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Master Thesis

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The Twelfth Player: How FIFA challenges host states' sovereignty
The case of the 2014 Brazil World Cup

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To Tia Toninha, in memoriam

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"Some people believe football is a matter of life and death. I am very disappointed with that attitude. I can assure you it is much, much more important than that."

Bill Shankly

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List of abbreviations

ANCOP	National Articulation of the World Cup Popular Committees
FIFA	Fédération Internationale de Football Association
IOC	International Olympic Committee
LGC	General World Cup Law

Abstract

THE TWELFTH PLAYER: HOW FIFA CHALLENGES HOST STATES' SOVEREIGNTY. THE CASE OF THE 2014 BRAZIL WORLD CUP

Fabrício Rangel de Oliveira

International relations involve a comprehensive number of actors beyond the scope of states. Considering such multiplicity, this research focuses on a particular non-governmental organization, the *Fédération Internationale de Football Association* – FIFA. The choice is justified by the relevance of less-traditional issues for the understanding of International Relations - here represented by sports and football particularly - and the political and economic power yield by FIFA during a football mega event. In the bargaining process between host countries and global sport organizations, the former are, often, required to change domestic regulations that range from urban infrastructure to national legal frameworks. Such requests can be highly questioned in terms of their objectivity and necessity. By examining the suspensions and modifications regarding the Brazilian legislation during the 2014 World Cup and the related social and political impacts, this research investigates how FIFA can influence host countries and if such dynamics, ultimately, correspond to interference to the state's sovereignty.

Key words: Non-state actors, institutions, sports mega events, sports organizations, FIFA, Brazil, 2014 World Cup, legislative production

1. Introduction

1.1. Theme

It is difficult to refute the relevance of states in the modern international system. The concept of a state as a sovereign unity – and its related features such as jurisdiction or the principle of equality – was brought up by the Westphalian Treaties (1648). Since then, it has been a central issue in international politics. States remain as the actors legally able to input taxes, assemble armies or grant nationality. In other words, it is within state borders that events take place in International Relations.

Nevertheless, at the same time, it is difficult to refute that interactions between state and non-state actors or among non-state actors have increased in relevance throughout the 20th century, particularly, in the post-Cold War era. Agents such as terrorist organizations; credit rating agencies; multinational corporations; private military contractors, non-governmental and inter-governmental organizations and themes such as globalization or international norms and regimes ought to be taken into account for an accurate international politics calculus, hence, requiring the broadening of the traditional state approach in International Relations.

In this sense, what is now witnessed in the international arena can be best described not as the decrease of importance of the state (or its substitution) but rather the diffusion of power among other actors and the further consideration of diverse themes.

For a long period, interpreting International Relations through the prism of sports has not been part of the mainstream academia. As governments have long demonstrated their interest in the realm of sports, this can be seen as contradictory. Nevertheless, this is already a changed scenario as more scholars research the impacts of sports' political, social, cultural and economic dimensions in international politics. Football, particularly, has a mobilizing capacity broader than any other modality. For different reasons, it can be directly connected to, not only, multiple aspects of daily life activities but also to “higher” aspects in the hierarchy of International Politics.

FIFA is a singular expression of the relevance of football in a global level. Not only, but distinctively, during mega events such as the World Cup, FIFA, as the private entity governing football, attempts to leverage on its resources, its claims of legal autonomy and on the political nuances of football to impose significant tangible and intangible changes in states hosting football mega events. In the world of football, supporters are commonly referred to as the twelfth player. Perhaps FIFA should also be considered for such label.

1.2. Research problem

Considering the argument on power diffusion and on the multiplicity of themes relevant for international politics, this research examines the Federation International Football Association – FIFA – as a particularly important non-state actor. The sport organization is linked to a particular context that has been gaining more momentum in the globalization era in which multimedia systems, leisure, economy and politics are highly interdependent: mega events. The FIFA World Cup of Football is one the most distinguished mega events in contemporary World and it will be examined here through a case study of the 2014 Brazilian Tournament. The study focuses on legislative arrangements exceptionally suspended and/or produced by the host country in order to comply with FIFA's demands for awarding the tournament and their consecutive social and political impacts on the Brazilian society. This normative production is analyzed through two concepts. Power is discussed through its relational aspects, more specifically, how a non-state actor is capable of yielding influence over a state. Sovereignty is discussed in regard to the sources of authority within a state and the relationship between the state and external actors. Considering this structure, the research seeks to answer its fundamental question: does FIFA influence over a host state configure a challenge to the country's sovereignty?

In order to carry out this objective, firstly, chapter three of this thesis presents a theoretical framing of the topics relevant for the research: the relationship between sports and international relations; non-state actors, particularly, global sports organizations; the relevance of mega events in contemporary society and the dynamics of the interaction between FIFA and hosting countries in terms of power and sovereignty

Subsequently, chapter four, by analyzing the 2014 Brazil World Cup, presents an empirical verification of the theoretical framework focusing, fundamentally, on demonstrating how FIFA is able to challenge a hosting country's sovereignty prerogatives.

2. Methodology

2.1. Research design and methods

The guiding question of this research is: does FIFA influence over a host state configure a challenge to the country's sovereignty?

FIFA, the independent variable, is conceptualized through primary sources such as statutes and hosting contracts from which the organization's institutional arrangements and modus operandi can be derived. The dependent variable refers to the results of FIFA's influence over the host state assessed through the legal instruments suspended and/or produced specifically, for the 2014 Brazil World Cup. Therefore, the research's methodological choice is the case study, based on an outcome-oriented process.

The normative production is analyzed taking the notions of sovereignty and power into consideration which will be conceptualized through literature review. Finally, the analysis of the legal framework designed for the Brazil World Cup, and its related social-political outcomes, aims to identify, taking in regard aspects of legality and legitimacy, if the host's sovereignty prerogatives were challenged in order to favor FIFA's interests. A counterfactual question is also proposed: would Brazil have changed its legislative environment at such pace and extent in the absence of FIFA's pressure?

The correspondent initial hypothesis is that, at first hand, the Brazilian government adopted, willingly, FIFA's demands for hosting the World Cup. However, a careful analysis will show that such acceptance and its consequential legal arrangements were part of a casual process triggered by FIFA's institutional strengths, as a private governing body, and by the costs of hampering an event with the magnitude of the World Cup.

2.2. Empirical data and sources

In order to carry out the literature review, examine the described variables and assess the empirical dimensions of the research, data were collected from FIFA and states' official channels of communication (statutes, regulations and national legislation, documents regarding bid processes, public statements from authorities, technical reports and online platforms) and from academic publications (books, articles). Furthermore, complementary sources derived from journalistic publications (reports and interviews).

3. Literature review

3.1. Theoretical framework

In this section, the main theoretical bases of the research are discussed. In order to address the importance of non-state actors, such as FIFA, and the multiplicity of relevant themes in International Relations, such as sports, the pluralist theory is adopted. When considering how mega events became an important political, social and cultural phenomenon, the chosen concept is Debord's "society of spectacle". Finally, in order to evaluate the institutional mechanisms that allow mega events to represent threats to sovereignty, Agamben's concept of "state of exception" is debated.

3.1.1. The pluralist perspective on International Relations

In International Relations, pluralism (often referred to as a liberal construct or the liberal-pluralist approach) consists of a different set of assumptions. The state is not considered a uniform actor. It is rather composed of bureaucracies, interest groups and individuals that attempt to formulate or influence policies while also dealing with external forces. The decision-making process is, then, the result of competition and bargaining among different actors (Viotti & Kauppi, 2008).

Despite acknowledging the centrality of states, pluralists regard non-state actors as stakeholders in international relations. International governmental organizations, non-governmental organizations or multinational corporations and their respective decision-makers have a relative degree of autonomy and are able to influence agenda setting. The agenda in international politics is heterogeneous. It gives emphasis to interests beyond the scope of security, and to multiple resources and actors without minimizing the importance of the state. In this sense, pluralism presents itself as an open-question, rejecting the dichotomy of high-low politics (Viotti & Kauppi, 2008).

Considering its comprehensive approach, the pluralist image is regarded as the main IR theoretical basis for this research, expecting that such choice allows for a more accurate structuring of the themes to be discussed, especially, the power of a non-state actor (FIFA) in international politics and the dialectical process developed when the organization interacts with a (host) country.

Within the pluralist spectrum, the propositions of Robert Keohane and Joseph Nye are of fundamental importance. When developing the concept of complex interdependence, in the late 70s, the scholars were among the first to suggest a review of the state-centric perspective in order to pay the due attention to non-state actors.

Complex interdependence argues for the idea that international affairs are characterized by a plurality of actors and themes which have a reciprocal development and that domestic and external politics should be considered mutually (Keohane & Nye, 1977). Nye (2011) summarizes complex interdependence as an ideal type that reverses three basic realist assumptions: states are the only meaningful actors, force is the dominant instrument and security is the state's primary goal.

Complex interdependence gave basis to what would become later the theory of Neoliberal Institutionalism. Although certain realist assumptions such as the centrality of states, the anarchical structure of international politics and the rationality of actors are maintained, Neoliberal Institutionalism focuses on a feature of minor importance for realists: international relations are institutionalized. Keohane (1988) defined institutions as "persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations." (p.383)

Within such scope, Keohane (1990) identifies three forms of institutions:

- Formal intergovernmental or non-governmental organizations. These are bureaucratic organizations, with explicit rules and specific assignments of rules to individual groups.

- International regimes. Regimes are institutions with explicit rules, agreed upon by governments, which refer to a particular set of issues in international relations and allow coordination among states.
- Conventions. Conventions are informal institutions, with implicit rules and understandings, which shape the expectations of actors.

For Keohane (1990), variations in the degree of institutionalization exert significant impacts on the behavior of governments and, thus, should be considered just as fundamental as the distribution of capabilities and security issues. For neoliberals, despite anarchy, states, according to the situation, are interested in cooperation and absolute gains. Their ability to cooperate will depend on institutions which vary historically and according to their nature - embedded policies - and strength - the degree to which their rules are specified and obeyed (Keohane, 1990).

Despite the value of regarding international relations as an institutionalized environment, Keohane (1990) stresses that this should not be translated as states always being highly constrained by international institutions. Rather, it merely implies that state actions are not always autonomous and can depend, to a considerable degree, on prevailing institutional arrangements. If it is true that great powers can retain more bargaining leverage, it is also noticeable that policies which emerge from institutions are different from those that would be taken unilaterally.

For this research, the most relevant aspects of Pluralism (and, thus, Neoliberal Institutionalism) are the careful consideration over the importance of non-state actors and how, through an institutionalization process, they can influence the behavior of states. FIFA, in this scenario, presents a considerable leverage over states since the organization, practically, retains the monopoly to normalize aspects of the most popular sport in the world which can range from rules of the game to procedures for participating or hosting a mega event. Therefore, the organization can directly or indirectly tie itself to sensitive issues such as sovereignty or the globalized political economy.

3.1.2. A society of spectacle

Comprehending today's relevance of sports mega events, such as the World Cup, depends upon linking different aspects of contemporary capitalist system and socio-cultural practices. Debord's concept of "society of spectacle" provides a comprehensive overall perspective for interpreting the issue.

In "Society of the spectacle" (1970), Debord describes a society lined by media and the commodification of everyday life. For the author, "the spectacle is the moment when the consumption has attained the total occupation of social life" (P.42).

Following Debord's perspective, Kellner (2005) argues that since the second half of the 20th century, the culture industry, based on the development of communication systems, has significantly expanded and broadened, in consequence, the role of spectacles as an organizing principle of contemporary society. For the author, social and political conflicts are increasingly exposed in different media channels. Sports events, wars, elections, celebrities' scandals and the general violence of everyday life are presented in an, often, indistinct blur of news, entertainment, opinion formation and consumption.

The notion of spectacle as an entertainment tool is not a novel one. War, religion and sports have been fertile sources since pre-modern times. However, since the last century, through the radio, but, mainly, with the global spread of television and, more recently, with the cyber media (mobile phones, internet, wireless technology, among others), the culture of spectacle has reached a new level of influence. Today, technologically advanced communication systems combined with the integrating capacity of globalization allow us to talk of a media spectacle for (and also produced by) masses. Among the different categories of spectacles, sports mega events¹ have acquired momentum in regard to economic, political and social-cultural aspects. Sports mega events, such as the World Cup, can reflect deeply embedded, contradictory or complementary values of society such as rivalry, conflict, identity or nationalism. Most aspects of these mega events can become a commodity for the spectacle industry.

¹ For a discussion on defining parameters of mega events, refer to Müller (2015).

Broadcasting, stadiums and surrounding areas, players, national teams or supporters can be modeled in order to attract massive audiences and generate substantial revenues for particular actors. For Hobsbawn (2006), it is paradoxical that the global appeal of football (and the World Cup) from which multinational corporations reap economic benefits is based, firstly, on the national appeal of the game. Furthermore, there is also the contradictory aspect that, while FIFA and its commercial partners can maximize their profits, host countries and their population may end up bearing heavy financial, political and social costs.

3.1.3. State of exception: the law of mega events

The processes of spectacularization and commodification can shed a light on the contemporary importance acquired by mega events. Nevertheless, explaining how sports organizations' demands are imposed on host states requires understanding an overall institutional structure put forth during mega events.

The theoretical reference adopted is the concept of state of exception as formulated by Agamben (2005). For the scholar, the state of exception is enacted when a country faces a security threat. Under such circumstance, the juridical normativity is suspended and the sovereign, through the executive power, accumulates all the political prerogatives.

For Agamben (2005) the state of exception is not a creation of absolutist states but of the liberal nation-state (e.g. The American 'martial law'). Furthermore, in a Foucaultian sense, the author sees the state of exception as a biopolitical phenomenon directly affecting people's lives. On the context of sports mega events, one could think of the evictions or regulation of public space.

For Agamben, the state of exception carries an internal contradiction that also justifies the concept itself. As it defines a juridical situation, the state of exception can be considered as part of the law. However, as it corresponds to the prerogative of suspending the law, it could be considered above or outside any legal framework. The state of exception and its unusual relation to the law itself, therefore, provides a suitable environment in which third actors outside the scope of state are able to redefine hosts'

normative arrangements. For Makarychev & Yatsyk (2016), hosting mega events is only possible under the condition of the suspension of certain legal acts authorized by local sovereign and legitimized by global sports organizations. In this sense, there is no complete suspension of the law. Rather, there is the creation of a new normative environment for the specific duration of the tournament edition and its preparation time.

