorities and sports organisations in a country.

In application of Recommendation 28 of Olympic Agenda 2020, the International Olympic Committee (IOC), representing the Olympic Movement at the international level, in cooperation with its partners concerned – including the Association of National Olympic Committees (ANOC), the Association of Summer Olympic International Federations (ASOIF) and the Association of International Olympic Winter Sports Federations (AIOWF) – provides the National Olympic Committees (NOCs), the National Sports Federations and their other constituents with a number of elements to allow the Olympic Movement at the national level and the competent government authorities to develop a regular and constructive dialogue and, if appropriate, to establish a Memorandum of Understanding (MOU), a cooperation agreement and/or a partnership agreement (in general terms and/or in specific areas) on the basis of the principles and rules which govern the Olympic Movement.

This initiative is fully in line with the close cooperation between the IOC and the United Nations (UN), within which the IOC has enjoyed Observer status since 2009, and in particular the principles enshrined in a Resolution of the United Nations General Assembly adopted in New York in October 2014 (A/RES/69/6: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/6), which recognises sport as a means to promote education, health, development and peace, and also *supports the independence and autonomy of sport as well as the mission of the International Olympic Committee in leading the Olympic Movement.*

This approach is also based on the Olympic Charter <https://www.olympic.org/documents/olympic-charter> and the principles and rules which govern the Olympic Movement, in particular paragraph 5 of the Fundamental Principles of Olympism which states: *Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.*

In view of the above, it is proposed that the parties (the NOC/National Sports Federations/Olympic Movement at the national level, for the one part, and the competent government authorities, for the other part) undertake to mutually recognise and respect the following principles and elements:

1. The development of sport in a country requires harmonious collaboration, synergies and common-sense relations between (i) the public authorities, in the framework of their public service missions, and (ii) the sports organisations, in the framework of their mission to develop, regulate and manage the practice of sport and sports competitions.
2. This concerted, coordinated, negotiated and consensual approach is aimed at achieving efficient cooperation which will benefit sport and the athletes, in a climate of mutual trust, and at the same time avoid undue interference and conflict situations.
3. To achieve this, it is necessary to properly define the role and responsibilities of the public authorities and the competent government bodies, on the one hand, and the sports organisations (NOC, national sports federations, sports clubs, etc.), on the other, and to establish the necessary interactions by jointly determining the areas of cooperation and common interest, with mutual respect for the prerogatives and competences of each, taking into account the specificity of sport and the autonomy of the sports organisations.
4. The autonomy of sports organisations is a basic principle of the Olympic Movement which results from the specific nature of sport. Autonomy is not an end in itself, but a necessary means of ensuring the universality of sport, its values and its rules, and the integrity of sports competitions.
5. The principle of autonomy implies rights (freedom of association, power of self-regulation and definition of sporting and internal governance rules by sports organisations without undue external interference, etc.) but also duties (respect of the general legal framework applicable in the country, the rules and statutes of the international sports organisations concerned, the basic principles of good governance for the proper functioning of the organisation, its credibility and reputation, etc.). It is in this sense that the Olympic Movement speaks of “responsible autonomy”.
6. Autonomy of sports organisations does not mean that such organisations act in isolation, outside the national context in which they are established. On the contrary, sport and sports organisations are fully part of the framework of the local society and context, whilst respecting the universal values which characterise them. This is the principle of unity in diversity.
7. Membership of the Olympic Movement is free and voluntary, but if a sports organisation decides to be part of the Olympic Movement and fulfils the necessary conditions, it must respect – and be in a position to respect within its own country – the universal principles and rules which govern the Olympic Movement. This is a prerequisite to enable athletes, teams and sports leaders to take part in and represent their country at regional, continental or global sports events, and to benefit from the assistance and support of international sports organisations for the development of sport in their country.
8. The majority of sports organisations rely on the technical and/or financial support of the public authorities to pursue their activities and sport within their country.

Moreover, in the framework of their public service mission and the established policies, the public and government authorities contribute to the development of sport and have extended powers and specific means, particularly for the construction of sports facilities, but also in the areas of education, health, integration and security, and in the fight against doping, corruption, illegal betting, match-fixing, violence, racism, etc.

