

The Power of FIFA over National Governments: A New Actor in World Politics?

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Abstract

The role of economic actors and transnational corporations in transforming the world's political and economic order has received increased attention. However, it is still controversial to what extent private governance regimes operate in an effective 'shadow of hierarchy'. In other words, it is debated the extent to which governments and international organizations are able to regulate and exert their powers over transnational social and economic actors. This paper uses the case of world football's governing body, FIFA, to investigate the extent to which sport international actors may condition the decisions of democratically elected national governments. The paper provides comparative case study evidence that FIFA as football's global regulator has been able to force national governments to abandon legislation and interference in football's matters even in case of blatant failures of football's governance. Research supports the claim that private regimes providing unique governance contributions represent an institutional equilibrium able to resist challenges. FIFA's 'victories' over national governments demonstrate the political leverage of football and its governing body, but they are highly problematic since they discourage national governments to fight misconduct in sport, while it can be doubted that sport organizations alone can deal with the regulatory problems at stake.

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Introduction

Governance by non-state actors has received increasing scholarly attention (Peters and Pierre 1998; Cutler, Haufler and Porter 1999; Büthe, 2009). The legitimacy and effects of transnational private governance or authority have been hotly debated. As research intensified, scholars realized that the diversity and complexity of private transnational governance calls for more detailed empirical research in order to allow for more general conclusions (Bexell et al. 2012). However, although the International Olympic Committee (IOC) founded in 1894 and the International Federation of Association Football (FIFA) founded in 1904, are older than most intergovernmental institutions, the highly sophisticated transnational private governance regime in sport – that has actively claimed its ‘autonomy’ from state law and public authorities (Chappelet 2010) – has hardly been examined.

Furthermore, conflicts between FIFA and governments around the world have occurred relatively frequently prompting the question whether these conflicts follow any patterns. Thus, this piece of problem-driven research explores what enables FIFA to challenge the authority of sovereign states. The objective is to produce some conceptual propositions from the structured and analytical observation of those events. Moreover, we consider FIFA an interesting case of an authoritative transnational private sports federation, whose exploration might generate some propositions, even if modest, for other classes of private authority.

The research approach adopted is inductive. We provide first an overview of the conflicts between FIFA and governments in the last decade. Then we present three in-depth case studies on the conflicts between FIFA and the governments of Greece, Spain and Poland. In order ‘to identify the intervening causal process’ (George and Bennett 2005: 206-207) we employ process tracing and present careful case descriptions (Mahoney, 2010, 125–31) relying on written sources such as FIFA’s press releases, FIFA’s website articles, press articles, government documents and secondary academic sources.

The evidence suggests that FIFA is able to actively defend the autonomy of its private governance regime *vis-à-vis* legitimately and democratically elected governments even when misconduct in sport governance is involved. We argue that FIFA’s authority results from a rather unique concentration of powers and favorable

socioeconomic trends. FIFA does not hesitate to use its monopoly powers to force governmental authorities to revoke unwelcome legislation. It seems that FIFA's authority can hardly be contested by national governments on their own.

Private governance

Since Rosenau and Czempiel (1992) governance by non-state actors has occupied the attention of scholars. Whereas global governance refers to 'social functions or processes that can be performed or implemented in a variety of ways at different times and places' (Rosenau 2002, 72), 'the core of the global governance argument concerns the acquisition of authoritative decision-making capacity by non-state and supra-state actors' (Fuchs 2002, 11). Although private transborder regulation (Greiff et al. 1994) and complex states-society collaborations (Zumbasen 2010) have existed before, the participation of non-state actors in public policy has now become commonplace among scholars (Mattli and Büthe 2005; Büthe 2010; Shamir 2011). Whilst non-state actors are quite diverse, transnational private authority can be defined as the ability of non-state actors to cooperate across borders in order to establish rules and standards of behavior accepted as legitimate by agents not involved in the rule definition (Graz and Nölke 2010, 3).

Functionalist accounts depict the rise of private authority as based on explicit or implicit delegation of certain functions by the state (Cutler et al., 1999). Moreover, transnational private governance has arisen spontaneously in the vacuum left by the regulatory failure of 'old international governance' (Abbott and Snidal 2008, 577; cf. Schäferhoff et al., 2009; Bomhorr and Meuweuse 2011). In contrast to functionalist reasoning, it has been claimed that neoliberal ideology and the pursuit of corporate hegemony account for the rise of transnational private authority (Cutler et al. 1999; Johns 2007; Schäferhoff et al. 2009; Shamir 2011).

Thus, it has been debated whether private governance undermines legitimate public authority or not. Börzel and Risse (2010, 116) claimed that private governance is subject to the 'shadow of hierarchy'. Accordingly, threats of state intervention catalyze 'voluntary agreement[s] closer to the common good rather than to particularistic self-interests'. Other scholars stressed that powerful non-state actors

might challenge the authority of sovereign states (Sneding and Neumeier 2008, 654). Accordingly, 'regime shopping' has enabled TNCs to impose their own rules on state governments (Koenig-Archbugi 2004), in particular in developing countries unwilling and incapable to regulate (Abbott and Snidal 2008, 538).

In terms of governance contributions it has been recently stressed that transnational private regimes serve to integrate social and environmental concerns into business operations (Abbott and Snidal 2008). Concerning legitimacy and power, scholars have demanded to go beyond the public-private divide (Pattberg and Stripple 2009). Since many significant private regulatory initiatives represent business-civil society collaborations (Abbott 2012) involving NGOs and multi-stakeholder organizations (Caffaggi 2010), private transnational governance appears to be located in a governance triangle between public authorities, firms and NGOs (Abbott and Snidal 2008) where NGOs or legitimacy communities serve as 'rule demander' and supervisors of private regulation (Overdevest 2010) and states or intergovernmental organizations attempt to 'orchestrate' regulatory efforts. Due to the involvement of NGOs private transnational governance can even increase global democracy (Bexell et al. 2012).