It is important to stress that, indeed, the codification of FIFA's demands into law has passed by the Brazilian legislative houses. Nevertheless, the crucial aspects had already been decided without the consent of the same Congress or from the Brazilian civil society. FIFA's hosting agreement which gave basis to the codification of the World Cup law and was signed by the Executive Power was only disclosed during the law-making process itself, bypassing, thus, the required institutional process. It is valid to evaluate, then, if such dynamics configured a challenge to the Brazilian sovereignty.

3.2. Sports and International Relations

3.2.1. The study and the political use of sports

Sports are an important study object for different disciplines. Economy, sociology, psychology and pedagogy are some of the fields that investigate the issue. No rarely, the produced studies come from a cross-disciplinary effort resulting in the exchange of concepts and theoretical frameworks.

In regard to International Relations, Beacom (2000) argues that "the changing characteristics of sports will reflect something of the general developments in international relations" (p.1). Globalization, sovereignty, transnational non-state actors, in this sense, are some of the aspects able to connect sports and IR. Houlihan (1994) identifies, as well, the use of sport as a vehicle for diplomacy, ideology, nation building, access into the international arena and commercial gain.

In terms of establishing an analytical framework for the study of sports in International Relations, Houlihan' Sport and International Politics (1994) is seminal. The author seeks to provide a vision on the role and relevance of sports according to the realist, pluralist and globalist perspectives. For this purpose, he establishes a typology based on three groups of actors – states and international governmental organizations; non-governmental

organizations and individuals – and on their interaction with different resources available in international relations such as finances and culture.

Pluralism is, for Houlihan, the most adequate approach for comprehending the role of sports in the international arena due to its conceptualization of international relations as a system of interdependent relationships among different themes and actors with heterogeneous interests. The role of media and of non-governmental organizations such as FIFA and the International Olympic Committee (IOC) and their influence in international politics and interaction with states are of particular interest for this approach.

For Kanin (1978), sports differentiate themselves from other cultural activities in three fundamental aspects:

- The majority of those involved with sports issues are indirect participants: the audience, journalists, political authorities and others.

- Sports are a naturally competitive activity and rivalry is part of its essence. In this way, they symbolize alternative forms of conflict.

- The audience is the most important actor, not the athletes. They are the object in national and ideological comparisons embedded in the process.

These particularities make states interested in sports as a political tool. The late 19th century witnessed a contained use of sport as a vector for national identity building and prestige. Nevertheless, then, sports were still marginal and elitist with few exceptions such as football and cycling (Hobsbawm & Ranger, 1983). The development of many sports and sports organization, as it is the case of FIFA, was simultaneous to the rise of the industrial society and nation states. Sports, hence, became an instrument for groups – often composed of urban, male working class – to organize their own collective culture and for countries to manifest their nationalism (Tomlinson, 2014).

According to Hobsbawm & Ranger (1983), a broadening of the scope of nationalism beyond traditional areas, including governments' interest in sports, starts after World War I. States expected to reap symbolic gains from hosting and winning sports tournaments. Garcia & Meier (2013) cite the propaganda use of Italy hosting and winning the 1934 World Cup or the Nazi party instrumentalization of the 1936 Berlin Olympic Games as

examples. Vasconcellos (2008) refers, in the same regard, to the attempt of some states, in the inter-war period, to put the International Olympic Committee under the jurisdiction of the League of Nations and later in 1960's under UNESCO's control.

States seeking independence or some sort of recognition also understand eligibility for international competitions as an important asset. The Falkland Islands are not eligible for the IOC, therefore, participation in the Commonwealth Games is taken as an important political platform. East Timor, one year after its independence, managed send athletes to compete at the 2000 Sydney Olympics under the IOC flag. Global sports organizations (GSOs) and the international competitions organized by them, in this sense, have been among the first international platforms new states seek membership. (Tomlinson, 2014).

These strategies are still firmly adopted, but different connotations for the role of sports have also emerged and states' interest in sports mega events persists today. Garcia & Meier (2013), considering identity politics, argue that by hosting the 2012 UEFA European Championship (Euro Cup), Ukraine and Poland experienced a boost of national pride. Differently, Qatar, on an economic perspective, is using its position as the 2022 World Cup host to rise in the global business scenario.

In terms of international politics, one can cite South Africa and Brazil, respectively, hosting the 2010 and 2014 World Cups as an attempt to consolidate their images as rising stakeholders.

Other sports related topics with potential relevance for International Relations include: tourism (e.g. mega events); diplomacy; migration (e.g. players' labor market); dependency theory (players' transferences confirming traditional economic networks – north/south - or creating new ones - south/south); global political economy (e.g. commercial rivalry between multinational corporations, broadcasting revenues); the symbolism embedded in players and teams.

3.2.2. Football: more than just a game

A football match will not spark conflict between two countries that enjoy good relations, nor it will bring peace to states that wish to separate. (...) But it can forewarn of a situation which is deteriorating or bring tidings of one that is improving. It provides a way for players on the international state to split apart or draw close together. So its importance must not be over or underestimated. (Boniface, 2002, p.9)

Boniface's statement presents an important perspective for the general study of football. Its importance should not be either underestimated or overestimated. Football has been researched by a range of scholars of different disciplines, reflecting its multi-disciplinary character. Conceptualizations included football rivalry as the institutionalization of conflicts; football fans as an imagined community resembling religious patterns or football as an invented tradition. For Giulianotti (1999), players, clubs and national squads, dialectically and symbolically, represent specific geographical and cultural identities.

Within the world of football, there is a large pool of interesting aspects for International Relations. According to Giulianotti (1999), football affects individuals' notions of identity and belonging. In this sense, it can become a channel for the expression of cultural, political and spatial divisions in regional and national levels. Rivalries between certain nations (e.g. Holland and Germany, England and Scotland) and rivalries among clubs identified with upper or lower classes, religion or nationalist issues extrapolate the pitch and reflect deep social and cultural interconnections. As a public sentiment revealer, football allows a nation to portrait itself as coherent while, simultaneously, it exposes internal ruptures (Deyo, 2013).

As a political instrument, football is able to play an important role in terms of (de)legitimization of certain processes and institutions such as political regimes through boosting nationalism and creating diversions from governmental activities.

In Brazil, the military rule of General Médici (1969 - 1974) initiated a pattern of using football as both a unifying feature for the nation as a well as a distraction technique. Stadiums were built across the country and the national championship was expanded in

order to include as many clubs as possible² (the 1979 edition featured 94 teams) aiming to satisfy local political allies and citizens.

In socialist regimes, football became a notably useful delivery system to spread ideology. Patronization was performed by different branches of the state including the army (e.g. CKSA Moscow) or intelligence agencies (e.g. Dynamo Moscow, Dynamo Bucharest) (Missilori, 2002).

The use of football, however, as political tool is not a particularity of authoritarian regimes. The province of Catalonia due to political pressure for independence manages to obtain authorization of the Spanish government to perform as a national team once or twice a year. During the Apartheid in South Africa (1948-1994), the country suffered continuous boycotts in the field of sports. From 1961 until 1992, its membership to FIFA was suspended (Vasconcellos, 2008).

Not only states take part in this process of political use of football and sports in general. Sports organizations such as FIFA and other non-state actors also try to leverage on the political capital of football. The United Nations, in its public relations efforts, commonly designates “ambassadors” for campaigns regarding poverty alleviation or promotion of world peace. Worldwide famous football players like Brazilian Ronaldo Nazário have participated in visits to conflict areas such as Kosovo or Israel-Palestine.

Multiple times, FIFA has received motions from one or more countries requesting the exclusion of Israel from international football competitions. Furthermore, FIFA’s acceptance of Kosovo as a full member, in 2016, caused a match between the new associate and Ukraine, valid for the 2018 Russia World Cup Qualifying Tournament, to take place in Poland, as Ukraine does not recognize Kosovo.

In a seminal effort to explain the evolution of football through a socio-historical systematization, Richard Giulianotti in “Football: A Sociology of the Global Game” (1999) develops a typology based on what he labels the Traditional, Modern and Post-

² During the period, the catchphrase (“Onde a Arena vai mal, mais um no nacional”) was commonly used to describe the military strategy. In a free translation: Wherever ARENA (the pseudo-political party representing the military government) is doing badly, there’ll be another team in the national championship.

Modern periods. Firstly, the author presents a general overview of each period (Table 1) followed by a debate on how football evolved and its characteristics in each context (Table 2).

Table 1. Giulianotti's three-period socio-historical model

Traditional period	Modern period	Post-modern period
<ul style="list-style-type: none"> -Pre-modernity -Vestiges of pre-industrial and pre-capitalist periods -Authority of aristocracy and traditional middle class (Pre-French and British Revolutions) -Influence of British imperialism 	<ul style="list-style-type: none"> -Late 18th century -Rapid urbanization -Demographic and political rise of working class -Increasing influence of international events on everyday life related to the development of telephone, mass media, transportations systems and general infrastructure -National identities and the formation of modern states -Organization of labor with consequent development of leisure time -Differentiation between high and low (popular) culture 	<ul style="list-style-type: none"> -International market dependency -Splintering of working class -Rise of new white-collar forms of employment -Suburbanization -National identity x globalization (immigration, ethnic diversity) -Global x local -Collapse of the division between high and low culture

Source: Giulianotti (1999)

Table 2. Football according to Giulianotti's the three-period model

Traditional period	Modern period	Post-modern period
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<ul style="list-style-type: none"> -From football's origins (in Western Europe) until the end of World War I -British domination of the modality -Diffusion of football after separation from rugby -Appearance of different national playing styles. -Players as representatives of local communities -Beginning of professionalization process in England 	<p>Early period</p> <ul style="list-style-type: none"> -1920 - 1945 -FIFA's foundation (1904) -Rise of new football nations in Southern Europe and Latin American <p>Intermediate period</p> <ul style="list-style-type: none"> -1945 - 1960 -Regional Institutions: UEFA (1954), CAF (1957) -Development of (international) championships -New football forces: Hungary, Brazil -Players as global heroes but only in regard to the game <p>Late period</p> <ul style="list-style-type: none"> -1960 - 1990 -Global commodification of football (television, clubs as commercial enterprises, sponsors, high profits) -New kind of football supporter - "armchair" -Players as global symbols also outside the football scope 	<p>-From 1990</p> <ul style="list-style-type: none"> - 1990 Italian World Cup: the first designed according to TV broadcasters' expectations -TV made-for competitions -Emergence of global audience -New post-modern fan – distant from local communities -New players market (e.g. European Court of Justice ruling on 1995 Bosman case; number of foreign players per team) -Players as symbols, brands and pop culture celebrities
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Source: Giulianotti (1999)

The late modern and post-modern eras are of particular importance for global sports organizations. Multinational corporations and media channels, in these periods, start to evaluate sports a high profitable source. Sponsorship, advertising and broadcasting became important revenue sources for organizations such as FIFA and IOC. In turn, these organizations improved their financial strategies by commodifying different aspects of sports including: mega events, regular competitions, stadiums, ticketing, broadcasting rights and several social and cultural aspects

Football can be regarded as an important level of analysis, both as cause and effect. Repeated social, cultural and political patterns are found in different places and contexts. However, it is important to stress that every example of instrumentalization of football (and sports in general) has to be carefully examined before appointed as being politically relevant. Even when considering it as so, one must evaluate its role as a conditioning (indirect influence) or executive (direct influence) factor in International Relations. Nevertheless, it is correct to affirm that several aspects of sports can have some degree of relevance for understanding certain dynamics in international politics, culture or economy. As Beacom (2000) argues, “just as a consideration of international theories can assist in understanding the significance of sport in contemporary society, so too an investigation of developments in international sport can provide valuable insights into the nature of international society” (p.12).

3.3. Power

3.3.1 What does it mean to have power?

Simply acknowledging the importance of non-state actors in the international arena without indicating how or why these elements matter is unfruitful. Therefore, the notion of power is discussed. Nye (2011) considers that for a concept so widely used, power is surprisingly volatile and difficult to measure.

Regardless of the definition itself, Nye (2011) argues that it is necessary to specify who and which topics are involved in the power relationship. For statesmen, being able to predict events has always been a vital factor for policy-making. In this sense, power can be simply defined in terms of the resources that can produce outcomes. Following this logic, a country is considered powerful if it accumulates natural resources, economic and military strength. It makes power appears to be palpable and measurable. But often, there is the paradox that those best served with such elements do not always achieve the expected results (Nye, 2011).

Power can be more comprehensively approached if linked to other aspects such as institutionalized norms and regimes, involving more than just state actors, which can constrain and make countries' actions predictable. This is an important notion for

understanding how the private governance of football exerted by a non-governmental organization, FIFA, affects states.

Power is also profoundly intertwined with culture. For Suppo (2012), the aftermath of World War II is a significant period for such relation due to cultural tensions exacerbated by three circumstances:

- States formed after decolonization inherited borders that did not correspond to their ethnicities, languages and religions.
- The technical progress in communication has deepened cultural conflicts due to reactions to mass media which perpetuates dominating cultures.
- Culture has become a commodity whose production and use are not neutral, creating situations of “silent domination” of life style and traditions in a country.

The American culture is commonly referred to as an example of a system capable of establishing a set of conventions and behaviors which are far from producing a global homogenous culture, but certainly can influence different aspects of other countries' societies such as eating habits or entertainment preferences. Culture, as a system of values, can work as a powerful factor for influencing states' political environment, both internally and externally. Such system is complex and includes different dimensions such as the actors involved (e.g. politicians, artists, intellectuals); the offered products (e.g. religion, literature, sports, cinema, television) or the means for their distribution (e.g. religious congregations, schools, media). As understanding how the institutionalization of football can help to explain the power of FIFA, so does understanding how the cultural magnitude of football (and sports in general) affects individuals, societies, economy and states.

The pluralist theory argues for the importance of other actors rather than just states. Nye (2011) addresses this perspective by arguing that two great power shifts are occurring this century: power transition among states and power diffusion from states to non-state actors. Unlike power transition, power diffusion is a more recent phenomenon.

Nye (2011) pictures this distribution of power in a pattern that resembles a “three-dimensional chess game”. On the top of the board, military power is largely polarized around the United States and it is likely to remain as such for some time. On the middle of the board, economic power has been multipolar for more than a decade with the United States, Europe, China and Japan as the most important stakeholders and others (e.g. BRICS) gaining more importance.

