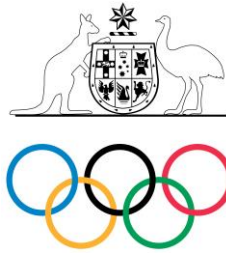


AUSTRALIAN OLYMPIC COMMITTEE

INCORPORATED
A.B.N. 33 052 258 241

President:
John Coates AC



PO Box R1788
ROYAL EXCHANGE NSW 1225

Level 4, 140 George Street
Museum of Contemporary Art
SYDNEY NSW 2000
AUSTRALIA

Telephone 61 2 8436 2126
john.coates@olympics.com.au

16 October 2020

Senate Foreign Affairs, Defence and Trade Committee
PO Box 6100, Parliament House
CANBERRA ACT 2600
By email: FADT.SEN@aph.gov.au
Copy to: Christopher.Sautelle@aph.gov.au

Dear Committee Members,

AUSTRALIA'S FOREIGN RELATIONS (STATE AND TERRITORY ARRANGEMENTS) BILL 2020

The Australian Olympic Committee, Inc. (the **AOC**) welcomes the opportunity to provide comments on the Foreign Relations (State and Territory Arrangements) Bill 2020 (the **Bill**). The AOC is particularly interested in responding to the suggestion by Independent Senator Rex Patrick that he will seek to broaden the Bill to capture the AOC, against the background of recent calls by Senator Patrick and others to boycott the 2022 Beijing Winter Olympic Games.¹

The AOC does not support a boycott of the 2022 Beijing Winter Olympic Games. The AOC also opposes any amendment that would subject its activities to the arrangements contemplated by the Bill, as this could have serious consequences for Australia's participation in the Olympic Movement.

As discussed in more detail below, any proposal to bring the AOC within the ambit of the Bill would fetter its autonomy under the Olympic Charter (**Charter**) and, in the eyes of the International Olympic Committee (**IOC**), could jeopardise its recognition as a National Olympic Committee (**NOC**). The potential consequences for the AOC, Australian athletes, and others could be significant and detrimental and include:

- athletes not being able to compete at upcoming Games under the Australian flag, including the Tokyo 2020 Games and Beijing Winter Games in 2022;
- destroying Brisbane's bid to host the Olympic Games in 2032.

The following sections address:

- **Section 1** The Olympic Movement, including the Charter, the IOC and NOCs, and the relationship between the Olympic Movement and governments.

¹ See Senator Rex Patrick, 'Australian Olympic Committee Should Be Subject To New Foreign Relations Laws' (Media Release, 9 October 2020, available at <https://www.rexpatrick.com.au/australian-olympic-committee-should-be-subject-to-new-foreign-relations-laws>) and 'AUSTRALIA MUST BOYCOTT THE BEIJING WINTER OLYMPIC GAMES' (Media Release, 8 October 2020, available at <https://www.rexpatrick.com.au/australia-must-boycott-the-beijing-winter-olympic-games>).

- **Section 2** The role of the AOC and how the AOC is funded.
- **Section 3** The AOC's position on calls for a boycott.
- **Section 4** The potential consequences if the AOC were to be subject to the arrangements contemplated by the Bill.

1 The Olympic Movement

1.1 The Olympic Charter

The Charter is in effect the constitution for the Olympic Movement, which comprises the IOC, International Sports Federations and NOCs as its three main constituents.

The introduction to the Charter, extracted below, best describes the role of the Charter:²

The Olympic Charter (OC) is the codification of the Fundamental Principles of Olympism, Rules and Bye-laws adopted by the International Olympic Committee (IOC). It governs the organisation, action and operation of the Olympic Movement and sets forth the conditions for the celebration of the Olympic Games. In essence, the Olympic Charter serves three main purposes:

- a) The Olympic Charter, as a basic instrument of a constitutional nature, sets forth and recalls the Fundamental Principles and essential values of Olympism.
- b) The Olympic Charter also serves as statutes for the International Olympic Committee.
- c) In addition, the Olympic Charter defines the main reciprocal rights and obligations of the three main constituents of the Olympic Movement, namely the International Olympic Committee, the International Federations and the National Olympic Committees, as well as the Organising Committees for the Olympic Games, all of which are required to comply with the Olympic Charter.

One of the seven 'Fundamental Principles of Olympism' set out in the Charter, principle 5 extracted below, highlights that the Olympic Movement is politically neutral:

Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall apply political neutrality. They have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.