Moreover, analyses of private regimes have also to consider the targets of private regulation (Büthe 2010) since compliance is often voluntary (Abbott and Snidal 2008), although compliance might condition market access (Caffaggi 2010). Finally, the competition among private regulators poses needs for meta-regulation (Bomhorr and Meuweise 2011) and for the 'orchestration' of private regulatory efforts (Abbott and Snidal 2008; Abbott 2012).

Thus, the complexity and diversity of governance arrangements calls for further empirical evidence before general accounts of promises and pitfalls of private transnational authority can be presented (Bexell et al. 2012). Seen in the lights of the more recent debate on private governance in relation to..., FIFA's regime already appears as exceptional. There is, first, no governance triangle in football in the sense of Abbott and Snidal (2008) since there are no NGOs countervailing FIFA's power. Actually, FIFA can legitimately claim to be an NGO representing one of the world's biggest grass root movements: the practice of association football. Moreover, states have so-far not actively tried to 'orchestrate' their efforts in international football regulation. Second, there is almost competition between private regulators in the

football sector. It is well documented the disagreement between clubs and professional leagues such as the English Premier League, on the one hand, and governing bodies (eg. UEFA or FIFA), on the other, on football governance issues like the employment regime of players, schedule of national team competitions or distribution of commercial rights, to name a few.

Despite these peculiarities, some conclusions for the general debate about private transnational authority may still be learned from examining the case of FIFA. In order to do so we follow Büthe's proposal (2010) to address the following questions: (1) How do private bodies attain regulatory authority, why do private regulators provide governance, and why do the targets of the rules comply?, (2) who governs the global economy through private regulation?, and (3) what are the effects of private regulation?

How FIFA attained regulatory power

In order to understand how FIFA attained regulatory power, we rely on historical institutionalism (HI) as organizing framework for our 'problem driven' approach. HI emphasizes that institutions emerge from and are embedded in specific temporal processes and a bigger socioeconomic environment (Thelen 1999). Whereas rational choice scholars stress the role of institutions as coordination mechanisms (Katznelson and Weingast 2005), HI emphasizes the incoherent and coercive character of institutions (Crouch 2005; Schneiberg 2006) and the relevance of power relations for institutional design (Streeck and Thelen 2005). HI is in particular suited to the analyses of sport governance because institutional configurations in sport fulfill coordinative needs but typically privilege specific actors (Meier 2008).

HI tends to treat preference formation as an endogenous process. Accordingly, institutions affect not only 'the strategies but also the goals that actors pursue' (Thelen and Steinmo 1992, 8). For our purposes it suffices to assume that institutions can create new clienteles or strengthen the incentives of existing constituencies to push for institutional maintenance (Fioretos 2011, 377). Accordingly, we claim that global sport governance has managed to inspire political actors to 'discover' their preferences in international sports.

HI scholars have put emphasis on mechanisms of institutional reproduction and stability (Pierson 1993, 2004). In essence, three basic mechanisms can be defined (Fioretos 2011): *Positive feedback effects* arise when institutions generate benefits motivating actors to support existing institutional arrangements; *increasing returns* exist when positive externalities from institutional designs steadily increase; and *institutional complementarity* occurs ‘when the presence (or efficiency) of one institution increases the returns from (or efficiency of) the other’ (Hall and Soskice, 2001, 17). Since HI’s emphasis on the self-reinforcing character of institutions bears the risk of over-predicting institutional stability (Thelen 2009, 473; Streeck and Thelen, 2005, 8), it is necessary to reemphasize the incoherent and coercive character of institutions (Crouch, 2005; Schneiberg, 2006) and to specify positive feedback processes for certain subsets of affected actors (Streeck and Thelen 2005).

In order to provide a ‘more complete explanation’ (cf. Thelen 1999, 380-1) of FIFA’s rise to regulatory power, we now apply this HI framework to analyze FIFA’s governance contributions and its socioeconomic embeddedness. Since institutional stability rests on the coalitional base of an institution (Thelen 2004, 33), we trace how FIFA’s far-reaching transformation into a TNC has brought a coalition of stakeholders into power determined to defend football’s autonomy from governmental intervention.

FIFA’s Governance Contributions and Monopoly Powers

The need for monopolies in sport governance has been long debated (Szymanski 2003). Some monopoly structures seem desirable because most stakeholders of international sport gain the highest utility from ‘meaningful’ competitions (Neale 1964). Meaningful competitions require clear and consistent rules, which are best provided by a regulatory monopoly (Scully 1995). Moreover, the interest in ‘uncontested’ winners also creates a need for monopoly structures in competitions. Thus, FIFA provides a ‘definitional monopoly’ for international champions by defining football’s rules and by organizing the World Cup.

However, FIFA’s control of access to international football clearly exceeds any functional needs and appears, even in sport, as exceptional. Thus, sports may also prosper under rivaling competitions as professional boxing illustrates (Tenorio 2006). In professional cycling economic power rests with the organizers of the

cycling competitions and the sponsors but not with the sport governing bodies acting solely as regulators (Morrow and Idle 2008). In tennis, players reaped some economic powers from the sport bodies and created a more inclusive governance regime through their own organisations, the Association of Tennis Players (ATP) and the Women's Tennis Association (WTA) (Sorrentini and Pianes 2011).

The global popularity of football

So, how has FIFA achieved such level of power? While FIFA's founders intended the sport body to be global regulator and organizer of a World Cup (Eisenberg 2006a), FIFA's regime has benefited from larger socioeconomic trends. FIFA's power rests substantially on the global popularity of football itself. FIFA has 209 member FAs and the World Cup is followed by several hundred million people (Pielke 2013, 4). The rise of modern sports represents a byproduct of socioeconomic modernization creating more need and better opportunities for recreation and entertainment. Thus, after being codified in the British elite schools in the 19th century, association football became the game of the working class (Holt 1989; Taylor 2005).