In the bottom board, transnational relations take place with relative autonomy from government control, and it includes non-state actors such as multinational financial corporations, non-governmental organizations or terrorist groups. Power in this context is widely diffused because the barriers to entry into world politics have been lowered by, among other factors, the information revolution (Nye, 2011).

3.3.2 Soft Power

Besides the notion of power diffusion, it is also essential Nye’s formulation on hard and soft power³. The former means influencing the behavior of others, through “inducements (carrots)” or “threats (sticks)”, to get the outcomes one wants. The later represents the ability to attract and co-opt others to make them desire what you want (Nye, 2011).

In general, the resources associated with hard power include tangibles ones such as force and money. In this sense, FIFA clearly does not possess any kind of military capability, however its disproportionately elevated financial resources (due to its legal character as a non-profit organization) are commonly used, for instance, to guarantee support for national football federations.

Soft power tends to be associated with intangible resources such as political values, ideas and institutions, and policies that are seen as legitimate. In this scenario, FIFA presents different assets. Its private governance condition enables the organization to set the rules of football, as a sport, and to manage its most important competitions. As states are only

³ Nye (2011) also describes cyber power and smart power (the combination of hard power’s coercion and payment with soft power’s persuasion and attraction).

interested in meaningful and worldwide recognized tournaments, they have no choice other than comply with FIFA's norms. Moreover, despite several criminal accusations and contested institutional decisions, FIFA still, as a non-governmental organization, presents itself as a moral and neutral entity and, therefore, capable of entering relations with any state without prejudice. In this sense, it is interesting to notice how states look for FIFA's membership as way to legitimize their condition of sovereigns before other nations.

It is important to notice that the relationship between hard and soft power is more complex and interdependent than it may first appear. According to Nye (2011), for instance, intangible resources such as patriotism or legitimacy can strongly affect a state's military capacity. FIFA, in this context, could be interpreted as making use of hard power when threatening to sanction (an intangible resource) states over issues such as racial and gender discrimination or non-compliance to the organization's rules.

A country's potential to yield soft power rests heavily on three basic resources: its culture (in places where it is attractive to others); its political values (when they are congruent internally and abroad); and its foreign policies - when others see them as legitimate and having moral authority (Nye, 2011).

In an exercise of analogy, one can observe that FIFA's culture, football, is widely praised in almost every corner of the world. However, when it comes to the organization itself, a different context is established. Its political values are contested due to accusations of corruption, for instance, but are also somewhat praised when related to campaigns against discrimination, children's labor or military conflicts. Similarly, its foreign policy which has among its main expressions the relationship towards national football federations and mega events polarize opinions between supporters and harsh criticism.

The divergent opinions towards FIFA are an example that, in regard to soft power, what the target thinks is particularly important and, thus, targets matter as much as the agents. Attraction and persuasion are socially constructed and require consistency of practice with values. Dar (2015) argues that due to changes in international relations after the Cold War, soft power, for states, started to appear less risky than hard power.

In congruence with the pluralist approach, Nye (2011) alerts that the impact of soft power (or any other form of power) should be properly considered but never overstated. Promoting democracy or human rights does not fit well with coercive power. At the same time, the mass diffusion of the Western culture of entertainment has minimum effect on issues such as arms proliferation or terrorism. Detecting the magnitude of the (soft) power yield by non-state actors is not easy, especially, concerning themes not traditionally or readily linked to high politics. However, soft power is an important dimension in international relations even if, sometimes, it is less readily discernible and difficult to interpret in terms of causality.

3.4. Sovereignty: a multi-layer concept

Regardless of which stand scholars have taken concerning the role of states, sovereignty has always been a recurring concept.

Krasner (2001a) provides a concise four-category scheme for an initial interpretation of the concept: interdependence sovereignty, domestic sovereignty, Westphalian sovereignty and international legal sovereignty (or any combination of the four).

- Interdependence sovereignty is defined as "the ability of the states to control movement across their borders" (p.231).
- Domestic sovereignty refers to "authority structures within states and the ability of these structures to effectively regulate behavior" (p.231).
- Westphalia sovereignty includes both domestic and international stipulations: "Within its own boundaries the state has a monopoly over authoritative decision-making. At the international level this implies that states follow the rule of non-intervention in the internal affairs of others" (p.232).
- International legal sovereignty names states as independent and equal legal actors "capable of entering into voluntary contractual agreements" (p.233).

These definitions have considerable importance for understanding certain aspects concerning sovereignty. However, they become more accurate if contextualized with

other elements that are also integral parts of the concept. States' sovereignty has been, for innumerable times, directly challenged. For Krasner (2001b) only a few countries - the United States being the most striking example - have had autonomy, control, and recognition for most of their existence.

Another important element is the scope of the concept. Considering states as the only meaningful actors may result in misleading interpretations. As Saylor (2007) argues, transnational groups, both secular and religious, have long existed as international players. Furthermore, contemporarily, globalization has allowed non-state actors to rapidly grow in quantitative and qualitative terms. Bartelson (2006) notes that these actors have been taking part in crucial activities commonly associated to state sovereignty such as law enforcement or the shaping and directing economic policies.

Krasner (2001b) adverts, nevertheless, that: "The most important impact of economic globalization and transnational norms will be to alter the scope of state authority, rather than to generate some fundamental new way to organize political life" (p.1). Similarly, Nye (2004) comments that non-state actors "do not frontally challenge the governments of sovereign states, they simply add a layer of relations that sovereign states do not effectively control" (p. 84).

Finally, the mutability of the concept of sovereignty, and how it has developed, must be highly regarded. Donnelly (2005), on a historical perspective, argues that the concept had different meanings in the 17th century world of dynastic sovereignty, in the 19th century world of great power politics and in the post-colonial world of the late 20th century. For Biersteker & Weber (2011), like all social practices and concepts, sovereignty is transformed over time. For the authors, the modern state is not based on a static principle of sovereignty but on the production of normative conceptualizations linking territory and society (i.e. as a nation) to a particular place. In a Foucaultian interpretation, sovereignty does not configure a fixed legal principle but a flexible discourse.

Indeed, the concept of sovereignty involves a multiplicity of aspects and any definition will be readily prompt to contestation. Nevertheless, as in any scientific inquiry, a conceptualization must be established in order to allow the proper development of the

research. Therefore, in order to answer if and how FIFA is able to interfere with hosts' sovereignty, a clear of definition of sovereignty must be designed.

Sovereignty is here considered as the interconnection of three dimensions: democracy, legitimacy and the internal-external dichotomy.

Democracy, here, relates to the source of the sovereign power. Schmitt (2005) described it as the authority to declare a state of exception and, consequently, to suspend the law if the country's integrity is threatened. Nevertheless, even if, in a representative democracy, the concrete and most visible manifestation of sovereignty is the figure of the government, its existence depends, ultimately, on the consent of the collectivity of individuals belonging to the particular society in question. Therefore, the research approaches the concept of democracy in a Rousseauian sense, assuming that governments should be accountable to their decisions and act in accordance to the desires of the population as well as their rights which are embodied in the respective legal framework.

Despite embodying an important dimension of sovereignty, democratic representation is not a sufficient condition. International and national legal frameworks equally regard political circumstances such as autocratic regimes or unpopular actions taken by a democratically elected government as sovereign. Again, if the Schmittian conceptualization is regarded, the monopoly on the ability to declare a situation of exceptionality is legitimate. Nevertheless, sovereignty is, here, understood as the interdependence between legal aspects and the legitimacy of such norms when confronted with the will of those represented by them. As Donnelly (2005) argues, sovereignty cannot be solely interpreted as "legalism" (considering formal authority while ignoring objective control) or "realism" (considering lawless power while ignoring issues of right and authority).

As for the internal-external dichotomy, the focus is given to how the actions of a third party - FIFA - affects government's decisions regarding domestic affairs and if these decisions are taken according to civil society's knowledge and consent.

These propositions are evaluated through the examination of the legal arrangements suspended or produced during the 2014 Brazil World Cup. The objective is to understand if this normative process was legally carried out and legitimized by actual societal

demands or if, ultimately, it corresponded to demands designed by FIFA and carried out by the state without considering society's general welfare.

The suggested hypothesis is that the Brazilian government had to accept FIFA's demands due to its institutional strengths and in order to avoid the costs of contesting the football organization. As Garcia & Meier (2013) suggest, probably no political figure wants to be remembered as the one who prevented the national team from participating in the World Cup. Considering, in that period, Brazil's intention of asserting its position as an international stakeholder, hampering an event of such magnitude could have resulted in damages to the country's image before the international community. Furthermore, in economic terms, confidence of international investors, rating agencies and multinational corporations is now a fundamental piece of the global political economy which can be affected by social and political instabilities in a state.

For Donnelly (2005), "sovereignty is "the right, not the ability, to determine one's policies and like any right it may or may not be effectively enjoyed, infringed, violated, or ignored" (p.3). In this sense, it is not possible to think of a mega event such as the World Cup without considering its intrinsic political and economic motivations and the costs of confronting them.

3.5. Non-state actors

3.5.1. Old players, new functions

Despite their growing relevance in the post-Cold War period, transnational non-state actors are not a recent phenomenon. Multinational corporations, for instance, have been long present as international players. Krasner (2001b) points out that the East India

Company possessed, in the 18th century, political (and even military) power comparable to many national governments. Religious organizations (e.g. The Catholic Church) have also been, historically, part of international politics, and the 19th century witnessed the founding of the Socialist International, the Red Cross, and organizations advocating women's suffrage, worker's rights and other demands. Even terrorism was already a tactic used by specific groups in 19th and 20th centuries.

Nevertheless, since the past century, remarkable shifts on the world stage have enabled non-state actors to grow both in quantitative and qualitative terms. World Wars and their political consequences (e.g. The United Nations); the (end of) Cold War; the expansion of the financial capitalist system and technological innovation are some of the factors that have helped shaping the new role of non-state actors.

Despite still relying on functioning governments to perform their activities, for Beacom (2000), non-state actors are able to engage actively in different aspects of domestic and international politics. For Lakhany (2006), non-state actors are able to mobilize public opinion; perform technical, legal and political analyses; shape and monitor international agreements and affect norms and institutions. They act in spheres that have traditionally been addressed by states such as ownership of military force; economic policy or environmental protection.

Globalization appears as the process underlying these elements. More specifically, and of fundamental importance for this research, there is the phenomenon of global governance. The international system operates without one central authority and it is unlikely that such position will be filled by one single state. As a response to such structure, Bartelson (2006) sees the creation of supranational and transnational institutions of global governance and non-state actors performing government-like functions.

In essence, global governance describes systems of rules, encompassing formal and informal regulatory mechanisms (Lakhany, 2006). The impact of this transnational governance framework can be seen in different institutional arrangements such as the Kyoto climate convention; the International Criminal Court or the World Trade Organization. Non-governmental organizations (NGOs) perform an important role mediating relations between citizens, states and international groups and by raising global

awareness to specific issues. FIFA is a singular example of global governance as the organization has almost complete monopoly over football.

3.5.2. Global Sports organizations

Although global (private) governance can be considered as a rather new phenomenon, Garcia & Meyer (2013) remember that the International Olympic Committee founded in 1894 and FIFA (1904) are older⁴ than most intergovernmental institutions. The development of many sports and global sports organizations was simultaneous to the rise of the industrial society and nation states. Sports, then, became an instrument for groups – often composed of urban, male working class – to organize their own cultural practices and for countries to manifest their nationalism (Tomlinson, 2014).

Although, today, sports organizations perform multiple tasks and represent different interests, managing the codification of sports rules was the main purpose of early associations. According to Forster & Pope (2008), the formalization process of sports began in England driven by individuals or specific interest groups. For some modalities, the process was motivated for purely sportive reasons while for others, including horse racing and early forms of boxing (bare-knuckle), economic interests were the imperatives. It was only later in the 18th and 19th centuries that embryonic sports organizations were formed in response to the codification process and to international events which started taking place after the Napoleonic Wars (Forster & Pope, 2008). The contemporary commodification of sports was only possible due to such prior formalization.

Today, global sports organizations are the main governing bodies of a modality and their claims of legitimate control are reasoned by different arguments, including legal ones. In that regard, Jerabek, Ferreira & Figueroa (2017) argue that GSOs attempt to legitimize the idea of global sport law which seeks non-intervention from both national legal systems and international sports law. Due to their private governance character, global sports

⁴ The authors indicate that, probably, the first Global Sport Organization was the International Gymnastics Federation (IGF) created in 1881, although, as other early GSOs, it dealt with European affairs rather than global ones.

organizations can carry out decisions about rules of the game and competitions with relatively low contestation. Nevertheless, in other areas such as doping or disputes between associated nations, the governance function is more complex and can become a source for criticisms related to the organizations' claims of political neutrality.

In this sense, as much as other non-governmental organizations, GSOs must sustain the legitimacy of their actions. In order to do so, they must appear detached from governments or other actors such as multinational corporations. Their motivation must appear to be linked to the desire to provide services and contribute to a certain issue not to political ties or financial interests. Considering this context, it is important to note how global sports organizations are able to maintain their influence despite having intrinsic characteristics that represent a threat for their claims of legitimacy.

As Forster & Pope (2008) put forth, most of these entities are self-appointed and they often refer to current and founding members for validating their legitimacy. This might be considered as a tautological claim since the national associations, in their own search for legitimacy, point to their membership to a sport organization. Julio Grondona, for instance, headed the Argentinian Football Association (AFA) from 1979 until his death in 2014. During such period, fifteen heads of state, including military dictators, have governed the country.

The financial structure can also become a liability. When compared to the majority of non-governmental organizations, GSOs have a discrepant capacity to generate revenues, especially during periods of massive audience such as mega events or championship finals. Legally, they remain as non-profit organizations dealing with a highly commercial activity with close ties to multinational corporations. This contradiction is crucial for comprehending their capacity to influence international actors. Forster & Pope (2008) argue that the lack of accountability and ownership of profits provides executives with important, and sometimes illegal, areas of discretion for their use such as inflated remuneration packages and patronage.

Non-state actors are an important factor in international relations. Sports organizations, particularly, represent a highly sophisticated governance regime that has long claimed its

autonomy and legitimacy. Because of their non-profit status and lack of ownership, it is difficult to retrieve their financial information. Accountability problems are exacerbated by the increasing revenue potential of these organizations and by their ability to influence associated members. Nevertheless, as Houlihan (1994) adverts, only a few organizations have enough resources to influence governments, mainly, FIFA and the IOC.