9. There is therefore a relationship of interdependence and an obvious need for cooperation and interaction in many areas. The aim is thus to develop synergies between the public authorities and sports organisations, following an approach based on partnership rather than subordination, and jointly defining the role and responsibilities of each party, respecting the minimum prerogatives of the sports organisations, and in particular:
 - a. The role and competences of the NOC, as defined in the Olympic Charter and the NOC statutes, are, among other things, to:
 - i. develop, promote and protect the Olympic Movement in the country, in accordance with the Olympic Charter;
 - ii. promote the Fundamental Principles and values of Olympism in their country, particularly in the areas of sport and education, by supporting Olympic education programmes at all levels in schools, sports and physical education institutions and universities, and encourage the creation of institutions devoted to Olympic education, such as national Olympic academies, Olympic museums and other programmes, especially cultural ones, linked to the Olympic Movement;
 - iii. ensure compliance with the Olympic Charter in the country;
 - iv. represent the country at the Olympic Games, and select and enter the athletes and its team for the Olympic Games (and for the other regional, continental or global games and multi-sport competitions with IOC patronage), in coordination with the national sports federations;
 - v. protect the Olympic properties in the country;
 - vi. encourage the development of high performance sport and sport for all;
 - vii. help with the training of sports managers by organising courses and ensuring that these help to spread the Fundamental Principles of Olympism;
 - viii. take action against all forms of discrimination and violence in sport;
 - ix. adopt and implement the World Anti-Doping Code;
 - x. encourage and support measures linked to medical care for, and the health of, the athletes;
 - xi. where applicable, work with governmental and nongovernmental organisations in order to accomplish its missions, without involvement in any activity which might be contrary to the Olympic Charter;
 - xii. preserve its autonomy and resist all pressures, including, but not limited to, political, legal, religious or economic pressures which might prevent it from complying with the Olympic Charter.
 - b. The role and powers of the national sports federations and their members, in line with the rules of the Olympic Charter, the statutes of their respective International Federations and their own statutes.

10. Sports organisations are non-governmental organisations with their own legal personality, governed by their own statutes (adopted by the general assembly of each organisation) in conformity with the general framework of the applicable law and the universal principles and rules of the international sports organisations to which they are affiliated or by which they are recognised. They must have the power among other things to determine the internal governance rules in their own statutes, their operating procedures, the holding of meetings, decision-making mechanisms, election rules, etc., in accordance with the general principles of the local law and the basic rules of the international sports bodies to which they are affiliated. When drawing up and revising the rules of their statutes and in the framework of their own responsibilities, sports organisations must include and respect the basic principles of good governance, transparency and ethics. They must also be in a position to comply with the World Anti-Doping Code and implement it at their level, and to make provision for independent conciliation, mediation and/or arbitration mechanisms to deal with sports-related disputes or those linked to the internal governance of the sports organisations, and to recognise – voluntarily and in the context defined in their own statutes and/or in the rules of the local independent dispute-resolution bodies – the jurisdiction of the Court of Arbitration for Sport (CAS) as the final instance body.
11. The framework of the law on sport at the national level must in principle serve to define the general organisation of sport in the country, and to establish the responsibilities and prerogatives of the various parties involved in sport, as well as the necessary interaction between them, in compliance with the basic principles of the Olympic Movement, and in particular the principle of the autonomous functioning of sports organisations. To this end, the national legislation applicable to sport has to define a sufficiently flexible general framework which does not substitute itself for the power of each sports organisation to establish its internal governance rules in its own statutes, in line with the general principles of the locally applicable law and the statutes of the international sports organisations to which they are affiliated. In other words, the legislative framework must not be used to allow government bodies to get involved in the micro-management or internal operations of sports organisations, nor to take the place of the statutes, internal rules and decisions by the competent bodies of each sports organisation.
12. A constructive and inclusive dialogue between the government authorities and the sports organisations concerned is needed in order to establish a consistent sports policy and legislative framework which are compatible with both the general principles of law in the country and the minimum principles of the Olympic Movement and the rules of the international sports organisations.
13. Lastly, any financial support allocated by the public authorities (in the framework of their public service missions) to sports organisations must not give rise to disproportionate obligations on the part of the beneficiaries. A sports organisation (NOC, national federation, etc.) which receives public funds is naturally and legitimately required to be held accountable of the use it makes of this specific funding in the predefined framework (e.g. undertakings, goal agreements or other similar contractual documents) and in accordance with the applicable procedures for monitoring and auditing public funds. This is a basic principle of good governance. However, the support received from the public authorities must not be used in any indirect way to justify unwarranted interference or pressure within sports organisations, nor to take the place of their decision-making bodies.

These elements can serve as a working basis for a permanent, open, balanced, consensual and constructive dialogue between the public authorities and the sports organisations in a climate of mutual trust, and, if appropriate, as a basis for an MOU signed by the parties concerned at national level.