Football's global migration benefitted from the game's simple character, low infrastructure requirements (Giulianotti 1999) and the cultural hegemony of the British Empire (Guttmann 1994). Recently, key actors in the football industry actively developed new markets (Giulianotti and Robertson 2004). Finally, football's popularity results from a highly symbiotic relationship with modern media industries (Cowie and Williams 1997). Global diffusion has created national football industries, in which a substantial share of the electorate has emotional stakes.

The Politicization of International Sports

FIFA's ability to monopolise governance and regulatory power, hence confronting national governments also results from the politicization of international sports that intensified since WWII (Tomlinson and Young 2006). Sport, and in particular football, is prone to politicization because it can serve as symbol of cohesion and exclusion (Giulianotti 1999). Thus, international sport turned into a cold war arena after the Soviet government decided to participate in the 1952 Olympics in order to

broadcast the message of communist superiority (Allison and Monnington 2002). Moreover, participating in international competitions came to equal being recognized as sovereign state. Accordingly, East Germany used its athletes as ‘diplomats in training suits’ to gain diplomatic recognition (Balbier 2005), China perceived any appearance of Taiwan in international sport as an infringement of its sovereignty (Homburg 2006) and fielding its own national football team occupied a central symbolic role during decolonialization (Darby 2002). More recently, one of the first decisions of the Kosovo authorities following their declaration of independence was to apply for membership of UEFA and FIFA as soon as possible. Hence, international sport bodies have been often among the first international organizations new nation states aim to join (Sugden and Tomlinson 1998a, 305). Sport’s persistent relevance for identity politics is also illustrated by the feel good factor for the United Kingdom created by the 2012 Olympics and by Qatar’s attempts to use the 2022 World Cup to rise in the international political and business scene (Amara 2012).

Thus, international sport governance has insofar shaped the preferences of political actors as these have ‘discovered’ sport as vehicle of identity politics. The political interests in sport’s symbolic benefits might not only turn in support for institutional maintenance but the ability to withdraw symbolic benefits is likely to create a power resource for the international sport bodies.

FIFA has attained strong (and almost monopolistic) powers due to the popularity of football and the politicization of sport that public authorities seek to reap benefits from. But there is more to that, as FIFA has been able to generate positive feedback, developing an institutional framework of closely related stakeholders with an interest in maintaining it. To complete our analysis, it is necessary to now, albeit briefly, the constitution and dynamics of that process, which has cemented FIFA governance and regulatory powers.

Who governs through FIFA?

The needs institutions were created to meet differ from the ones they are pressed to meet at a later historical juncture (Thelen 2004). In FIFA’s case, broader political and socioeconomic changes culminated in a far-reaching institutional transformation from a gentlemen’s club into a global TNC. First of all, decolonialization created a

multitude of new FIFA members. Due to FIFA's one-vote-per-nation principle (Eisenberg 2006a), the new members became a key electoral constituency demanding a more equal distribution of World Cup places and host locations and an increase in FIFA subsidies. The European FAs lost their long-standing dominance of FIFA, when they failed to respond to these demands (Darby 2003).

Moreover, a number of TNCs, most prominently Adidas, pushed for institutional change. These TNCs were attracted by the commercial prospects of the World Cup that were only hesitantly exploited by FIFA's European leadership dedicated to amateurism. This combination of aggrieved interests allowed Brazilian IOC member and business magnate João Havelange to take over the governing body's presidency in 1974. Havelange promised the new FIFA members an increase in World Cup Finals places and financial and technical aid (Tomlinson 1994; Sugden and Tomlinson 1998a, b). Since Havelange's agenda implied a commercialization of international football, his campaign was heavily supported by TNCs (Sugden and Tomlinson 1998b).

Havelange's election represented a decisive turning point; it 'closed off alternative options and led to the establishment of institutions that generate self-reinforcing path-dependent processes.' (Capoccia and Kelemen 2007, 341). FIFA's new strategy aimed at the total commercial exploitation of the World Cup and a centralization of FIFA's control over revenues. Accordingly, FIFA's agenda became increasingly shaped by commercial interests (Sugden and Tomlinson 1997; Sugden 2002; Murray 1999). Thus, a small network of profit-maximizing sponsoring TNCs defines strict parameters for countries hosting a World Cup including legal exemptions, which are enforced by FIFA (Cornelissen 2010). Moreover, FIFA entered long-term business relations with TNCs in order to even-out FIFA's revenue streams over the World Cup cycle (Eisenberg 2006a; Homburg 2008).

After FIFA's institutional transformation distributional politics came to dominate FIFA's politics (Darby 2003, 14). The new FIFA leadership took pains to meet the financial expectations of its constituency and used its heavily improved revenues to grant substantial development aid to member FAs (Eisenberg 2006a, 2000b). Moreover, FIFA became independent of monetary contributions of member FAs, which reduced the political influence of the FAs and enabled the FIFA executive to 'organize majorities' through distributional policies (Eisenberg 2006a;

Giulianotti and Robertson 2012) or even blatant ‘vote buying’ (Pielke 2013). The funds allocated to member FAs might not appear large, but are substantial for developing countries (Pielke 2013, 7). Football’s commercialization has been insofar successful as it increased the football’s global visibility as well as FIFA’s membership and ability to sponsor grassroots sport, which secures member FAs’ loyalty (Eisenberg 2006a, 2006b).

Thus, a coalition of new internal constituencies and external commercial interests having a common interest in football’s commercialization governs through FIFA. It has developed a governance regime of positive effects which is mostly away from public regulation. This is of course a self-reinforcing circle that its constituents seek to maintain. The institutional setting can be considered as self-reinforcing because it generates profits and subsidies for FIFA’s dominant coalition. These actors have a vital interest in supporting FIFA’s policy to maintain concentrated control over international football and its revenues (Madeira 2007, 288). Whilst any political support from governments may be welcome (eg. public funding contributions to organize the World Cup), regulation always risks de-stabilising the existing positive institutional arrangement.