3.6. FIFA

3.6.1. The twelfth player: what is FIFA?

The *Fédération Internationale de Football Association*, FIFA, is an organization responsible for managing football at global level according to article two of the organization's statute. The main legal arrangement governing the entity is its status as a non-governmental organization according to the Swiss Civil Code, article 60.

Likewise other global sports organizations; there is a discrepancy between FIFA's status as a non-profit organization and its inflated financial resources. But as Jerabek, Ferreira & Figueroa (2017) stress, as long as the entity invests its surplus back into itself, its status remains legal under the Swiss law. In fact, having its headquarters in Zurich is strategic for FIFA as Switzerland can be considered an international center of offshoring which allows, for instance, the non-publication of accounts which became a common practice for global sports organizations (Bean, 2016).

Today, there is barely a nation that has not become a member of FIFA⁵. With the full adhesion of Kosovo, in 2016, the current amount of members⁶ totalizes 211. It is always important to remember, in this sense, that FIFA's goals are not related to traditional issues for NGOs such as government accountability; human rights promotion; conflict resolution; environmental protection or poverty alleviation. Nevertheless, its ability to attract members is fully visible which indicates the importance of the phenomenon of football. Differently from other NGOs who had their network expanded when invited by

⁵ Nations not recognized by FIFA have created the Non-FIFA Board and host the quadrennial VIVA World Cup.

⁶ Apart from including certain nations which are not recognized by the United Nations, FIFA, historically, has allowed United Kingdom nations to have separate membership.

some intergovernmental organizations for deliberation, FIFA is the one who decides about membership of nations.

Article 10 of FIFA statutes presents the conditions for membership acceptance. A nation shall be represented in the organization through its national football association - FIFA only recognizes one association per country. Such association must have been part, for at least two years, of one of FIFA's six continental confederations⁷. Alongside the payment of a fee, it is demanded the signing of a document through which the association agrees to comply with statutes, laws and decisions of FIFA; to respect the rules of the game and to recognize the Court of Arbitration for Sport.

Despite its international range, FIFA has a relatively simple structure⁸ based on centralization of power. Its institutional arrangements correspond to the Congress (the legislative body); the Executive Committee (Executive body) supported by smaller committees and the General Secretariat (Administrative body).

The Congress holds annual meetings and it is responsible for electing the institution's President and approving statutes. The Executive Committee – composed by the President, eight vice-presidents and fifteen other members elected by the continental confederations – is responsible for selecting the host country of the World Cup and for implementing the statute's norms. The President also appoints the Secretary General whose main function is the financial administration of the Institution.

3.6.2. Historical development

Alan Tomlinson (2014), in his book “FIFA (Fédération Internationale de Football Association): The men, the myths and the money”, provides a historical overview of the football organization. The main character orchestrating the initial steps of what would become FIFA was the French journalist, Robert Guérin. He was a member of the USFSA

⁷ Confederation of North, Central American and Caribbean Association Football (CONCACAF); *Confederación Sudamericana de Fútbol* (CONMEBOL); *Union des Associations Européennes de Football* (UEFA); *Confederation Africaine de Football* (CAF); Asian Football Confederation (AFC) and Oceania Football Confederation (OFC).

⁸ FIFA statutes, art. 21

(Union of French Sports and Athletics Societies) which hosted the inaugural meeting of the organization, in Paris, on 21 May 1904.

In this first meeting, seven nations were represented – Netherlands, Switzerland, Denmark, Sweden, France, Belgium and Spain. The aim of the meeting was to resolve disputes within nations concerning the authority of national federations or associations and to organize regular international competitions. In the aftermath of the Second World War, membership accounted to 51 nations and, in between 1950 and 1984, it reached 150. By the time the 1994 World Cup ended, FIFA had 191 members. Such increase throughout the second half of the last century refers to the decolonization process in Africa and Asia and to the break-up of former communist regimes.

Despite FIFA's tremendous growth, the organization has faced a number of drawbacks during its establishment process. British associations left FIFA in between 1920 and 1924 and in between 1928 and 1945. Latin American and African Associations, dissatisfied with a Eurocentric perspective of football (e.g. plunging of players, failed applications for hosting the World Cup), threatened to leave the organization as well. Moreover, social-political issues also became part of the problems faced by FIFA. European conflicts and authoritarian regimes, the South African Apartheid; the Israel-Palestine conflict; the Communist Revolution in China; the Argentinian military regime or the sovereign recognition of Taiwan all sparked disagreements which, in some of the cases, lead to boycotts of international competitions and dissociations.

More recently, FIFA has been linked to possible criminal practices. The United States Justice Department (2015) unsealed a 47-count indictment (encompassing 24 nationalities) charging defendants with racketeering, bribery, money laundering, among other offenses at the sum of \$150 million produced throughout a 24-year scheme.

Other investigations have also become of public knowledge. Britain's Serious Fraud Office opened an inquiry on questionable relations between FIFA and national banks. Former US Attorney and chairman of the Investigatory Chamber of FIFA's Ethics Committee, Michael J. Garcia, based on an eighteen-month investigation, pointed to several irregularities in the bidding process for the 2018 Russia World Cup and the 2022 Qatar World Cup in which came to be known as the Garcia Report (Gibson, 2015).

Questioning the same bids, Switzerland's attorney general inquiry (disclosed simultaneously to the American probe) on Russia and Qatar bids for the World Cups of 2018 and 2022 respectively.

The US Department of Justice's indictment of FIFA's members, in 2015, is a singular example of legal clash and political instrumentalization of sports affairs. FIFA's headquarter is located in Switzerland and, therefore, the organization is to be held accountable for practices according to this country's law. Furthermore, FIFA (and other global sports organizations) continuously sought to establish a global sports law free from intervention of national legal systems.

Nevertheless, the United States' legal system provides different possibilities for extending the country's jurisdiction and, consequently, widening the opening for prosecuting individuals from foreign territory, including extradition. According to the Travel Act, one of laws brought up by the Department of Justice, it is illegal to engage in foreign travel and use any facility in interstate trade to carry on illegal activities. In this sense, any relevant transaction, even if it is only marginally related to the United States, can be targeted (The Economist, 2015).

The United States Department of Justice (2015) argued for its right to prosecute based on different circumstances including: the alleged use of banks located in the United States for carrying out illegal payments made by individuals residing in the country and the headquarters of CONCACAF being located in American territory for the period described in the indictment.

The American transnational move did not receive unanimous support. It raised both legal and political controversies. While Switzerland agreed to cooperate with the US Department of Justice (including in regard to extradition processes) or former British Prime-Minister David Cameron backed⁹ calls for the resignation of former President of FIFA, Sepp Blatter; Russian President Vladimir Putin (2015) condemned the investigation:

⁹ <https://www.theguardian.com/football/2015/may/28/fifa-crisis-david-cameron-demand-sepp-blatter-quit>

[...] we are aware of the pressure that was put on him (Joseph Blatter) to prevent the 2018 World Cup in Russia. It seems strange in the very least as the arrests were conducted on the basis of corruption charges made by the American side. [...]

[...] this is yet another obvious attempt to spread their jurisdiction to other states. I have no doubt that this is obviously an attempt to prevent Mr. Blatter's re-election to the post of FIFA President, which is a grave violation of the principles that international organizations function on. [...]

Likewise, Kuwaiti Sheikh Ahmad Al-Fahad Al-Sabah (2015), who joined FIFA's Executive Committee in 2015 and resigned in April 2017 under allegations of bribery, stated that: "Is it because they (The United States) want to kill FIFA? Is it because they didn't win the election (2022 World Cup bid)?"

"Is it related to the Ukraine-Russian war? A lot of questions have been raised."

Perhaps that last aspect addressed by these discourses and argument is football as a sport practice. Instead, there is a blur of political and legal connotations which reveals the modality and, particularly FIFA, simultaneously as an actor and as stage for political confrontation involving states and respective representatives.

3.6.3. FIFA's gem: The World Cup of Football

The World Cup host is selected, by the Executive Committee, averagely, six years before the event takes place (Arantes, 2012). Since the 1990s, FIFA adopted a rotating system among the six continental confederations, officially, in order to prevent the alternation between European and American nations. In order to assure that the bidding countries are able to comply with FIFA's standards, supervisors visit the candidates and, according to article 80 of the statutes, after an election among members of the Executive Committee, a country is selected if it receives 50% of the votes.

For Brij (2015), the World Cup can be described as a franchise model developed by FIFA to delineate parameters and to favor its own interests and those of its partners. The

franchise reference is pertinent. FIFA's demands include: number and type of stadiums, media and communication facilities for global reach or upgrades in transport and accommodation infrastructure (in and around host cities). The criteria adopted for these demands are largely based on developed world perspectives which can cause distortions when transposed to developing countries' realities. Despite the physical structure, modification of national law is also an observable phenomenon manifested, for example, through changes taxation law, free trade or state's liability to third-party accidents.

These demands are of effective previous knowledge of the host country. They are expressed both in FIFA's statute to which a member football association agrees when adhering to the organization and in the World Cup host agreement. In this sense, it would be possible to argue that there is no sovereignty interference configured. However, these demands have been gaining more attention from scholars, legal specialists and civil society in regard to their real necessity, social and economic impacts and the interests they serve.

Despite recent scandals which, arguably, caused significant damage to the image of FIFA and its staff, including sponsorship contracts, the organization's financial condition is a not a reason for concern. According to FIFA's financial report (2015), the Brazil World Cup cycle (2011-2014) resulted in a \$2.6 billion profit for the organization - \$4.8 billion in revenues compared to \$2.2 billion in expenses. The main income sources were: TV rights (\$2.4 billion), sponsorship and marketing (\$1.6 billion) and ticket sales (\$527 million). Visa, Hyundai/KIA, Coca-Cola, Adidas, Emirates and Sony were among FIFA's top tier sponsors for the 2014 World Cup cycle. As a non-governmental organization, FIFA was exempted from paying taxes over \$969 million of profits earned between 2007 and 2014 (Bean, 2016).

Financial resources are only one of the dimensions that contribute for the structuring FIFA's power. In the next section, such aspects are discussed and how the organization came to acquire them.

3.6.4. Where does FIFA's power come from?

The thesis' argument for explaining how FIFA exercises influence over countries' national football associations, national law and governments is based on five key

dimensions: financial resources, institutionalization, private governance, mega events and the political power of football.

As seen by Garcia & Meier (2013) and Tomlinson (2014), the two decisive turning points for building up FIFA's current power structure were the election of Brazilian businessman João Havelange and the decolonization process that increased the number of members in the 1950s and 1960s which became a key factor in the organization's electoral process. Leveraging on the one country-one vote system, these associates started to demand a more equal distribution of World Cup spots¹⁰, hosting opportunities, as well as an increase in FIFA subsidies for football development. João Havelange, in 1974, promising to respond to such demands, managed to defeat President Stanley Rous who had the support of European Football Associations (Garcia & Meier, 2013).

The turn in FIFA's political guidance has brought a significant impact for its financial structuring, the first of five discussed dimensions. João Havelange's electoral campaign was heavily supported by multinational corporations because his agenda included a commercialization of international football (Tomlinson, 2014). Since his election, FIFA's interests have become particular intertwined to companies such as McDonalds, Coca-Cola or Adidas. This has become particular evident in World Cups contexts in which host countries have to adopt a series of measures to favor a small network of sponsors.

FIFA, in this sense, remained legally a non-profit organization but its revenues resemble those of a multinational corporation. The revenues generated by long-term contracts allowed the organization to become financially independent of contributions from its members. The same resources can now be used to distributional policies aiming to assert political support from members and, possibly, for illicit activities such as vote buying (Giulianotti, 1999).

The second key dimension relates to FIFA's condition as a private governance body. According to Garcia & Meier (2013), FIFA's unique position corresponds, among other factors, to the desirability of monopoly structures in sports. Athletes, sport federations, consumers, governments and sponsors can only "profit" from competitions considered to

¹⁰ On a recent politically controversial decision, FIFA has decided, starting from the 2026 World Cup, to raise the number of participant teams from 32 to 48.

be meaningful, uncontested, with clear and consistent rules. FIFA, in this sense, acts as a football regulator and competition organizer with, virtually, full autonomy and monopoly.

The third dimension regards the political capital of sports and, particularly, football. Its use as a political tool has broadened public interest in international events such as the World Cup. For governments, eligibility for international competitions came to represent recognition of sovereignty and GSOs have been among the first international platforms new states seek membership (Tomlinson, 2014).

For Garcia & Meier (2013), states accept giving away some of their sovereignty, in regard to football governance and mega events, because they fear the possible political costs of FIFA's sanctions. As the authors suggest, probably no political figure wants to be remembered as the one who prevented the national team from participating in the World Cup. Football's popularity and political capital are seen by states as an opportunity for reaping economic and symbolic benefits. In this sense, FIFA provides a political and economic stage with hardly a similar substitute.

The fourth dimension is linked to the particular importance of mega events in contemporary society. States see tournaments, as the World Cup, as an opportunity to achieve prestige before the world community; assert their position as international stakeholders; reap economic benefits or promoting (national) identity. FIFA is the main regulator and promoter of football rules and events. In this sense, the organization provides a political and economic stage with hardly a similar substitute. States may face political costs by not agreeing with the organization's demands and, therefore, are compelled to waive some aspect of their sovereignty (Jerabek, Ferreira, & Figueroa, 2017).

The last dimension refers to the institutional arrangements involving FIFA and its members. Their legal relationship is based on FIFA statutes and on a standardized cooperation agreement¹¹. According to Article 13 of the statutes, football associations shall "comply fully with the statutes, regulations, directives and decisions of FIFA

¹¹http://resources.fifa.com/mm/document/affederation/administration/75/81/23/standard_cooperation_agreement_efs47345.pdf

bodies” at the risk of, according to Article 14, being suspended¹² by FIFA’s Executive Committee or Congress. Furthermore, according to Article 39, any dispute should be resolved through mediation and, in case parties cannot reach consensus, relevant FIFA rules shall prevail over national laws.

At first sight, they may be treated as standard demands for an organization as complex as FIFA. It is important however, to bear in mind that, as pre-requisites for membership, these arrangements determine nations’ participation in international competitions such as the World Cup, representing, thus, a significant political cost. Through this associative structure and concentration of political power by a small network of executives, FIFA is able to use the political capital of football for pressuring governments for non-interference in their football associations and to avoid legal disputes to be submitted to national judicial systems.