The IOC is an international non-governmental not-for-profit organisation, whose object is to fulfil the mission, role and responsibilities assigned to it by the Charter.³ The AOC is a NOC within the meaning of the Charter. Recognition as a NOC under the Charter is within the sole discretion of the IOC. NOCs must comply with the Charter and their statutes are subject to the approval of the IOC.⁴

² Olympic Charter in force as from 17 July 2020, available at https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf#_ga=2.115330887.1520534049.1602478865-909371224.1602478865.

³ See Charter, rule 15.

⁴ See Charter, rule 3.2.

Under rule 27.3 of the Charter, 'NOCs have the exclusive authority for the representation of their respective countries at the Olympic Games' and 'each NOC is obliged to participate in the Games of the Olympiad by sending athletes'.⁵

Other pertinent sub-rules to rule 27 include those set out below, with emphasis added:

27 Mission and role of the NOCs*

...

5. In order to fulfil their mission, the NOCs may cooperate with governmental bodies, with which they shall achieve harmonious relations. **However, they shall not associate themselves with any activity which would be in contradiction with the Olympic Charter.** The NOCs may also cooperate with non-governmental bodies.

6. The NOCs must preserve their autonomy and resist all pressures of any kind, **including but not limited to political**, legal, religious or economic pressures which may prevent them from complying with the Olympic Charter.

...

9. Apart from the measures and sanctions provided in the case of infringement of the Olympic Charter, the IOC Executive Board may take any appropriate decisions for the protection of the Olympic Movement in the country of an NOC, **including suspension of or withdrawal of recognition from such NOC if the constitution, law or other regulations in force in the country concerned, or any act by any governmental or other body causes the activity of the NOC or the making or expression of its will to be hampered.** The IOC Executive Board shall offer such NOC an opportunity to be heard before any such decision is taken.

Rule 59.1.4 provides that, in the event of breach of the Charter by a NOC, the NOC may be suspended and the IOC Executive Board determines the consequences for the NOC concerned **and its athletes**.

Rule 61.1 provides that the decisions of the IOC are final, with limited recourse to the IOC Executive Board and to the Court of Arbitration for Sport.

1.2 The Olympic Movement and governments

The Olympic Movement and any associated events, including the Olympic Games, are not run by any government, notwithstanding that cooperation of governments is required for events to run smoothly. By way of example only, the IOC (as opposed to any host city or related government) is responsible for issuing invitations to the Olympic Games, which are issued to the NOCs. A copy of the invite issued by the IOC to the AOC for the Tokyo 2020 Games is included at **Attachment 1**. The AOC's practice upon receiving such invitations from the IOC is then to invite Federal Government Ministers to the Games, those ministers having the choice whether to accept or decline the invitations.

The document included as **Attachment 2**, being the IOC's guidelines on Recommendation 28 of the Olympic Agenda 2020 (*IOC Guidelines*), summarises the position of the

⁵ Note that rule 6.2 of the Charter provides that the Olympic Games consist of the Games of the Olympiad (also known as the Summer Olympic Games) and the Olympic Winter Games. The AOC understands that, by convention, the obligation on each NOC to participate in each Games of the Olympiad is also applied to those NOCs which practice snow and ice sports in relation to the Olympic Winter Games.

Olympic Movement on its relationship with governments. The IOC supports the autonomy of sport and cooperation between national authorities and sports organisations.

The IOC Guidelines are consistent with the IOC's ongoing cooperation with the United Nations (the IOC having Observer status since 2009) and in particular the principles captured in United Nations Resolution (A/RES/69/6) adopted in New York in October 2014, included as **Attachment 3**.

2 The AOC and AOC Funding

The AOC is an incorporated association under the *Associations Incorporation Act 1981* (Vic). The AOC is a non-government, not-for-profit organisation, committed to the development of youth and sport, with the responsibility to select, send and fund Australian teams to the Olympic Games. In addition to the Charter, the AOC must also comply with its Constitution.⁶

The objects of the AOC under its Constitution include those set out in the following clauses:

- 6.1 to develop, promote and protect the principles of Olympism and the Olympic Movement in Australia in accordance with the Olympic Charter and all regulations and directives issued by the IOC;
- 6.2 to promote, raise awareness of and encourage participation in sport for benefits of health, longevity, fitness, skill, achievement, social interaction, wellbeing and other benefits of exercise for all individuals in Australia;
- 6.3 in support of the above objects, to effect its exclusive authority for the representation and participation by Australia at the Olympic Games, Olympic Winter Games, Youth Olympic Games, Youth Olympic Winter Games and at Regional Games and do all matters incidental thereto, including the selection and discipline of all members of the teams to represent Australia at those Games. The Committee is obliged to participate in the Olympic Games and Olympic Winter Games by sending athletes;
- 6.4 to promote the fundamental principles and values of Olympism in Australia, in particular, in the fields of sport and education, by promoting Olympic sporting and health, educational programmes in all levels of schools, sports and physical education institutions and universities, as well as by encouraging the creation of institutions dedicated to Olympic education, such as National Olympic Academies, Olympic Museums and other programmes, including cultural, related to the Olympic Movement;
- ...
- 6.7 to encourage the development of sport for all for the health, wellbeing and other benefits to all individuals in Australia, and in support and encouragement of those objects, the development of high performance sport as the pinnacle of the benefits of sporting participation;

The AOC is independent of government and government funding. The AOC enters into partnerships with state governments to operate specific community programs. The AOC publishes information regarding our funding to the National Federations on its website. The following is an extract from the AOC's *Programs & Funding Guidelines for Sports on the Program of the 2022 Olympic Winter Games, Beijing for Period 1 July 2018 to 30 June 2022*.⁷

⁶ A copy of the AOC Constitution is available at <https://content.olympics.com.au/public/2020-05/AOC%20Constitution%20-%20May%202020.pdf>.

⁷ A copy of this document is available at https://content.olympics.com.au/public/2019-07/Winter%20Olympic%20Funding%20-%20Beijing%202022_1.pdf.

SOURCES OF FUNDING

- a. AOC Funding is derived from income distributions from the Australian Olympic Foundation, grants from the International Olympic Committee (IOC), known as Olympic Solidarity, grants from the Organising Committees for the Olympic Games (OCOGs), sponsorship and licensing and fundraising for Olympic Teams by the AOC, State/Territory Olympic Councils and the Olympic Team Appeal Committees.
- b. While the AOC neither seeks nor derives any funding from the Australian Government or its Australian Sports Commission (ASC) and Australian Institute of Sport (AIS), it acknowledges the critical assistance these bodies provide to the AOC's Olympic Winter Institute of Australia (OWIA) and member National Federations (NFs) of sports on the Olympic Winter program and to athletes directly for their preparation for the Olympic Winter Games.
- c. The AOC also acknowledges the assistance provided by the State and Territory Institutes and Academies of Sport to the OWIA and for the preparation of athletes for the Olympic Winter Games.
- d. For sports on the program for the 2020 Olympic Games there are separate Programs and Funding Guidelines and for which \$30,595,031 has been budgeted for the period 1 January 2017 to 31 December 2020.

It is clear that the Federal Government recognises the AOC's independence. See for example the following comments from Senator Richard Colbeck, the Minister for Youth and Sport:⁸

Can I say that it is not the government but the independent Australian Olympic Committee that is responsible for sending teams to Winter and Summer Olympic Games. The committee is independent from government. I share Senator McKenzie's view and I don't believe the Australian Olympic Committee requires financial assistance from the government—in fact, it's quite proud of the fact it does not receive any. It is clearly outlined in the AOC's objectives that the AOC has exclusive authority for the representation of and participation by Australia at the Olympic Games, Winter Olympic Games, Youth Olympic Games, Winter Youth Olympic Games and regional games, including the selection and discipline of all members of the team who represent Australia at those games.

Consistent with the Olympic Movement more generally, the AOC supports cooperation between national authorities and sports organisations.

3 Calls to Boycott Beijing 2022

At the outset, we note that the AOC does not have a role in selecting the host city for the Olympic Games, this being the responsibility of the IOC.⁹ Beijing was named by the IOC as the host city of the 2022 Winter Olympic Games back in 2015.

Senator Patrick is calling for an Australian boycott of Beijing 2022 due to concerns regarding violations of human rights in China. The Olympic Movement's firm commitment to human rights is captured in the Charter, as well as in the AOC Constitution.¹⁰

⁸ Commonwealth, *Parliamentary Debates*, Senate, 7 October 2020, 46 (Senator Richard Colbeck).

⁹ See Charter, rule 18.2.4.

¹⁰ See Charter, fundamental principle 6; AOC Constitution, clause 5.