Exercise and effects of FIFA’s power

FIFA’s power becomes in particular visible when the sport body perceives its regulatory position challenged. But what happens if public authorities decide they have a legitimate reason to regulate aspects in the governance system of football? This has happened often at national level. Within football’s multilevel governance exist institutional mechanisms allowing FIFA to enforce compliance by national FAs but also national FAs to ‘move up’ conflicts with their national governments. FIFA’s statutes demand independence from any third parties as a pre-requisite for national FA’s membership. FAs not deemed to ‘manage their affairs independently and ensure that their own affairs are not influenced by any third parties’ (FIFA 2012: Article 13.1 g) might be suspended by the FIFA Executive Committee or the Congress (FIFA 2012, Article 14).

In order to sketch-out the dimension of the problem at stake, we traced conflicts between FIFA, national FAs and governments within the last decade (2003-

2013). The year 2005 can be considered a watershed moment, as FIFA decided to implement a strategy to defend the autonomy of football over public authorities. In 2005, the 55th FIFA Congress legitimated the creation of a Task Force to address contemporary problems of football (FIFA, 2005b). Among others, ‘the quest for autonomy by some leagues and political interference’ required ‘appropriate solutions to fortify the Associations on a long-term base’ (FIFA, 2005a). In 2006, FIFA adopted a declaration to defend the autonomy of sport (FIFA, 2006). FIFA demanded national governments to guarantee FAs’ control over national leagues and even defined a deadline for legal adjustments:

‘Nations with sport legislation in place that does not comply with the FIFA Statutes and especially where leagues are afforded a status whereby they are not subordinate to the football association (specifically, Greece, Poland and Portugal) shall have until 15 July 2006 to amend the relevant legislation.’ (FIFA, 2005a)

The Emergency Committee allows FIFA to quickly respond to non-compliance or political interference, whilst the Associations Committee (AC) continuously monitors member FAs and public authorities. FIFA has the power to suspend membership of countries where the autonomy of football and FAs from public authorities is not respected from the governing body’s point of view. A rare press release on the Associations Committee’s activities reported:

‘In total, 14 cases were discussed, out of which four were closed, five related to governmental interference, four to internal problems within member associations and one was a specific matter.’ (FIFA, 2008b)

Unfortunately, FIFA’s monitoring of conflicts with political authorities cannot completely be traced since the AC files are not fully accessible. FIFA’s press releases indicate that the AC invokes the threat of a suspension frequently in order to enforce FIFA’s demands. A threat often suffices to guarantee compliance as indicated by FIFA:

‘[T]hrough monitoring, communication and reactivity, FIFA can try to prevent the emergence of a crisis. FIFA is a strong organization, not only in its football realm, but also in the political, socio-economical world, and we can and should use this strength to help our members.’ (FIFA, 2011)

Available data allows us to infer the following patterns. First, conflicts between FIFA, national FAs and governments are not sporadic, nor a rare occurrence. Second, FIFA employs two types of action: threat of suspension and formal suspension of the affected country, which are much better reported. FIFA imposed 24 suspensions over the last ten years (Table 1). Furthermore, at least six FAs have been threatened with suspension.¹

TABLE 1 ABOUT HERE

Third, 'governmental interference' represents by far the most important trigger for suspension. The notion is, however, broadly defined. Whereas FIFA depicts political interferences as primarily resulting from dissatisfaction with sporting performances (FIFA, 2011), political interference also includes legislative acts adopted by parliaments as well as judicial actions against FAs or their officials.

Fourth, suspensions seem to be an effective way to enforce FIFA's demands. A very short period passes between a suspension and a lift and the annual FIFA Congress has only confirmed two suspensions (2005: Yemen, 2009: Brunei-Darussalam). More importantly, the outcomes of the conflicts tend to be in line with FIFA's demands. FIFA also defines the agenda for the process following a suspension. While FIFA aims to involve all relevant stakeholders, it insists on an uncompromised implementation of agreements that are in line with its own statutes.

However, in order to understand FIFA's use of its power more detailed process tracing is needed. Therefore, we present three in-depth case studies on FIFA's actions against 'governmental interference' in Greece, Spain and Poland. The rationale behind selecting European countries is twofold. First, we deal with countries where the rule of law is accepted. Second, all cases examined involve states that the VOCASPORT Research Group (2004) has classified as 'bureaucratic configuration' of sport policy-making. Here, sport bodies are supposed to act as agents for delivering government specified requirements, and they are accountable to the state (Henry and Ko 2009, 30-35; Henry 2009), yet FIFA and national FAs are able to challenge that power.

Our cases also offer variance as to the nature of governmental interference (formal application of state law in Spain, political rivalry in Greece, and corruption

in Poland) and to the intensity of FIFA's intervention (purely informal threats: Spain, formal threats: Poland and full formal suspension: Greece).

FIFA vs. Greece, a Long Standing Conflict

The Greek case illustrates FIFA's ability to gain a regulatory exception for its governance domain. FIFA's conflicts with Greece have prolonged since 1990. In 2006, FIFA finally suspended the Hellenic Football Federation (HFF) because of government interference (FIFA 2006a), although the decision was reversed just a week after (FIFA 2006b).

Early Conflicts. The governance framework of football in Greece was created in 1979, with the adoption of Law 789/1979. The football sector did not oppose the law, as it also granted public funding (Anagnostopoulos 2011, 211-2; Dimitropoulos 2006, 56-57; 2010, 7-9). In the early 1990s the Greek government aimed to update governance structures in the face of sport commercialization and scandals related to match fixing. Hence, in 1993 the government proposed legislation to overhaul the nomination of referees for league and cup matches and the composition of sport disciplinary courts (Panagiotopoulos and Mourniakis 2006a, 8; 2006b, 190). The HFF did not accept the proposed measures and involved FIFA. FIFA threatened to suspend the HFF implying an exclusion from 1994 World Cup on grounds of excessive state intervention. In result, the government abandoned the proposed legislation (Panagiotopoulos and Mourniakis 2006a, 8).