FIFA’s ability to influence states is shaped by different aspects. As a, virtually, monopolistic entity, the organization can leverage on an institutional equilibrium able to resist challenges from members or third parties (e.g. media, national courts). Furthermore, FIFA strengthened its political capital and economic structure through the instrumentalization of football and its more recent commodification. For Jerabek, Ferreira & Figueroa (2017,) the analysis of FIFA’ modus operandi is relevant in order to understand what happens when a non-state actor becomes a powerful player, even if bounded to specific contexts, in the international system.

Interpreted through the neoliberal institutionalist perspective, FIFA is an institution capable of projecting norms and rules that shape its members behaviors. Particularly, in the case of the World Cup, the organization, in an often unbalanced bargaining process, defines certain legal aspects that direct host governments’ decisions in regard to tangible (e.g. accommodation, sportive and transport infrastructure) and intangible elements of the event (e.g. change of cultural practices), in a clear clash between national and transnational law.

¹² For well-documented cases of membership suspension, see Garcia & Meier (2013).

In the last reviewing section, the significance of hosting sports mega events is analyzed, followed by the discussion on the particular structures which constrain and shape states' actions during such occasions.

3.7. Sports mega events

3.7.1. Why countries want to become hosts?

Mega events can be analyzed through different perspectives. Scholars in International Relations focus on issues such as the importance of non-governmental actors; sovereignty; nationalism or relationships between identity and place. Furthermore, those interested in emerging countries have started to analyze the strategic use of sports mega events as an opportunity to gain political and economic momentum. Hosts employ significant effort in order to propagate countries' values and enhance their visibility through the successful management of the event. Furthermore, there is the common (mis)perception that such kind of mega events may boost the state's economy.

Despite some exceptions such as the 1950 Brazil World Cup or the 1968 Mexican Olympic Games, sports mega events have been traditionally hosted by developed nations. However, as Makarychev & Yatsyk, (2016) note, different cities including Toronto, Hamburg, Munich and Stockholm have recently abandoned their candidatures for hosting the Olympic Games, largely, due to the financial burden and requirements of such event which are critically assessed by local citizens. At the same time, more developing countries have been selected for hosting sports mega events. The 2008 and 2016 Olympic Games took place in China and Brazil, respectively. The last two World Cups took place in South Africa (2010) and Brazil (2014). In 2018, Russia will be the host and, in 2022, Qatar.

A formal justification for this turn, in the case of the World Cup, is FIFA's adoption, since the 1990's, of a continental rotation system to define hosts. Nevertheless, the political and economic interests embedded in a sport mega event cannot be disregarded.

Former Secretary General of FIFA, Jérôme Valcke (2013), expressed his view that: "Too much democracy can be a hindrance when organizing a World Cup."

In this regard, Müller (2015) argues that most of the latest and next hosts, on a greater or lesser degree, present features such as hierarchical and non-transparent decision-making, elite capture, a neopatrimonial political system encouraging rent-seeking, weak rule of law, dysfunctional formal institutions, limited civil society activism and citizen participation. It is not surprising, in this sense, that FIFA's hosting agreement was only codified into law for the World Cups in South Africa (2010), Brazil (2014) and Russia (2018) but not Germany (2006). Ironically, what would seem as the working of democratic institutions, in fact, reflects the opposite as the approval of such laws had no or little consent from civil society or governmental branches other than the Executive power and their outcomes had severe impact, primarily, on common citizens.

At the same time, despite the general usefulness of weaker democratic institutions for the establishment of FIFA's interests, the organization appears to have a predilection for the concentration of decision-making power.

I will say something which is crazy, but less democracy is sometimes better for organizing a World Cup. When you have a very strong head of state who can decide, as maybe Putin can do in 2018 [...] that is easier for us organizers than a country such as Germany [...] where you have to negotiate at different levels. [...] the main fight we have [is] when we enter a country where the political structure is divided, as it is in Brazil, into three levels, the federal level, the state level and the city level (Valcke, 2013).

Despite the undesired bureaucracy, as an evaluation of the South African and Brazilian cases can demonstrate, FIFA can still leverage on the other political arrangements of countries with less established democracies to put forth its own interests.

Rick Mkhondo (2010), Communications Director of the Organizing Committee for the South Africa World Cup, stated in an interview to the Brazilian newspaper *O Globo* that:

[...] they do not pay any kind of tax, ignore foreign exchange control rules, commercialize all aspects of the event, keep copyrights of words like "World Cup",

apparently charge exorbitant prices, declare "exclusion zones", silence journalists with accreditation requirements which include not expressing criticism and are often seen as attacking freedom of expression [...] (p.9).

In regard to states' perspective on mega events, scholars find different explanations for the interest of these countries in becoming a host. For Brij (2015), these post-colonial, post-communist and emerging states see mega events as an opportunity to promote economic growth and urban development. On a less material level, the author sees hosts using sports mega events as a soft power element. In this sense, countries want to improve their image before the global community or to assert their position as new or possible international stakeholders. Grix & Kramareva (2015) add that hosts, rather than pursuing a global reach may, primarily, direct their soft power capabilities towards other states with comparable political environments and levels of development; states within their geographical region or as a way to promote domestic integration.

The results of hosting sports mega events, nevertheless, can be questioned when compared to states' original expectations. For Brij (2015), despite some material benefits, especially in terms of infrastructure, the Brazilian and South African experiences, for instance, suggest that elites tend to be benefited at the expense of poorest classes, and socio-economic inequalities are exacerbated. Evictions, loss of livelihoods and violations of human rights (police brutality, limits on free speech and on free press) were some of the phenomena observable in these and other hosts.

Furthermore, uncontrolled government spending or extensive tax exemption to sports organizations and their partners are part of a large set of elements which may impact negatively in the host's economy or minimally contribute with developing countries' desire to catch up with economic lag. A decisive difference, in this sense, is that the demands of sports mega events are based on developed nations' standards. Logically, these nations have the advantage of being already equipped in regard to several aspects necessary for hosting a mega event in comparison to developing nations which, in most occasions, have to build completely new infrastructure. Müller (2015) alerts, however,

that oversized and underused venues or cost overruns are also observable in the developed world.

The successful use of soft power by developing nations is also not guaranteed. As Grix & Kramareva (2015) and Makarychev & Yatsyk, (2016) argue, these hosts often receive criticism from media and governments of developed Western countries concerning inefficiency in the preparations for the competitions, social disparities, political arrangements or violation of human rights. In this sense, hosts' attempts to yield certain cultural, social and political values considered as positive features of the respective societies (e.g. receptivity of population) are, commonly, shadowed by predominant parameters and perspectives of developed nations.

Sports mega events are an important phenomenon in contemporary society. They aggregate different perspectives about economic growth, social exclusion, the role of media, consumerism, commodification, political instrumentalization as well as notions of sovereignty, national identity and international politics. Finally, these events provide non-state actors, such as sports organizations and multinational corporations, the opportunity to maximize their interests and influence international actors.

3.7.2 How mega events control host countries?

In order to examine the specific mechanisms that allow sports organizations and their partners to impose their respective priorities on host countries, Müller's (2015) notion of "event seizure" is considered. In an analogy to the medical condition, the concept refers to the, often, abrupt intervention on host states with legal, social and economic consequences. Event seizure is a twofold process. On one hand, hosts are burdened with specific requirements from sports organizations (e.g. stadiums, legal protection, accommodation and transport infrastructure). On the other hand, host elites (e.g. local and national politicians, land owners, lobbyists) also seize the event in order to maximize their interests. In this sense, such perspective resonates with the internal-external dichotomy of sovereignty previously presented.

Event seizure has three constitutive and interdependent dimensions: infrastructural, financial and legal. The first dimension refers to the development of specific infrastructure for the mega event. Sports venues, accommodation or mobility structures demand important financial contribution from states. In order to cover cost overruns, these investments are, commonly, labeled as having the highest priority or as bound to be paid off, in the long term. Furthermore, there is the common outcome that specific standards for venues, such as size and location, do not correspond to the local need for everyday use. Under these conditions, facilities such as football stadiums end up underused and non-profitable.

Gaffney & Fontes (2014) present, in the Brazilian case, other specificities related to the issue of stadiums. The transposition of FIFA's standards created two particular phenomena in the country: a trend to hyper-commercialization and "elitization".

In order to bear the costs of maintaining stadiums designed according to FIFA's standards, prices related to ticketing, food products, parking or VIP areas were substantially increased. As an immediate effect, a process later labeled "elitization" took place. It is characterized by a change in the social profile (from lower and middle to upper-middle and upper class) of supporters attending the matches which also has an impact on cheering patterns.

The trend to hyper-commercialization implies not only a standardization of stadiums features but also the attempt to commodify as many of their aspects as possible. As consequence, there is a loss of architectural and cultural traditions in course in the Brazilian football environment. As Gaffney & Fontes (2014) comment, "World Cup stadiums will become worlds of consumption isolated from their urban and cultural contexts."

The second dimension of event seizure presented by Müller (2015) is the financial one. It is characterized by the use of public funds to support unprofitable infrastructure, such as stadiums, or to support private investments when they do not meet initial expectations. In this sense, financial seizure is guided by a closed circle of political and business elites

which benefits from state funding. At the same time, cost overruns are taken by the public which, commonly, receives minimum benefit. Finally, governments are unable to reschedule their constructing plans as deadlines for the events are fixed. Therefore, as the infrastructure for hosting games must be, irrevocably, ready by the beginning of the tournament, states end up abusing of their financial means.

The last dimension in Müller's framework is the legal one. Legal seizure occurs when the event and, consequently, the related international actors receive preferential legal treatment. The introduction of exceptional legislation, normally, disrespects constitutional arrangements and citizens' rights.

Based on Agamben's concept of state of exception, Müller (2015) considers that the mega event foments a context in which regular planning, fiscal and juridical rules no longer apply and the requirements of the event take precedence. As mentioned, due to fixed deadlines, mega events' demands are treated as priorities. In this scenario, the greater the urgency of delivering results, the more likely it becomes that a mega event will challenge the established normative arrangements and cause cost overruns.

The three discussed dimensions are commonly present in sports mega events. As Makarychev & Yatsyk (2016) comment, hosts have to obey to a strict and, in most cases, non-negotiable list of demands that regulate tangible and intangible aspects including stadium standards, accommodation and transport infrastructure, rules of advertising, broadcasting or financial regulations.

States' motivations to become hosts follow economic and political rationales which portrait mega events as potential catalysts for economic and infrastructural development, a stage for yielding soft power or for identity building. Furthermore, there is the importance of sports organizations which are capable of influencing states through the political appeal of sports and due their private governance role. The considerable economic, political and juridical autonomy of sports entities such as FIFA enable sports mega events to become stages for normative exceptions. Finally, all these elements are combined by the overall structure pointed out by Debord. The society of spectacle blends mechanisms of leisure and consumption, services and entertainment, ruled by a commodified media culture.

4. Case Analysis

In the last sections, a case study on the 2014 Brazil World Cup is presented. Normative suspensions or productions, and their social-political outcomes, designed for the event are analyzed, as the dependent variable, in order to understand if FIFA, the independent variable, in fact, challenged the host's sovereignty. The hypothesis is that, indeed, the sport organization compromised this particular dimension by infringing legal establishments, limiting the state's autonomy and imposing hardly or non-negotiable regulations.

4.1. The 2014 Brazil World Cup

The economic context preceding the Brazilian hosting of the World Cup can be considered as favorable. Considering the Chinese-led economic boom and the valorization of commodities in the early 2000s, former President Luiz Inácio Lula da Silva (2002-2010) adopted a two-fold economic plan. An aggressive export policy was developed favoring the largest national firms from agriculture, raw materials, construction and food industry, resulting in the expansion and consolidation of different Brazilian enterprises on a transnational level. In the national level, surpluses from the economic policy were invested in infrastructure projects including transport and housing (Nobre, 2017).

However, the government's mainstay was based on the policies designed for reducing social inequalities including extreme poverty, unbalanced income distribution and literacy levels. Such policies were manifested in income transfer programs, high increase of minimum wage (discounting inflation) or social housing programs. Despite the 2008 financial crisis, in President Lula's last year in office (2010), Brazilian economic growth reached 7.6%, unemployment fell to 6.4% and 25 million people left extreme poverty (Nobre, 2017).

As a direct result of the country's social and economic performance, Lula and his Workers' Party managed to elect a successor, former President Dilma Rousseff. In political terms, bidding for the World Cup (2003) and confirming the position as a host (2007) represented for Lula and his party an opportunity for promoting the country's

image as an international stakeholder and for consolidating the succession of the government.

The bidding process for the 2014 World Cup began in 2003 when FIFA, according to its rotating system, announced that the tournament would be held in South America. The same year, the continent's football confederation, CONMEBOL, announced Brazil, Argentina and Colombia as candidates (Nobre, 2017). In 2006, however, it was announced that CONMEBOL's national football associations decided to support the Brazilian candidacy. Therefore, when the country, in June 2007, submitted its hosting proposal, the only restriction was the approval of FIFA's supervisors. Their inspection took place later that year and it was followed by FIFA's official nomination of Brazil as the next host.

According to FIFA's financial report (2015), the Brazilian World Cup cycle (2011-2014) resulted in a \$2.6 billion profit for the organization - \$4.8 billion in revenue compared to \$2.2 billion in expenses. The organization's main financial sources were: \$2.4 billion in TV rights, \$1.6 billion in sponsorship and \$527 million in ticket sales. On the other hand, expenses were related to, among others, contributions to participating teams and confederations (\$476 million), TV production costs (\$370 million) and prize money (\$358million).

If for FIFA the financial outcome of the tournament was highly profitable, the same cannot be said from the Brazilian perspective. According to the government's online platform developed for monitoring the World Cup's expenditure, the event cost approximately \$13 billion (BRL 27 billion) in public funding (Table 3), approximately 85% of the total expenditure.

Table 3. Brazilian government expenditure in the 2014 World Cup (in millions).