A position for or against a boycott of Beijing 2022 by the AOC is not a position on human rights, but on how human rights concerns should be advanced in a global environment. There are a wide range of options available to nation states like Australia to express concern about the conduct of others. The merit of boycotting a single sporting event, in circumstances where sport, and the Olympic Games in particular, has a unique capacity to bring countries together in peaceful competition, promoting dialogue, is questionable and also risks being counter-productive. It is also important to note that sending a team of Australian athletes to Beijing 2022 does not preclude the Australian government, individual politicians and/or individual athletes from separately taking any political or diplomatic action they choose in relation to the event. By way of example only, it is open to the Federal Government Ministers invited to attend the Games to decline that invitation.

In contrast to any boycott, the other means available to the Australian government to sanction China, if it considers that to be appropriate, do not risk destroying the dreams of Australian athletes. If any lessons are to be learnt from the attempted boycott of the 1980 Moscow Games, it is that there is a risk that athletes become political pawns. The impact on individual athletes of the calls to boycott the 1980 Moscow Games lasts to this day. Former Prime Minister Malcolm Fraser, who (at the request of then United States President Jimmy Carter) called for the Moscow boycott by the Australian team, came to regret that decision noting the terrible impact on athletes: see **Attachment 4**.

Any AOC boycott of the Beijing 2022 Winter Games would very likely lead to suspension of the AOC's recognition as a NOC under the combined effect of Charter rules 27.3 and 59.1.4. Section 4.1 details the potential consequences of suspension.

Australia is one of only two countries whose athletes have competed in every Olympic Games in the modern era. That is an achievement of which we are very proud and a tradition we plan to continue.

4 Potential Consequences if AOC Subject to the Bill

4.1 Recognition as NOC suspended

Subjecting the AOC to governmental oversight such as that contemplated by the Bill would contradict the fundamental principle of Olympism of political neutrality and potentially contravene other specific rules contained in the Charter. If the Bill were amended to include the AOC and ultimately passed, the IOC may exercise its power under rule 27.9 of the Charter to suspend recognition of the AOC as a NOC (rule 27.9 extracted in section 1 above and again below, emphasis added):

Apart from the measures and sanctions provided in the case of infringement of the Olympic Charter, the IOC Executive Board may take any appropriate decisions for the protection of the Olympic Movement in the country of an NOC, **including suspension of or withdrawal of recognition from such NOC if the constitution, law or other regulations in force in the country concerned, or any act by any governmental or other body causes the activity of the NOC or the making or expression of its will to be hampered.** The IOC Executive Board shall offer such NOC an opportunity to be heard before any such decision is taken.

Suspension or withdrawal would mean the AOC loses all of the rights of a NOC under the Charter, including the ability to send a team of athletes to compete under the Australian flag. This has the potential to have a significant impact not only on the AOC, but on

individual Australian athletes, who will likely be required to compete under the Olympic flag at Tokyo 2020 and Beijing 2022, if they attend at all.


The IOC has relied on rule 27.9 on a number of occasions in recent years. A summary of recent action by the IOC to address undue government interference or governance issues is included at **Attachment 5**.

4.2 Brisbane's candidature to host the 2032 Games

Brisbane's candidature to host the 2032 Olympic and Paralympic Games is well advanced. The bid to host has the support of the Federal Government, Queensland Government and Council of Mayors of South-East Queensland, and of the major opposition parties at each level. The AOC has provided its approval of the Brisbane candidature to the IOC under by-law 1.1 to rule 33 of the Charter. The AOC submits that any suspension of the AOC arising from the Bill or any boycott will effectively terminate that candidature.

For the reasons set out above, the AOC believes that Australia's ability to participate in the Olympic Movement will be severely compromised if Senator Patrick's proposed amendment to the Bill passes. The AOC does not support the proposed amendment.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'John Coates', with a stylized 'J' and 'C'.

JOHN COATES AC
President

cc. AOC Executive
AOC Athletes' Commission



INTERNATIONAL
OLYMPIC
COMMITTEE

Le Comité International Olympique a l'honneur d'inviter le

The International Olympic Committee has the honour of inviting the

Australian Olympic Committee Inc.

à participer aux Jeux de la XXXII^e Olympiade
qui auront lieu à Tokyo, Japon, du 24 juillet au 9 août 2020.



to participate in the Games of the XXXII Olympiad,
which will take place in Tokyo, Japan, from 24 July to 9 August 2020.