Second Attempt to Regulate Greek Football Governance. In 1999 the Greek government again decided that professional sport was in need of a tighter regulatory framework, proposing a new National Sports Act (Law 2725/1999) (Panagiotopoulos and Mourniakis 2006a, 8). The law intended to give the state a greater oversight in governance structures of professional sports (Dimitropoulos 2010) and included detailed provisions on the composition of disciplinary committees, and on election, dismissals and incompatibilities for members of the HFF board (Panagiotopoulos and Mourniakis 2006a, 8-9).

In response to a complaint by the HFF, FIFA demanded the Greek government on 19 March 2001 to ‘immediately refrain from interfering with the affairs of the HFF’ (FIFA 2001a). A strict deadline was defined:

This undertaking has to be made by the Greek government not later than 30 March 2001. Furthermore, FIFA requests that the required provisions or amendments to Greek sports legislation should be carried out and be in place by 25 April 2001. (FIFA 2001a)

FIFA threatened to suspend the HFF ‘from all international football activities’ (FIFA 2001a), including the upcoming 2002 FIFA World Cup. The Greek government responded swiftly, which resulted in a meeting at FIFA’s Zurich headquarters chaired by President Blatter and attended by the Greek Secretary of State for Sport and the HFF Chairman (FIFA 2001b). The parties agreed to reform of the Greek Sports Act and committed themselves to negotiate a solution in good faith within three months. FIFA became the negotiations’ agenda-setter, as the joint declaration stipulated that the working group should act ‘on basis of an action plan proposed by FIFA’ (FIFA 2001b).

An agreement was finally signed early in August 2001. According to FIFA, the negotiations resulted in normalizing ‘the relations between Greek football and the country’s governmental authorities *in line with the FIFA Statutes and regulations*’ (FIFA 2001c, italics added). The government was given a strict deadline to adapt the legislation by mid-January 2002. Finally, the government watered down its initial proposals and left the structures of the HFF mostly unchanged (Panagiotopoulos and Mourniakis 2006a, b).

Third Round: FIFA Suspends Greece. After the conservative party New Democracy gained power in spring 2004 – just months before the Athens Olympics – sport became a top issue in Greek politics. Prime Minister Costas Karamanlis ‘took personal charge of the preparations for the Olympic Games’, seizing at the same time control of the culture ministry (responsible for sport) and appointing personal allies in key positions within the public sports sector (Carr 2004).

The government also proposed new changes to the National Sports Act. Sport federations in the country were given six months to amend their statutes, including election systems (Panagiotopoulos and Mourniakis 2006b, 190). Anagnostopoulos

(2011, 212) suggests that one of the motivations of this new legislation was political rivalry over the control of the Greek FA. The incumbent HFF chairman, Vasilios Gagatsis, felt that the amendments reduced his chances for reelection. After elections to the HFF were finally held without changes in the electoral system, the Greek minister for sport withheld all state funding of the HFF. Again HFF complained to FIFA (Anagnostopoulos 2011, 212-3).

In September 2005, FIFA gave Greece a deadline of 15 July 2006 to amend the legislation (FIFA 2005a; FIFA 2006a). When the Greek government failed to comply, FIFA formally suspended the HFF with immediate effect in July 2006 (FIFA 2006a). While the Greek sports minister, Giorgios Orfanos, insisted on the government's right to intervene in football governance (BBC Sport 2006), the suspension and the following social and political pressure to comply with FIFA's demands prompted the Prime Minister to intervene personally (Anagnostopoulos 2011, 214). Just eight days after the suspension, the Greek parliament amended the National Sports Act:

'Specifically, for the sport of football, all the subjects of functioning and organisation of the sport, the Hellenic Football Federation and its members are self-governed by the HFF and its bodies, according to its statutes and regulations, as well as those that are determined by the Union des Associations Européennes de Football (UEFA) and the Fédération Internationale de Football Association (FIFA), even if different regulations are provided in the law 2725/1999, as it is in effect in the athletic legislation. Subjects of audit for the subsidies that the HFF receives from the state, control of legality, public order and safety are subject to the exclusive competence of the state.' (FIFA 2006b)

Thus, FIFA lifted the suspension (FIFA 2006b). The evidence of this case suggests that FIFA suspension of Greece was the decisive factor to prompt the speedy reaction of the government and the Parliament. This is an interpretation shared also by others in the academic literature (see specially Anagnostopoulos 2011). The fact that FIFA had obtained a full exemption of the HFF from the most important piece of legislation that regulates the sport sector clearly indicates FIFA's power. Football basically achieved an opt-out from framework legislation in the country. Whilst opt-

outs from legislation are not rare to find, they demonstrate the bargaining power of the parties *vis-à-vis* the regulatory authorities.

FIFA vs. Spain: Persuasion through the Press

In Spain the regulation of the sports sector is laid down in the Spanish Sports Act of 1990 (Law 10/1990), complemented with subsequent ministerial orders or decrees (Puig, Martínez and García 2010). The Spanish Sports Act includes very specific provisions regarding the governing structures of professional sport (García, Palomar and Pérez 2011). Such an ‘intrusive’ legislative framework made a conflict with FIFA very likely.

The Act defines very specifically the roles and responsibilities of sport federations. Federations are described as private entities acting by delegation of the state (Law 10/1990, Article 30). Articles 30 to 40 of the Act prescribe the functioning and structures of Spanish sport federations. Ultimately, conflicts with FIFA arose in the spring of 2008 when the national team had already qualified for Euro-2008.