Area of investment	Approximated costs
Airports	6.000
Communication tools	7
Tourist developments	170
Stadiums	8.000
Temporary structures (2013 Confederations Cup)	200
Temporary structures (2014 World Cup)	600
Public transport	9.000

Harbours	600
Public security	2.000
Telecommunications	550
Other services	51
Total	26.631.000

Source: Portal da Transparência (2014)

The discrepancy is overwhelming. FIFA, during the World Cup cycle, contributed with \$453 million to the local organizing committee and, after the tournament, the organization “rewarded” Brazil with \$100 million. A payment labeled in the financial report as "legacy" (FIFA, 2015). However, as fundamental pre-requisite of FIFA for granting the hosting right, the organization did not share the fundamental costs related to hosting a mega event such as stadiums or transportation infrastructure.

The overall impact in the Brazilian economy can be considered from neutral to negative. The World Cup injected BRL 30 billion into the economy which amounted to 0.7% of Brazil's GDP for 2013 (Portal da Copa, 2014). If the revenue was larger than the public spending in absolute terms, it is necessary to stress that few sectors actually took advantage of this scenario such as the tourism and construction industries. However, by the same token, in between 2011 and 2013, there was an average increase of 51% in the public debt of the twelve host cities in comparison to 20% in capitals that did not receive matches. Only two host cities actually managed to reduce public debt: Manaus and Natal (Bachtold, 2014).

4.2. FIFA’s hosting agreement: enabling the state of exception

The initial step towards the normative changes observed in Brazil, during the World Cup cycle, took place in 2007. As a condition for the approval of the Brazilian candidacy, former President Luiz Inácio Lula da Silva and eleven state ministers signed FIFA’s hosting agreement¹³ guaranteeing compliance with a set of eleven demands made by the organization (Table 4).

Table 4. Hosting agreement’s guarantees for the 2014 World Cup granted to FIFA by the Brazilian government.

¹³ Original document in Portuguese and English translation - <http://apublica.org/wp-content/uploads/2012/05/FIFA-1.Estado-Brasileiro-Garantias-Governamentais.pdf>

Hosting agreements's guarantees	Legal Brazilian regulations affected
Guarantees No.1, No.2, No.3, No.4 and No.6	Entry, exit and work permits; customs and tax exemption; import, export and conversion of foreign currency for FIFA's staff, its partners, teams and professional involved with the event
Guarantee No.5	Security for FIFA's staff, its partners, teams and professional involved with the event
Guarantee No.8	Protection of FIFA's commercial rights
Guarantee No.10	Coverage of any legal costs resulting from possible lawsuits against FIFA and their staff by the Brazilian government.

Source: Federal Government of Brazil (2007)

Some aspects of this document must be stressed out. The hosting agreement does not possess the same legal value as international treaties signed with international organizations or commercial and cooperation treaties signed with other states (Brito, 2015). Therefore, the state's obligation to comply with FIFA's demands can be questioned. Furthermore, if, indeed, the Executive Power considered the agreement as legally binding, it infringed the Brazilian legal system whose constitution demands a ratification process involving the National Congress for agreements of such nature¹⁴.

For Brito (2015), the hosting agreement resembles an adhesion contract¹⁵ between a government and a private entity which, due to its private governance condition over football, can determine a series of regulations without offering concrete counterpart benefits.

The second important dimension of the hosting agreement is that it was used as the basis for the formulation of the "General World Cup Law" (LGC) approved, in 2012, by the

¹⁴ Brazilian Constitution, art. 49.

¹⁵ A standard form contract drafted by one party (usually a business with stronger bargaining power) and signed by the weaker party (usually a consumer in need of goods or services), who must adhere to the contract and therefore does not have the power to negotiate or modify the terms of the contract (Legal Information Institute, n.d.).

Congress and sanctioned by former President Dilma Rousseff. The hosting agreement was not a particularity of the Brazilian event. It is a standard practice involving FIFA and other sports organizations. Nevertheless, the codification of the agreement into law took place in South Africa (2010 – Special Measures Act, 2006), Brazil (2014) and Russia (2018 – Federal Law 108-FZ) but not in Germany (2006).

The third important aspect to be noted is that, despite signed in 2007, the full content of the hosting agreement was only disclosed¹⁶ in March 2012 when the Congress was already debating the General World Cup Law. Therefore, not only there was a lack of transparency before the Brazilian civil society but also the terms of the law had already been decided before the due institutional process in the Congress began.

4.3. The transposition of the host agreement: how FIFA challenged the Brazilian sovereignty

In the aftermath of the signing of the hosting agreement in 2007, a process of suspending and elaborating a series of institutional arrangements began in municipal, state and national levels. Officially justified by the necessity to carry out fast and efficiently the construction of stadiums and accommodation facilities; to develop or improve urban infrastructure or to attract domestic and international investors, the normative environment started to configure a situation of exceptionality as described by Agamben (2005).

The first legislation approved in this regard was Federal law 12035 known as “Olympic Act”, in 2009. Although this law was specifically designed for the 2016 Rio de Janeiro Olympic Games, part of this content would, also, be later found in the LGC including tax and customs exemption and criteria for the protection of commercial rights.

In 2010, Federal law 12348/2010 was sanctioned, authorizing cities to incur debts above their nominal income when financing infrastructure for the World Cup and Olympic Games. Such framework infringes Complementary Law 101/2000, known as the “Fiscal

¹⁶ It is FIFA’s common practice to demand confidentiality on the hosting agreements from bidding states. <http://www.bbc.com/news/10091277>.

Responsibility Law”, designed to limit cities, states and federal government expenditure in order to control public deficit.

Also in 2010, Federal Law n° 12.350 concerning exemption on taxes, duties and other federal charges was sanctioned. According to article 22, FIFA had the prerogative to present the list of benefited events and actors. Exemptions included taxation on customs clearance (IPI), import taxes, income tax on juridical person, financial operations (IOF) freight taxes (AFRMM), Contributions for the Financing of Social Security (PIS-COFINS) and fees for the use of the Foreign Trade system (SISCOMEX).

Mitra (2014) argues that the law enabled a shift of tax payment burden. While FIFA and its partners were exempt from taxation, Brazilian companies and suppliers of the organization continued submitted to the same fiscal framework. Tax exemption is indeed a common feature of a country’s fiscal system. Nevertheless, it is often conceded to different economic sectors and not to a particular corporation or entity.

With few exceptions, products purchased or services contracted by the Brazilian government are regulated by the “Bidding Law” 8.666/1993. Nevertheless, in 2011, the government sanctioned law 12.462 which altered bidding regulations for infrastructure building and services contracting for airports located in state capitals whose distance to World Cup host cities was below 350km. The modifications included: confidentiality of contracts with access restricted to government fiscal bodies; the possibility for the bidding regulation to define one specific brand to be bought by the bid winner and the possibility to pay the bid winner according to its performance instead of previously fixed value.

This normative process culminated at the Federal Law 12.663/2012, popularly known as the General World Cup Law (LGC). Based on the 2007 hosting agreement, the law was designed to guarantee that FIFA’s demands for the World Cup were fully met. A more accurate examination, though, reveals that by codifying such law, the Brazilian government removed legal bureaucracies that would protect their citizens and prevent FIFA from maximizing its profits, at society’s costs, during the World Cup. In the last two sections, the main normative outcomes of the General World Cup Law are discussed and the social-political impacts of the mega event exceptionality framework.

4.3.1. The General World Cup Law

The General World Cup Law was sanctioned by the former President Dilma Rousseff in June 2012, approximately, five years after her predecessor Luis Inácio Lula da Silva signed FIFA's hosting agreement. Valid from the moment of its approval until 31st December 2014, the legal framework introduced had as target events¹⁷ the 2013 Confederations Cup, the 2014 World Cup and all vast set of directly or indirectly related events such as matches, ceremonies, workshops, press conferences, concerts or charity projects.

The law also defined as targeting actors: FIFA; the Local Organizing Committee; the Brazilian Football Confederation (CBF); the continental confederations, FIFA's official broadcaster; other broadcasters with television rights; firms related to FIFA and responsible for services such as ticketing, transportation, informational technology, production and organization of events and FIFA's commercial partners.

The urgency discourse constructed in order to justify the abrupt normative changes for the World Cup was explicit in this case. The law was approved by the National Congress under the "emergency regime"¹⁸. According to the Legislative Houses' regulations, the emergency regime allows proposed legislations to be debated and voted without all the institutional formalities being followed. For instance, in the "ordinary regime"¹⁹, Congress commissions (e.g. Economic Affairs) have forty sessions for discussing and voting a law project. Under the emergency regime, instead, commissions have a maximum of ten sessions.

The LGC dealt with different features of the Brazilian legal system including tax exemption; immigration; state's liability, free-press and free-trade. Agamben's concept of state of exception is again useful for understanding the context, as in fact, Brazilian laws were not permanently repealed but suspended or altered for a determined period of time and specific "emergency" reasons.

¹⁷ The law also included the World Youth Day, a religious event which took place in 2013 and was attended by the Pope.

¹⁸ Brazilian National Congress law processing regimes - <http://www2.camara.leg.br/comunicacao/assessoria-de-imprensa/regime-de-tramitacao>

¹⁹ Ibid.

In order to further establish its relationship to the host's sovereignty, the most impacting outcomes of the LGC are now examined, taking in consideration how it confronted the established Brazilian legal system and affected the country's social environment during the World Cup cycle.

Alcohol consumption

Alcohol selling inside stadiums, during football matches, is regulated by municipal laws and/or by Federal law 10.671/2003 known as the Brazilian Sports Fans Statute. According to the statute, objects or liquids that might cause violent actions are prohibited. In this sense, apart from the city's discretion, the statute represents an implicit norm for regulating the consumption of alcoholic beverages during football events (Romera, 2014). Nevertheless, and not as a surprise since one of the biggest sponsors of the Brazilian World Cup was a global beer producer, Sports Fans Statute's article 13 which regulate the issue was suspended for the duration of the event.

Industrial Property Protection and Rights of Image, Sound and Broadcasting

General World Cup law article five established a special regime of procedures for the registrations of logos, brands and other FIFA's "official symbols" at the National Institute of Industrial Property (INPI). Under the justification of protecting the organization's marketing right, FIFA was not required to proof the relevance of its branding and the unrestricted definition of what "official symbol" means has allowed the football organization to require more than a thousand items to be recognized as such (PACS, 2012).

Furthermore, LGC article 15 established that FIFA was the exclusive owner of the World Cup broadcasting rights, having the prerogative to select the specific frames to be made available for non-commercial purposes. In that regard, FIFA established that only thirty seconds or 3% (in case of matches) could be (re)broadcasted by the press. Such imposition contradicted Federal Law 9615/1998, known as *Lei Pelé*, which guarantees the press's right to broadcast up to 3% of sportive events in real time.

Tax exemption

Complementing the 2010 tax exemption Federal Law 12.350, article 55 of the LGC granted full customs exemption to FIFA's organizing committee for the purposes of services and products purchasing related to the organization of the event. According to Jerabek, Ferreira & Figueroa (2017), these rights allowed many FIFA executives and senior managers to acquire, in Brazil, sporting luxury watches without customs declaration or the delegation from Ghana to fly in \$3 million in cash to pay its players.

Ticketing

Article 27 of the LGC enabled FIFA to decide on rules of tickets buying, selling (including tie-in sales which are prohibited according to the Brazilian legislation) and cancelling. Such prerogatives contradict the Federal Law 8078/1990, known as the Consumer's Defense Code, and article 170 of the Brazilian Constitution which refers to consumer's right.

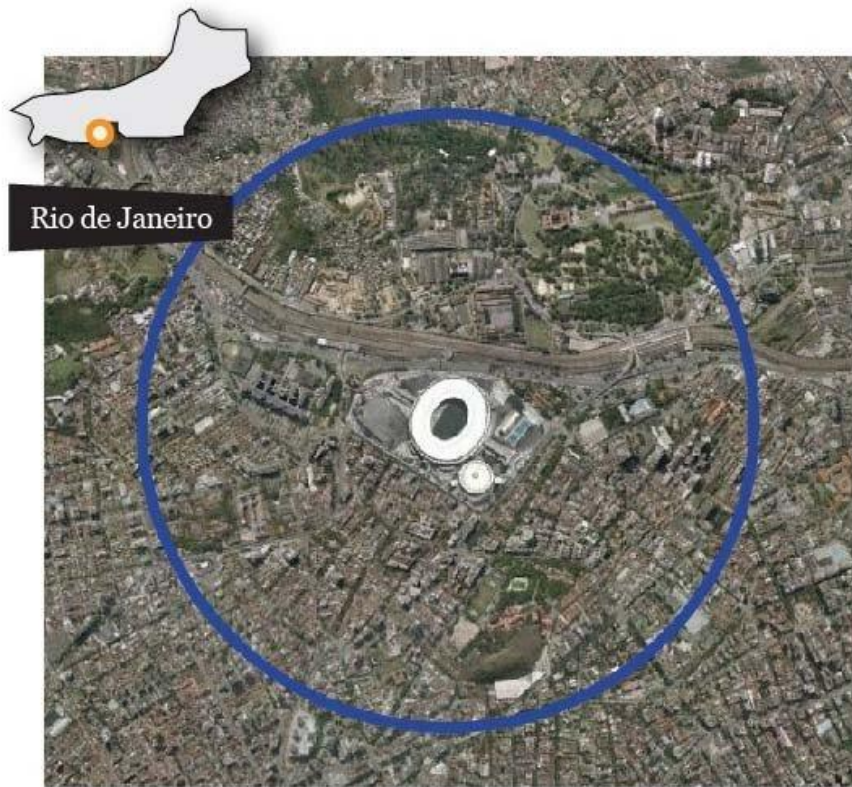
Moreover, Brazil has federal and municipal laws which allow specific groups of individuals (senior citizens, students, individuals with disabilities and participants of federal income transfer programs) to buy half-priced tickets for any "cultural event". Although these prerogatives were maintained, article 26 of the LGC determined that half price discount would only be valid for what FIFA labeled "category 4" tickets which was supposedly destined for low-income local spectators.

Controlled publicity and commercial restriction

LGC article 11 described FIFA's rights concerning marketing and commerce. The organization and its commercial partners had the prerogative to, exclusively, advertise, distribute and sell their brands and products on a territorial zone up to two-kilometer radius from the center of the hosting stadiums²⁰.

Figure 1. Restricted commercial area around *Maracanã* stadium, Rio de Janeiro.

²⁰ After a veto from the House of Representatives, it was determined that the law would not be applicable to previous existing business establishments.