Thomas Bach

Président du Comité International Olympique
President of the International Olympic Committee

Lausanne, le 24 juillet 2019

Lausanne, 24 July 2019



Olympic Agenda 2020

Recommendation 28

Support autonomy

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

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

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

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

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

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

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

9. There is therefore a relationship of interdependence and an obvious need for cooperation and interaction in many areas. The aim is thus to develop synergies between the public authorities and sports organisations, following an approach based on partnership rather than subordination, and jointly defining the role and responsibilities of each party, respecting the minimum prerogatives of the sports organisations, and in particular:

- a. The role and competences of the NOC, as defined in the Olympic Charter and the NOC statutes, are, among other things, to:

- i. develop, promote and protect the Olympic Movement in the country, in accordance with the Olympic Charter;
- ii. promote the Fundamental Principles and values of Olympism in their country, particularly in the areas of sport and education, by supporting Olympic education programmes at all levels in schools, sports and physical education institutions and universities, and encourage the creation of institutions devoted to Olympic education, such as national Olympic academies, Olympic museums and other programmes, especially cultural ones, linked to the Olympic Movement;
- iii. ensure compliance with the Olympic Charter in the country;
- iv. represent the country at the Olympic Games, and select and enter the athletes and its team for the Olympic Games (and for the other regional, continental or global games and multi-sport competitions with IOC patronage), in coordination with the national sports federations;
- v. protect the Olympic properties in the country;
- vi. encourage the development of high performance sport and sport for all;
- vii. help with the training of sports managers by organising courses and ensuring that these help to spread the Fundamental Principles of Olympism;
- viii. take action against all forms of discrimination and violence in sport;
- ix. adopt and implement the World Anti-Doping Code;
- x. encourage and support measures linked to medical care for, and the health of, the athletes;
- xi. where applicable, work with governmental and nongovernmental organisations in order to accomplish its missions, without involvement in any activity which might be contrary to the Olympic Charter;
- xii. preserve its autonomy and resist all pressures, including, but not limited to, political, legal, religious or economic pressures which might prevent it from complying with the Olympic Charter.

- b. The role and powers of the national sports federations and their members, in line with the rules of the Olympic Charter, the statutes of their respective International Federations and their own statutes.

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

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



General Assembly

Distr.: General
10 November 2014

Sixty-ninth session
Agenda item 11

Resolution adopted by the General Assembly on 31 October 2014

[without reference to a Main Committee (A/69/L.5 and Add.1)]

69/6. Sport as a means to promote education, health, development and peace

The General Assembly,

Recalling its resolutions 58/5 of 3 November 2003, 59/10 of 27 October 2004, its decision to proclaim 2005 the International Year for Sport and Physical Education, to strengthen sport as a means to promote education, health, development and peace, and its resolutions 60/1 of 16 September 2005, 60/9 of 3 November 2005, 61/10 of 3 November 2006, 62/271 of 23 July 2008, 63/135 of 11 December 2008, 65/4 of 18 October 2010 and 67/17 of 28 November 2012,

Recalling also its resolution 67/296 of 23 August 2013, in which it proclaimed 6 April the International Day of Sport for Development and Peace,

Recalling further its resolution 68/9 of 6 November 2013 on building a peaceful and better world through sport and the Olympic ideal, and all its previous resolutions on this matter,

Taking note with appreciation of the report of the Secretary-General entitled “Sport for development and peace: realizing the potential”,¹ which reviews the programmes and initiatives implemented by States Members of the United Nations, United Nations funds and programmes, specialized agencies and other partners, using sport as a tool for development and peace,

Acknowledging the major role of the United Nations system and its country programmes as well as the role of Member States and their programmes abroad in promoting human development through sport and physical education,

Recognizing the potential of sport to contribute to the achievement of the Millennium Development Goals, noting that sport has the potential, as declared in the 2005 World Summit Outcome,² to foster intercultural dialogue, peace and development and to contribute to an atmosphere of harmony, tolerance and understanding, and reaffirming that sport is a tool for education that can promote cooperation, solidarity, social inclusion and cohesion, gender equality and health at

¹ A/69/330.