Electoral Processes. The conflict had its origin in the regulation of the Spanish FA’s (SFF) electoral process. In December 2007 the government adopted a ministerial order regulating elections in all sport federations:

‘Elections will be made to coincide with the year of celebration of the Summer Olympic Games, and must start within the first quarter of this year. However, the Spanish sports federations that participate in the Summer Olympics shall begin their elections within two months from the end of the Olympic Games’ (Ministerial Order 2007, article 2).

With Spanish football not qualifying for the 2008 Olympics, the SFF was required to hold elections during the first trimester of 2008 (Expósito 2008a). However the incumbent president, Angel Villar, proposed to organize the elections in the autumn of that year (Mateo 2008a). That decision would not comply with the Ministerial Order, although only for a few months. The conflict about a technical detail gained increased public attention through constant reporting by the Spanish press of the conflict between the FA and the government (see Expósito 2008a, Mateo 2008).

FIFA's Threat to the Spanish Government. In February 2008, FIFA President Blatter travelled to Madrid to pay tribute to football legend Alfredo Di Stéfano. During a press conference, Blatter commented on the conflict:

‘This situation in Spain is incomprehensible. We fully support the federation and hope that the government understands the risk; FIFA’s Emergency Committee could meet in just six hours by phone or electronically to suspend the federation’ (quoted in Mateo 2008a).

Blatter deemed the ministerial order an ‘unacceptable intervention in football matters’ and indicated possible consequences: ‘It seems as if the Spanish government does not want its national team and its clubs to participate in international competitions’ (quoted in Expósito 2008a). Blatter gave an informal but robust warning by comparing Spain with the suspension of Greece in 2006 (Expósito 2008a; Mateo 2008a).

The Spanish Secretary of State for Sport took first a strong stance: ‘I defend the sovereignty of the Spanish state and the rule of law; we shall respect and enforce the law, and Spanish sport shall be governed in Spain’ (quoted in Expósito 2008b, see also El País 2008). The ministry of sport even suggested that administrative sanctions could be imposed upon the SFF (Suárez 2008a). The FA, however, persisted. In March 2008 the Annual General Assembly (AGM) decided the presidential election would be held in November that year (Carbajosa 2008, Ávila 2008). FIFA Executive Committee expressed its support for the SFF (Mateo 2008b):

‘If [the Spanish government] take[s] any decision against the Spanish FA we will have to intervene, and I really do not want to do it. I hope that will not be the case’ (quoted in Mateo 2008b).

Despite much talk through the press and other informal conducts, there were no formal proceedings. There is no evidence that the government ever *formally* considered any administrative sanction towards the FA. FIFA, on the other hand, certainly did not suspend Spain. There were no ‘formal’ threats of suspension either, as those often seen from the Associations Committee to other countries. Thus, it is difficult to explain how the conflict was resolved. The elections took place on 24 November 2008, the preferred solution of the SFF and FIFA (Suárez 2008c). The government, however, was surprisingly at ease with that decision: ‘Those who think

that this delay is not complying with our own ministerial order are wrong' (quoted in González-Martín 2008).

There are suggestions of a 'semantic pact' between the SFF President and the Secretary of State for Sport (Suárez 2008b), but there are no public explanations of the government's change of mind. Formally, the SFF presented a written submission to the government in April 2008, simply informing them of its decision to hold elections in November (Iríbar 2008). The Spanish case is one of implicit threats, unwritten rules and codes of behavior, which makes clear-cut analysis more difficult. Given the technical nature of the issue at stake, it is plausible that the government appreciated the unnecessary negative consequences that a formal FIFA intervention could have. Causality is always a complex concept in the social sciences, and interpretations will also depend on ontological and epistemological considerations. For the purpose of our paper it may not be possible to attribute the government's change of heart *exclusively* to FIFA, but the evidence of the case suggests that it certainly contributed to it. The case illustrates the potential that the institutional system of football governance has to discourage public authorities from upsetting the power and role of the governing bodies.

FIFA vs. Poland: Protecting Incapable Governance

The Polish case has already been analyzed elsewhere (Kędzior and Szczepanik 2011, Włoch 2012). There is also an interventionist legislative framework for professional sport in Poland. The Bill on Physical Education of 1998 introduced a special 'sport plc' format for professional clubs and banned multiple club ownership (Kędzior and Szczepanik 2011, 205). The Law on Qualified Sport of 2005 granted the Minister of Sport substantial powers over sport associations (Radke 2009). Certain business contracts required ministerial approval if an association received public funding. Moreover, in case of violations of the law the minister could suspend the authorities of the association, withdraw its consent for the creation of an association or file a motion for a resolution of an association to a Polish court (Szwedo 2011, 63).

While corruption has been an endemic problem within Polish football, its magnitude was revealed after the Polish penal code, in 2003, included the notion of 'sporting bribery'. Several hundred people including some top officials of the Polish

Football Association (PFA) have been charged because of match fixing and corruption (Kędzior and Szczepanik 2011, Włoch 2012).

First Round: Responding to Governance Failures. The government decided to intervene when the Polish FA (PFA) only hesitantly addressed bribery. In January 2007 the Polish minister of sport suspended the board of the PFA and assumed interim management until the elections. The incumbent board depicted the measure as a violation of the autonomy of sport and was supported by UEFA and FIFA, which demanded the removal of the government's supervisors. FIFA threatened the government not only with suspension but also with denial of FIFA's subsidies. FIFA demanded that the 'internationally recognized administration' of the PFA should organize elections under the supervision of UEFA and FIFA (FIFA, 2007). The government was also sent signals that Poland's candidature for Euro-2012 might not be considered. Thus, the government removed their supervisor of the PFA (Kędzior and Szczepanik 2011, 211).

Second Round: Intervening with Support from Polish Sport: Eighteen months later, the government tried again to intervene because of mismanagement and a hesitant approach to match fixing within the PFA (Włoch 2012). The government waited until UEFA had awarded Euro-2012 to Poland and intervened on 29 September 2008, just one day before candidates for the PFA board were to be nominated. In order to legitimize the intervention, the government asked the Polish National Olympic Committee (NOC) to nominate a supervisor, rather than appointing the supervisor itself (Infotuba 2008).