Source: Barros & Afiune (2014)

Legally, this can be considered a violation of articles five and six of the Brazilian Constitution which, respectively, describe the rights to come and go and the right to work. In this sense, not only there is a clear appropriation of public space for the purposes of private profit but also the transference of the sovereign prerogative to regulate public space from the government to a private international entity.

For PACS (2012), urban spaces, during mega events, are reorganized and transformed into investment territories that have little or nothing to with improvements in public policies and services for the poorest part of the population.

Liability in accidents

According to LGC articles 22 and 23, the Brazilian government was responsible for indemnify FIFA, not only for damages caused by the state, but also by third parties in regard to security issues. For Brito (2015), the vagueness of the law enabled the inclusion of almost any eventuality, turning Brazil, virtually, into a guarantor for FIFA. In legal terms, the General World Cup Law adopted the “Integral Risk Theory” which imputed

damages to the Brazilian state not caused by it, in contrast to the “Objective Responsibility Theory” described in the article 36 of the Constitution which establishes that the State should only be held responsible to damages caused by its representatives.

Article 51 of the LGC determined that the state would be summoned in lawsuits against FIFA, its subsidiaries, legal representatives, employees or consultants, regarding any damages and losses caused or not caused by the State. Complementarily, article 52 established that controversies between the state and FIFA could be settled through conciliation and article 53 exempted FIFA and its partners from any expenditure related to any of the Brazilian judicial bodies.

New criminal offenses

The General Law also affected Brazilian criminal legislation. Articles 30 and 31 established that the misuse of “FIFA’s official symbols” would be punished with three months to one-year detention. As guaranteed by article 5, FIFA had the prerogative to decide upon which elements would be defined as official World Cup symbols. According to Brito (2015), until May 2014, FIFA had registered 1116 brands under such description, configuring broad possibilities for criminal punishment.

Articles 32 and 33 established, respectively, the crimes of “ambush marketing by association” and “ambush marketing by intrusion”. The crimes described illegal conducts of associating brands and products to FIFA’s events or official symbols without the organization’s consent and of using FIFA’s exclusive commerce areas to sell or advertise brands and products. According to articles 34 and 36, both offenses were to be punished with three months to one-year detention or the payment of a fine.

Brito (2015) and PACS (2012) question the establishment of these new types as Federal Law 9.279/96 on Intellectual Property refers to a similar conduct. For the authors, the inclusion of these temporary arrangements intended to symbolically reinforce FIFA’s monopolistic character and, at the same time, it demonstrates how mega events can become stages for the creation of punitive measures.

A series of suspensions or modifications of the Brazilian legislative order have been described. Public bidding process; taxation regime; government’s debt and liability; consumer’s rights; criminal system; freedom of press and economic initiative; public

space regulation are among the crucial aspects deeply affected but, officially, justified as necessary responses to the exceptional context brought by a mega event such as the World Cup.

The General World Cup Law represented the peak of this system which granted, FIFA and its associated enterprises, innumerable privileges. While contradicting established Brazilian institutional arrangements, the LGC and its precedent legislation not only removed bureaucratic obstacles to facilitate FIFA and its partners' profits but also imbued the organization with sovereign prerogatives such as the regulation of public space and free-economic initiative. As a result, the already notorious social inequalities, in Brazil, were exacerbated and empirically manifested in cases of violation of consumers' rights; working obstruction and transference of tax burden to Brazilian citizens.

The research's guiding question has been: does the World Cup normative rearrangement represent a challenge to the Brazilian sovereignty?

At first hand, one may point out to the fact that both legislative and executive power approved the temporary legal framework and, hence, there was no third party intervention. Nevertheless, there must be a deeper discussion. As previously argued, sovereignty has to be interpreted as a multifaceted concept. Democracy, legitimacy and third parties' interference are important dimensions to be considered. In that regard, Brazilian institutional processes were bypassed in order to favor one international private actor's interests – FIFA.

The content of the host agreement signed in 2007 was only disclosed to the Brazilian public and the National Congress when legislative body was already debating, in 2012, its codification into law. In this sense, not only the Brazilian civil society did not become aware of the terms of the agreement but also the proper institutional process for sanctioning an international accord, necessarily through Congress, was not respected. In fact, the agreement did not have the same legal value as an international agreement or commercial contract. However, as the Executive power treated it as so, it is contradictory that it was not submitted to the scrutiny of the Congress. It is plausible to argue that, from this moment, an exceptionality framework was set in motion with numerous legal Brazilian institutional arrangements being directly challenged.

The argument raised is that the suppression of the Brazilian domestic civil and juridical order was altered in order to favor the demands of a private international organization and related partner non-state actors. It is necessary to consider the perspective which considers the host state as the true perpetrator of the sovereignty principle. However, as proposed through counterfactual argumentation, it is likely that the Brazilian normative alterations only took place in response to a *sui generis* context brought up by a mega event. Therefore, it is not possible to ponder governments' actions without considering the political and economic interests guiding an event with the magnitude of a World Cup.

4.4. Social and political impacts of the 2014 World Cup

The legal (re)arrangement established during the World Cup cycle had significant impact on the Brazilian social-political environment. Besides exacerbating social inequalities long present in the country, the exceptionality framework incited reactions from the different government branches as well as from civil society which organized itself with historically unique coordination. Inevitably, these actors engaged in legal and socio-political confrontations which left, as legacy, severe scars.

Domestic institutional disputes

Despite the general congruence among the Executive and Legislative powers in local, state and national levels, there were dissident voices in some of the governmental institutions. On June 2013, the Office of Prosecutor General of the Republic²¹ (PGR) brought up an action in the Brazilian Supreme Court questioning the constitutionality of the General World Cup Law in regard to the exemption of taxes and judicial costs granted to FIFA alongside the liability of the state. It was argued that the general law should have reflected constitutional precedents instead of FIFA's hosting agreement:

“It is not possible to discern a reason that justifies the differential treatment of FIFA and its associates. In this sense, the exemption granted cannot be qualified as a constitutionally adequate benefit, but as true illegitimate favoring” (The Office of Prosecutor General of the Republic, 2013).

²¹ Established in 1993 by Complementary Law 73/93, the office is an autonomous agency in charge of criminal prosecution and the defense of society in general.

On May 2014, the Supreme Court ruled the action unfounded. Among the 10 judges, only Barbosa (2014) voted in favor of the action arguing that:

[...] with extraordinary millionaire income potential, billionaire if we consider radio and TV international broadcasting rights, products licensing and other things, all in the benefit of FIFA. In this context, does such wide tax exemption make sense? [...] the granting of an exemption violates the principle of isonomy and has it does not present an honest motivation to be carried out.

In local and state levels, offices of State Prosecutors also brought up actions in order to contest governmental decisions. In host capitals such as Rio de Janeiro and Belo Horizonte, local residents, NGOs and “popular committees” filled numerous complaints regarding removal and compensation of citizens due to infrastructure.

Street protests

Historians, sociologists and political scientists still debate the origins, actors and development of the national mobilization but 2013 certainly represents a singular year in Brazilian history of popular protests. June was a particular effervescent period which came to be known as the “Journeys of June”. Despite the multiplicity of demands, the first protests were organized by the autonomous social movement *Passe Livre* (MPL) which, among other causes, defends free public transportation and, on the respective month, questioned the proposed raise on transport tariffs in several Brazilian states and cities.

As the adherence to the mobilization increased, different demands were also incorporated to the protests including improvements to the education, housing and health systems and measures regarding corruption and reform of political institutions.

For Castells (2013) this is a common characteristic of network movements. They are spontaneous and start due to a particular fact. However, as they represent a channel for public expression outside political institutions, people tend to join to, collectively, express

all their demands. For the scholar, these are not protests against the government directly, but to the political system as its representatives as a whole and it was significant that it happened in Brazil during a period of economic growth and poverty reduction, indicating, that above all, the protests were related to citizen's rights.

Preparations for the World Cup were part of daily news and the Confederations Cup was set to start on June 30. In such context, FIFA's influence in the country, public expenditure, repressive policies and the prioritization of such mega events at the expense of social demands were aggregated to the issues already being tackled on streets. Expressions such as "Come to the streets"; "The giant is awoken"; "A world Cup for whom?" or "There will be no World Cup" became symbols of the protests. The expression "this is (not) FIFA standard" also acquired an ironic connotation for describing both negative and positive situations such as in "We want hospitals and schools in FIFA standards". For Eddie Cottle (2013), the Brazilian protests were the first public and spontaneous revolt against public expenditure in the World Cup.

The multiple and fragmented demands of the Brazilian protests, fundamentally, preceded the World Cup. Nevertheless, the opening of the sports mega events cycle in the country, through the Confederations Cup, became catalyst and fuel for the escalation of the protests. In this sense, many scholars and media analysts observed with surprise as it was expected that the well-known Brazilian cultural love for football, would prevent the establishment of such social-political atmosphere. In this sense, for Andrew Jennings (2013), the World Cup cycle backlashed on former Presidents Lula and Dilma because they did not account for the indignation of the Brazilian people in regard to public expenditure on the events at the expense of other social issues.

Although protests also took place previously to and in the aftermath of the competition, their peaks occurred during the Confederations Cup, in between June 15 and 30. Among some of the most relevant protests, Brito (2015) and CPCO (2014) include:

-On July 13, in the city of *São Paulo*, a rally ended up with 241 citizens detained and 170 wounded. On that day, vinegar, commonly used for mitigating the effects of tear gas, was

considered as a reason for detention as it would imply that the owner was participating in acts of vandalism.

-In between July 10 and 17, the city council of *Porto Alegre* was occupied by protestors demanding changes in public transportation system. Similarly, in *Rio de Janeiro*, in between June 21 and July 02, 15 protestors set camping in front of the former Governor's house, Sergio Cabral.

-On June 18, in the country's capital, *Brasília*, a group of at least 10.000 protestors occupied the rooftop of the National Congress as well as the main city avenue where the majority of federal government buildings are located.

-The largest protests took place respectively on June 17 and 20. On the first date, 250.000 citizens took the streets across the country. On the later date, the total sum across the country reached 1 million. In Rio de Janeiro, approximately 300.000 people attended the rallies.

The protests provoked reactions from different branches of the Brazilian government. On June 13, during a strike of teachers and police officers in the State of *Minas Gerais*, the State Court (TJ-MG) declared street protests illegal during the Confederation Cup:

It is illegal to make any attempt or attempts to impede, prevent or obstruct the free passage of any individuals or vehicles, or to impede the regular performance of state public services, shows, performances, or any other sports and cultural events (State Court of Minas Gerais, 2013).

Throughout the World Cup Cycle, the Brazilian Government invested BRL 49.5 million (\$21.65 million) in non-lethal weapons. BRL 8 million (\$3.5 million) were invested in rubber bullets, tear gas and flash bombs specifically during the 15 days of the Confederations Cup (Paula, 2014).

Alongside the general reduction of public transportation tariffs, former President Dilma

Rousseff's national pronouncement on was one of the most significant reactions to the street protests. On June 21, on a television broadcast, the head of state announced a series of measures considered by the government as appropriate responses for the demands expressed on the streets including: the elaboration of a National Plan of Urban Mobility; a meeting with leaders of "pacific" protests, social movements and labor unions and specific plans for improving education and tackling corruption. Furthermore, in regard to the World Cup, the former President stated that:

The Federal Government money spent on the arenas is the result of funding that will be duly paid by the companies and governments exploring these stadiums. I would never allow these resources to be taken from the federal public budget, harming priority sectors such as Health and Education (Rousseff, 2013).

The Confederations Cup' protests also raised awareness from non-state actors involved with the mega events. According to Arantes (2013), on September 19, former President Dilma held a meeting with two major sponsors of the World Cup: Brazilian Bank Itaú and AmBev, the Brazilian subsidiary of the multinational beverage and brewing company Anheuser-Busch InBev SA/NV. Both sponsors wanted guarantees from the Government against damages from possible protests in the following year.

FIFA, in its turn, in an uncommon World Cup briefing on security, stated through spokesman Pekka Odriozola (2013) that:

At no stage, I repeat at no stage has FIFA, the Local Organizing Committee nor the federal government discussed or considered canceling the Confederations Cup (...) we support and we acknowledge the right to free speech and the right to demonstrate peacefully. We condemn any form of violence.

In 2014, the World Cup year, the range of the protests was significantly reduced due to different circumstances including the establishment of repressive institutional arrangements and police violence.

In between May and the World Cup final match (July 13), a group of 414 solicitors and prosecutors, under the orders of the Office of the Attorney General (AGU), monitored and reported possible shutdowns of public services, federal road closures and occupations of public buildings (Paula, 2014). Through 12 legal proceedings, the group effectively managed to prevent or reduce strikes in ten different public service areas, and to ban protest rallies that could have blocked federal roads, airports and access to stadiums in at least six states – *Rio Grande do Norte, Pernambuco, Alagoas, Ceará, Paraíba, Sergipe and Rio de Janeiro*. In regard to the repressive measures adopted, Amnesty International launched, in May, a campaign in defense of freedom of expression and peaceful assembly in the country (Amnesty International, 2014).

In the first week of the tournament, 180 citizens were arrested in different protests (Paula, 2014). *Rio de Janeiro* was one of the most turbulent stages protest-wise. On July 12, a police operation detained nineteen people, allegedly, for acts of vandalism. On the next and last day of competition, fifteen journalists were injured in a confrontation between police officers and 600 protestors in *Saens Peña* Square in the city's north region (CPCO, 2014).

Social movements

Apart from the street protests which comprised innumerable and heterogeneous actors, one particular social movement had high representativeness during the World Cup cycle, ANCOP – National Articulation of the World Cup Popular Committees.

ANCOP was founded in 2010 in order to establish a communication net among the “World Cup Popular Committees” (CPCs) of the 12 host cities and to promote common interests. Alongside representatives of the local committees, different actors composed the organization including political parties militants; journalists; students; scholars; leaders of community associations; labor unions; social movements related to women's rights, land reform and citizens identifying themselves as directly affected by the World Cup such as informal workers or evicted citizens.

The organization's strategy for giving national visibility to local conflicts was based on the promotion of simultaneous activities on host cities including: protests (e.g. the rally "World Cup for Whom?"); seminars; provision of free public services in low-income neighborhoods; public and private meetings with political actors including members of city councils, mayors and ministries. The organization also elaborated "Mega events and Human Rights Violations in Brazil", a three-volume dossier published in 2011, 2012 and 2014 evaluating the social impacts of the World Cup (Brito, 2015).