UEFA and FIFA refused to recognize the supervisor. They also asked the IOC to assess the autonomy of the Polish NOC (UEFA 2008). Furthermore, FIFA threatened Poland with exclusion from the 2010 World Cup and announced the cancellation of upcoming qualification matches (FIFA, 2008, WPROST 2008b). Initially, the Polish Sport Minister, Mirosław Drzewiecki was confident of convincing UEFA and FIFA that violations of the law by the PFA justified the measure (Infotuba 2008a, WPROST 2008a). However, FIFA did not accept these arguments (WPROST 2008c). Moreover, UEFA threatened to withdraw Euro-2012 from Poland (Kędzior and Szczepanik 2012, 212).

In a letter to the Polish Prime Minister, Donald Tusk, FIFA defined a clear deadline 'of Monday 6 October at noon' to remove the supervisor (FIFA 2008a). In response, Minister Drzewiecki demanded that the PFA had to respect the law and claimed: 'you cannot supervise the fight against corruption and hooliganism if you break the law yourself' (WPROST 2008d, e). Nevertheless, Drzewiecki negotiated with the incumbent PFA board. Finally, the government agreed to remove the supervisor once the independent election committee of the PFA (with participation of the Sport Ministry, FIFA and UEFA) had started preparing new elections. While the old PFA board had to admit some misconduct, the new PFA board tried to suspend all further investigation into corruption within Polish football in June 2009. Although the PFA's general assembly voted the proposal down, the PFA's stance towards corruption seems questionable (Kędzior and Szczepanik 2011, 212).

Given the timing of the Polish case it is clear that the willingness to host EURO-2012 was decisive in the actions of the government. The case illustrates the positive effects that football governance system creates for its constituents. It creates political and economic value that national governments are happy to exploit when they can, even if they have to share their regulatory powers. Again, several factors have contributed in this complex case, not least because of the number of actors involved. The government has not fully explained its somewhat erratic actions, but it is clear that the final solution was in line with FIFA's preferred outcome. It is therefore plausible to argue that FIFA's pressure influenced the public authorities. The case, thus, demonstrates the agenda-setting powers of FIFA in the conflicts with governments.

Discussion and conclusion

The presented evidence indicates that FIFA is able to confront national governments and defend its autonomy to govern and regulate football. The factor most indicative of FIFA's influence is the fact that case resolutions are invariably in line with FIFA's preferred solution. Suspensions (or the threat of them) can serve as an efficient means to enforce compliance of national FAs and public authorities. Governments even modify their sport policy and legislation once they face opposition by FIFA. In

Greece, FIFA obtained a regulatory exemption for football; the Polish government accepted a relatively lenient stance towards governance failures in sport. In Spain the government simply preferred to avoid conflict when it escalated perhaps too much. Thus, the case studies reflect dynamics where elected national governments decided to modify their decisions when FIFA formally or informally requested so. Moreover, FIFA defines deadlines for governments to comply and devises road maps for conflict resolution. The evidence certainly suggests that FIFA is able to challenge public authorities. Of course, other factors have contributed to those decisions as well. But it is plausible to argue that the institutional power developed by FIFA in this system of governance, through the motives explored earlier in the article, was at least one, if not the main, contributing factor.

Thus, the case of FIFA seems to be more supportive of older claims about the undermining effect of private power on legitimate public authority than of approaches abandoning simple dichotomies (cf. Büthe 2010).

Why do governments behave in such a way, and what does it tell us about transnational private (and sport) governance? There seem to be different dynamics at work. On the one hand, FIFA appears to benefit from the sociopolitical importance of football, that is, the sport's global popularity and the political meaning ascribed to international sports. Historical analysis has traced how participation in international sport competitions has become increasingly important for national governments for purposes of identity politics. According to such a more sociological argument, football is the only sport in the world with which a large number of people emotionally identify on a year-round basis. In comparison to other international sport bodies, FIFA commands a unique concentration of powers allowing the sport body to control access to international football. Suspensions represent an efficient enforcement mechanism because the exclusion from international competitions has an economic impact for the FAs – due to FIFA's redistribution policies but also due to losses of match revenues and probably players.

Due to football's strong popularity, it is safe to consider that suspension from a national team competition may not be well received by public opinion. There have been *no* cases of formal suspensions leading to exclusions from competitions, so it is not possible to test that causal link. However, the counter evidence is clear. The swift

responses of governments indicate that they prefer not to find out what would happen should their national team be banned from a competition. Within this context, it is useful to recall the history of Sevilla FC and Celta de Vigo in Spain in 1995 (see El Pais 1995). Administrative decisions relegated both clubs to play non-league football due to insolvency, which triggered public demonstrations of more than 250,000 people in both cities. The details of the case are outside of the scope of this paper (the decision was eventually reverted), but this serves to confirm the importance of football, its links with public policy and the sensitivity of governmental authorities to the sociopolitical implications of the game.

However, while we can clearly demonstrate an effect of FIFA's intervention on national sport policies, it is more difficult to ascertain how much of the power FIFA holds over national governments is economic and how much is symbolic since national governments were not keen to comment on their 'surrender'. Yet, we have not located a single case where national governments decided to confront, face on, the positions of FIFA. Invariably, one after the other, case resolutions follow FIFA's road map. While political 'surrender' could indicate the low strategic relevance of sport policy in some cases, it is undeniable that FIFA's private transnational authority challenges state power. Moreover, there is no 'governance triangle' since civil society does not act as a corrective force in football's private governance. Quite the opposite, while in other domains NGOs or legitimacy communities serve as 'rule demander' and supervisors of private regulators, FIFA presides over a large grassroots movement. National governments did not trust gaining voters' support if their policies came at the cost of a suspension, which explains why FAs could escalate conflicts by calling on FIFA. Moreover, the governance triangle approach assumes that states or intergovernmental organizations actively try to orchestrate regulatory efforts (Abbott and Snidal 2008). While in our cases national governments were left on their own to confront FIFA, the governance triangle argument is insofar supported by the fact that supranational institutions, notably the European Union (EU), seem to fare better when it comes to shaping sport governance. The EU is probably the only governmental body that has been able to exert some form of authority over football bodies. The EU requested that FIFA amends its international transfer system to some extent (García 2011, Parrish 2003) and forced UEFA to negotiate over the selling of broadcasting rights (García 2008). However, FIFA has

also managed to reap concessions from the EU (Meier and García 2012). Moreover, even though the EU's intervention into football was triggered by clear-cut violations of community law, it was far from uncontroversial among the member states.