On December 2013, in the city of São Paulo, the organization promoted one of its most symbolic activities: the "Rebel World Cup of Social Movements" The event gathered local social movements representing different causes related to the impacts of the World Cup in order to participate in a football tournament (containing the same number of teams as the World Cup, 32) as a form of ludic protest (Brito, 2015).

On an international scale, ANCOP received political and financial support from organizations such as Heinrich Boll Foundation and Amnesty International. Furthermore, in 2013, the association attended two meetings of the United Nations Human Rights Council and, in 2014, it participated in a meeting of the Organization of American States in which it denounced the violations of civil rights in Brazil in the context of the World Cup (Brito, 2015).

For Castells (2013), these movements can be successful because, without specific leadership, they create autonomous spaces that are not conditioned by political parties, the state and firms.

Strikes

Strikes, particularly among civil construction workers, were also an important response to the social turmoil ignited by the World Cup. In between 2009 and 2013, across the country, a total of 128.450 workers involved in stadium construction went on strike 26 times, totalizing 92 days (Paula, 2014). Despite the specificities of each context, general demands included overtime payment; remuneration for the days on strike; medical

assistance, presence of physicians during night shifts, higher wages and establishment of labor unions' commissions to evaluate safety and sanitary conditions in worksites²².

Although many demands were pushed through, eight workers have died during the stadium constructing period, six of them, in incidents which took place on sites running behind schedule. Despite this context, former FIFA Secretary General Jérôme Valcke stated²³, in 2012, that Brazil needed to “kick its arse” in order to finish World Cup preparations on time. Later the same year, despite previous apologies, when answering²⁴ a reporter questioning whether Brazil needed another kick, Valcke replied: “ask me when the World Cup is over”.

State violence

Physical oppression has become a common phenomenon in Brazilian low-income neighborhoods known as *favelas*. Particularly during the World Cup cycle, in the city of *Rio de Janeiro* (where the largest Latin American *favela* complex is located), the situation was aggravated by two particular policies: government-led removal of homeless citizens and the establishment, since 2008, of the Pacifying Police Units (UPPs) whose official purpose is to reclaim territories, in *favelas*, controlled by drug traffickers.

For CPCO (2014), 2009 represented a turning point for the city in this particular matter as former mayor Eduardo Paes put forth operation “Shock of Order”. The operation’s official purpose was to combat disorder in public spaces in several districts of the capital through measures including the removal of homeless citizens, orphan kids, street performers and pamphleteers and repression to informal market and prostitution (which is legal according to the Brazilian legislation) areas.

The removal of this part of the population, as well as low-income families affected by infrastructure projects, can be interpreted as part of a larger governmental social control

²² On September 2011, Rio de Janeiro’s Union of heavy construction workers denounced that rotten food had been served to 2,000 individuals employed on the renovation of *Maracanã* Stadium (CPCO, 2014).

²³ <http://veja.abril.com.br/blog/sobre-palavras/nada-de-traducao-errada-valcke-falou-em-chutar-a-bunda/>

²⁴ <http://esportes.terra.com.br/futebol/copa-2014/valcke-brasil-pode-merecer-novo-chute-no-traseiro-apos-copa,b4f7cb7759e74410VgnVCM4000009bcceb0aRCRD.html>

policy aiming the isolation of the poorest part of the population which is seen as a social hazard and economic burden.

One of the most staggering cases of governmental repression took place during the Confederations Cup in 2013. In June 24, agents from *Rio de Janeiro*'s special police unit (BOPE) and from the Nacional Security Force entered the favela complex known as *Maré* for an operation which would last till the early hours of the next morning resulting in one shot BOPE agent and ten dead residents.

Informal labor

Informal workers, particularly street sellers, were deeply affected by the General world Cup Law as well as by the preparations for the mega event. Either by having their selling permits withdrawn or not renewed or by being removed from traditional selling points due to infrastructure building, approximately 350.000 informal traders were affected in the host cities (Brij, 2015). In Belo Horizonte, for instance, 400 of the city's 25.000 street vendors, despite possessing working permits, had been removed from a market (established during 1960s) in the surroundings of football stadium *Mineirão* before its reform began in 2010.

Despite the institutional impositions, informal traders were able to obtain few working permissions in some of the host cities through labor unions, community organizations and NGOs. Paula (2014) lists some of these exceptions.

-In *São Paulo*, 600 of the 158.000 street vendors were given permission to work in the surrounding areas of *Arena Corinthians*

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-In *Fortaleza*, from the 52.000 workers, 250 got the permit for working in the surrounding areas of *Castelão* stadium.

-In *Salvador*, 592 vendors were allowed to work at FIFA's restricted zones. In *Cuiabá* the permissions were restricted to 200 workers and 140 in *Manaus*.

Police repression was also part of the strategy to enforce FIFA's prerogatives and curtail street vendors' right to work. Apart from cases of physical violence, goods have been confiscated without compensation, destroyed and the owners have been fined.

In between January and September 2014, in the host city of *Porto Alegre*, for instance, municipal inspectors confiscated 110.000 items from street vendors (Paula, 2014). Under similar circumstances, in *Rio de Janeiro*, the "United Movement of Street Vendors" (MUCA) alongside other social movements, from 2009 on, organized protests and filled complaints in the State Prosecutor's office against the municipality and its policies regarding street vendors' working rights and removal of homeless citizens (CPCO, 2014).

Evictions

Preparations for the World Cup including stadium construction, transport infrastructure or urban "remodeling" resulted in the eviction of thousands of Brazilian families. According to Brij (2015) the number of people under threat or effectively removed, in the twelve host cities, may have reached 170.000. Paula (2014) estimated 250.000 citizens in the same condition. In July 2014 however, the Federal government released²⁵ data challenging these estimates, claiming that only 35.653 people had been evicted.

If in one hand, it was important that the information was made available, on the other hand, the lack of more complete and precise data and public debate put the government's reliability at check. In different cities, there is no information on whether people received appropriate compensation or regarding the places to where they were relocated and which projects were responsible for their removals.

Paula (2014) argues that people received inadequate information on the expropriation process including financial compensation and the exact location of their new homes. Indemnification paid to evicted citizens was, often, low, making it impossible for them to remain in their old neighborhoods. Furthermore, some of the new properties lacked adequate infrastructure such as water supplies and sewerage and the provision of public services such as schools or public transportation was scarce. Many residents, in this sense,

²⁵ http://www.secretariadegoverno.gov.br/noticias/2014/julho/gilberto-carvalho-faz-coletiva-sobre-democracia-e-grandes-eventos/copa_2014_desapropriacoes-final-1.pdf

saw no improvement on their living conditions or, in the worst case scenario, witnessed their deterioration.

For CPCO (2014), considering the city of Rio de Janeiro, the majority of the removals took place in areas of extreme real estate valorization contemplated by the majority of public investments. In a circular process, the opportunities for future investments and financial return were increased for middle or high income families and real estate business.

The removal of homeless citizens, informal workers and low income families was part of a broader governmental policy of urban (re)structuring based on segregation and gentrification. The poorest segment of the population was transferred to peripheral areas of the city which were not benefited by World Cup public investments and lacked provision of urban infrastructure and basic public services.

Three important conclusions can be inferred from the discussed events and circumstances. Firstly, it is clear that FIFA's demands manifested in the hosting agreement, and transposed to the Brazilian legislation through the General World Cup Law and other institutional arrangements, had substantial effect on common citizens' life as it could be seen, for instance, through the thousands of informal traders who had their working rights restricted.

Nevertheless, as much as it is true that the organization's impositions had direct negative impact on Brazilian citizens, it is also notable that the same government, which had little resources to contest FIFA's requests, took advantage of the exceptionality framework installed during the World Cup cycle to put in motion its own policies. The urban reconfiguration policies designed to different host cities was based on violent methods ranging from forced removal of homeless citizens and eviction of low-income families to physically abuse perpetrated by police forces justified by the maintenance of order.

Finally, citizens taking a stand against the government, and FIFA, resonates the pluralist argument against the state seen as a unitary actor. Despite the clear power hierarchy

ranked by FIFA and the Executive power, the World Cup cycle took place under an atmosphere of political and social indignation manifested by a considerable part of the population. Protests took different forms and were carried by a variety of actors, ranging from spontaneous rallies, organized social movements and strikes to legal actions taken by particular governmental branches. In this sense, despite the unbalanced bargaining process among the actors involved, the 2014 Brazil World Cup took a different course than if it had been carried solely by the most powerful actors.

In the words of former Secretary General of FIFA, Jerome Valcke (2013):

“[There are] different people, different movements, different interests and it's quite difficult to organize a World Cup in such conditions”

5. Concluding remarks

Sports mega events are a particular locus for experiences of governmental regulation combined with the economic reasoning of international non-state actors and the logics of everyday life spectacularization.

If, on one hand, the event can serve as a stage for (re)producing national and regional identities or for reaping political benefits before the international community, it can also be used for masking social inequalities as well as becoming a liability since host governments are often required to adopt demands made by third parties.

As a general rule, demands linked to events such as the World Cup tend to benefit a small circle of actors relate the respective sport organization at the expense of the majority of citizens. The costs bore by the population come in different forms. Ticket prices; alteration of public spending priorities; taxation distortion; inefficient urban remodeling; violation of fundamental rights such as press freedom and economic initiative; changes in long established cultural practices or legislative suspension.

Sovereignty, in this context, becomes a central concept for comprehending the dynamics of a sport mega event. Externally, host countries are left with few options other than granting the demands made by a third actor - the global sport organization.

Domestically, the scope of the Schmittian concept of sovereign power is broadened. The state of exception, designed for situations of security threats, becomes an integral part of sports mega events - a context fundamentally not related to security - justified by a discourse of emergency and governments leverage on the exceptionality circumstances to put forth their own interests.

In this sense, if, at first, a country's sovereignty is challenged by demands established by an international actor, domestically, the scenario is followed by governments' instrumentalization of the mega event in order to suppress citizens' rights. Citizens are, in such environment, negatively affected not only by demands made by a sport organization but also by governments' decisions carried out in a situation of political exceptionality. A sport mega event is not the sole or even a necessary condition for states to carry out questionable policies. However, once in motion, events such as the World Cup allow states to bring these policies up in a faster pace and broader extent while being protected by a discourse of exceptional necessity.

Despite its resilience, the power hierarchy in mega events is susceptible to disruptions as the social and political outbursts in Brazil demonstrated. Sovereignty, under these circumstances, becomes, simultaneously, a fragmented and blurred concept intercalating external-internal dialectics with notions of legality and legitimacy.

On a global level, it is notable the commodification trend of different social and cultural practices such as sports. As a global spectacle, mega events have become a billionaire business, involving expressive audiences and commercial exploitation of different symbols, not only by states, but also by multinational corporations and media organizations. In such context, global sports organizations appear as representative non-state actors with relative high capacity to influence limited but important aspects in international politics.

Alongside the International Olympic Committee, FIFA is the sport organization with the largest potential for influencing international actors. FIFA is an entirely self-governed non-governmental organization with extraordinary profits for such kind of institution. As the quasi-monopolistic body responsible for managing the world's most persuasive sport modality, FIFA can act with a high degree of autonomy. FIFA's historical development established a connection between the global and the national that continues to frame the relationship between the organization and its associates and includes notions of sovereignty, nationalism, governance, legitimacy and corruption.

The globalization of football and private global governance has empowered FIFA by allowing it to oversee transnational sports rules and, ultimately, to alter or suspend national laws in World Cup hosting countries. At first hand, it can be argued that countries have complete autonomy for becoming a member of FIFA or for choosing to host a World Cup. Nevertheless, the dynamics between states and the football governing body are more complex.

As FIFA is, practically, the sole institution responsible for managing world football, countries have to become members if they want to join international competitions and, therefore, be able reap the potential benefits of such events. Moreover, refusing to accept the demands listed by FIFA on its hosting agreement implies the impossibility of a country to receive the event. Once such conditions are accepted, hosts' bargaining power decrease significantly as the political costs of hampering an event of such magnitude are too high considering the international community, economic actors or even local supporters. Therefore, countries are left with almost no alternative other than waive some of its sovereign prerogatives in order to comply with FIFA's demands.

Arguing for the hypothesis that FIFA indeed challenges host countries' sovereignty, this research presented an evaluation of the normative arrangements designed for the 2014 World Cup cycle and their impacts on the Brazilian society. The temporarily framework had substantial impact in different aspects of both the Brazilian government and civil society including public bidding process; taxation regime; government's debt and

liability; consumer's rights; criminal system; freedom of press; economic initiative and public space regulation.

Despite the formal compliance of the Brazilian government, there are compelling arguments for the hypothesis of challenging of sovereignty. Legally, formal institutional procedures were not followed such as the disclosure of the hosting agreement for the approval of the Congress before it could be signed by the Executive power. Furthermore, legislation established for protecting the state and its citizens' autonomy against arbitrariness was modified or suspended in order to favor third parties' interests - mainly FIFA and its commercial partners.

The legal modifications took place due to FIFA's potential for pressuring hosts by leveraging on the organization's institutional position as a private governing body and on the political significance of football. As Donnelly (2005) argues, sovereignty refers to the state's right to decide on its actions but not to the ability to control them. Apart from the impact on the Brazilian legal prerogatives, civil society, despite not taking part in the event's negotiation process, had to bear significant the costs of the event, including violations of its most fundamental and legitimate sovereign rights carried out in an environment of political exception.

This exceptionality framework was not a particularity of the Brazilian case. Legal modifications took place in the 2010 South Africa World Cup including unrestricted import, export and conversion of foreign currencies; delimitation of restricted commercial areas and the creation of 56 special courts for judging crimes related to the event (Brito, 2015). In Russia, the next World Cup host, Federal Law 108-FZ, in force since June 2013, stipulates changes to no less than eight fundamental codes including the Civil, Labor, Tax, Land, Arbitration Procedure, Housing, Town Planning and Forest Codes (Makarychev & Yatsyk, 2015).

Although hosts, in different degrees, have to comply with FIFA's demands, the codification of the hosting agreement into law happened for the World Cups in South Africa (2010), Brazil (2014) and Russia (2018) but not Germany (2006). In this sense, as

final remarks, this research argues for the relevance of studying sports mega events and global sports organizations and suggests, as a research topic, a comparison of FIFA's institutional power when interacting with states of different political regimes and development levels.

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