However, persistent governance failures might also inspire states to assume a more active role in sport governance. As argued, FIFA's expansive interpretation of illegitimate governmental interference results from the fact that FIFA is dominated by a coalition of actors who have a strong interest in maintaining concentrated control over international football and its revenues.

However, FIFA's political victories might prove problematic since some governmental interventions addressed serious governance failures. It appears highly questionable whether FIFA's private transnational authority suffices to mitigate a global problem such as match fixing. The sheer magnitude of the problem might force FIFA to ask for support by public authorities. Moreover, as the case of doping illustrates, national governments can successfully join forces to reap regulatory powers from powerful sport bodies such as the IOC. However, it took a combination of persistent governance failures, blatant misconduct by officials and heavily increased public awareness to finally form a coalition of national governments (Hanstad et al., 2009; Hunt, 2011).

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Table 1. FIFA's suspension of member FAs 2003 – 2013

Member FA	Date of suspension	Date of lift	Trigger of suspension	Outcome of FIFA intervention
Azerbaijan	15-Apr-03	23-May-03	External pressure, violations of fundamental principles	Parties agreed to respect a FIFA moderated agreement
Antigua and Barbuda	20-May-03	29-Jun-05	No details provided	Suspension lifted after situation had improved
Guatemala	9-Jan-04	17-May-04	Governmental interference: Government replaced FA and elected FA officials	Re-installment of elected FA leadership, recognition of FAs' competencies
Kenya	2-Jun-04	6-Aug-04	Governmental interference: Government replaced FA officials due to mismanagement and fraud	Installation of a normalization committee to improve transparency and accountability
Macau	15-Feb-05	6-Mar-05	Governmental interference: Non-specified	Suspension lifted after negotiations
Yemen	12-Aug-05	9-Nov-05	Governmental interference: Non-specified	Suspension lifted after creation of a normalization committee and concessions by the government
Greece	3-Jul-06	12-Jul-06	Governmental interference: National legislation granting professional league independence from FA was not revoked	Legislation amended according to FIFA's demands
Kenya	25-Oct-06	9-Mar-07	Governmental interference: Non-implementation of agreements, escalation of internal conflicts	Government declares to abstain from further intervention, pending legal proceedings are withdrawn, reinstatement of elected officials.
Iran	23-Nov-06	20-Dec-06	Governmental interference: Non-independence of decision-making and election processes	Creation of a transitory board and future implementation of FIFA's demands
Kuwait	29-Oct-07	20-Dec-08	Governmental interference: Government replaced FA officials	Suspension provisionally lifted after new elections are announced, reinstatement of FIFA's transition committee, amendment of FA's statutes
Albania	14-Mar-08	26-Apr-08	Governmental interference: Government initiated legal proceedings against new FA statutes	Legal proceedings stopped, creation of a working-group
Madagascar	19-Mar-08	19-May-08	Governmental interference: Ministerial decree dissolved FA	Madagascan Supreme Court declared decree null and void, re-installment of FA
Chad	28-Mar-08	7-May-08	Governmental interference: Government replaced FA officials and intended to hold new elections	Decree revoked, reinstatement of elected FA officials
Iraq	26-May-08	29-May-08	Governmental interference: Governmental decree dissolved all sport organizations	Exclusion of FA from dissolution decree
Ethopia	29-Jul-08	Unknown	Governmental interference: Dismissal of elected officials, non-compliance with FIFA roadmap	Unknown
Samoa	24-Oct-08	20-Dec-08	Repeated management problems	Unknown
Peru	25-Nov-08	20-Dec-08	Governmental interference: Non-specified	Unknown

Brunei Darussalam	29-Sep-09	1-Jun-11	Governmental interference: Dissolution of FA and creation of new government controlled body	Conditions of FIFA Emergency Committee fulfilled and statutes amended according to FIFA Statutes
Iraq	20-Nov-09	19-Mar-10	Governmental interference: Government controlled NOC dissolved FA	Dissolution of FA withdrawn
El Salvador	11-May-10	27-May-10	Governmental interference: Government did not accept FIFA's normalization committee and new FA statutes	Legitimacy of normalization committee and new statutes recognized
Nigeria	4-Oct-10	8-Oct-10	Governmental interference: Court actions against FA officials, governmentally forced resignation of officials, government started league without relegation from previous season	Suspension provisionally lifted after claimant withdrew legal actions and FA leadership and FA control over league were reinstated
Bosnia	1-Apr-11	1-Jun-11	Mismanagement due to ethnic divisions and rotating FA presidency	FA statutes amended according to FIFA's demands
Belize	17-Jun-11	7-Jul-11	Failure of government to provide security for national team matches	Suspension provisionally lifted due to positive developments, match played outside Belize
Cameroon	4-Jul-13	22-Jul-13	Governmental interference: Government refused to accept results of FA elections	Normalization committee created, new elections organized, finally reinstatement of elected FA officials

Notes: Information displayed here is based on minutes of the FIFA Congress and FIFA's press and media releases (cf. online appendix for details).

¹ These FAs are Cambodia, Hungary, Indonesia, Kazakhstan, Macedonia and Venezuela.