² Resolution 60/1.



the local, national and international levels, as declared in the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals,³

Recognizing also the need to strengthen and further coordinate efforts, including multi-stakeholder partnerships, at all levels to maximize the potential of sport for contributing to the achievement of the internationally agreed development goals, including the Millennium Development Goals, and national peacebuilding and State-building priorities,

Encouraging Member States to give sport due consideration in the context of the post-2015 development agenda,

Acknowledging the importance of sport and physical activity in combating non-communicable diseases, as reflected in the political declaration of the high-level meeting of the General Assembly on the prevention and control of non-communicable diseases,⁴

Recalling the Declaration of Berlin, adopted by more than 120 States members of the United Nations Educational, Scientific and Cultural Organization at the fifth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, held in Berlin from 28 to 30 May 2013, as an essential guideline for strengthening the educational, cultural and social dimensions of sport and physical education and for developing an international sport and physical education policy which fosters peace and understanding between peoples and which safeguards human rights in the world of sport by creating access to sport for all, improving physical education, developing new standards for mega and major sport events and preserving the integrity of sport,

Welcoming the memorandum of understanding signed between the International Olympic Committee and the United Nations in April 2014, in which a call was made to strengthen efforts around sport-based initiatives that encourage social and economic development, as well as to strengthen the many partnerships that United Nations organizations have established with the Committee, and welcoming also the holding of the third International Forum on Sport for Peace and Development, jointly organized by the Committee and the United Nations Office on Sport for Development and Peace,

Affirming the invaluable contribution of the Olympic movement in establishing sport as a unique means for the promotion of peace and development, in particular through the ideal of the Olympic Truce, and welcoming the XXXI Olympic Summer Games and the XV Paralympic Summer Games, to be held in Rio de Janeiro, Brazil, from 5 to 21 August and from 7 to 18 September 2016, respectively, the XXIII Olympic Winter Games and the XII Paralympic Winter Games, to be held in Pyeongchang, Republic of Korea, from 9 to 25 February and from 9 to 18 March 2018, respectively, and the XXXII Olympic Summer Games and the XVI Paralympic Summer Games, to be held in Tokyo from 24 July to 9 August and from 25 August to 6 September 2020, respectively,

Recognizing the importance of continental sporting events for promoting education, health, development and peace, and in this regard welcoming the upcoming 2015 Pan-American Games, to be held in Toronto, Canada, the eleventh

³ Resolution 65/1.

⁴ Resolution 66/2, annex.

All-Africa Games, to be held in Brazzaville, the 2018 Asian Games, to be held in Jakarta, and the inaugural 2015 European Games, to be held in Baku,

Acknowledging the Olympic Charter and that any form of discrimination is incompatible with belonging to the Olympic movement,

Acknowledging also the opportunities provided by the XXII Olympic Winter Games and the XI Paralympic Winter Games, held in Sochi, Russian Federation, for education, understanding, peace, harmony and tolerance among and between peoples and civilizations, and the opportunities provided by the second Youth Summer Olympic Games, held in Nanjing, China, to inspire the youth of the world to embrace, embody and express the Olympic values, as reflected in resolution 68/9 relating to the Olympic Truce,

Calling upon future hosts of the Olympic Games and the Paralympic Games and other Member States to include sport, as appropriate, in conflict-prevention activities and to ensure the effective implementation of the Olympic Truce during the Games,

Acknowledging the International Inspiration programme, the first legacy initiative ever linked to the Olympic and Paralympic Games, which has reached over 25 million children in 20 countries around the world through the power of high-quality and inclusive physical education, sport and play,

Recognizing the role that the International Paralympic Committee plays in showcasing the achievements of athletes with an impairment to a global audience and in acting as a primary vehicle to change societal perceptions of disability sport,

Recalling article 31 of the Convention on the Rights of the Child,⁵ outlining a child's right to play and leisure, and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",⁶ stressing the promotion of physical, mental and emotional health through play and sports,

Recalling also article 30 of the Convention on the Rights of Persons with Disabilities,⁷ outlining the right of persons with disabilities to take part on an equal basis with others in cultural life, recreation, leisure and sport, while also stipulating that States parties shall take appropriate measures to this end,

Recognizing the important role played by the International Convention against Doping in Sport⁸ in harmonizing the actions taken by Governments in the fight against doping in sport, which are complementary to those undertaken by the sporting movement under the World Anti-Doping Code of the World Anti-Doping Agency,

Acknowledging the recommendations contained in the report of the Sport for Development and Peace International Working Group entitled "Harnessing the power of sport for development and peace: recommendations to Governments", encouraging Member States to implement and further develop the recommendations, and welcoming in this regard the efforts undertaken by the secretariat of the Working Group, which is provided by the United Nations Office on Sport for Development and Peace,

⁵ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁶ Resolution S-27/2, annex.

⁷ United Nations, *Treaty Series*, vol. 2515, No. 44910.

⁸ *Ibid.*, vol. 2419, No. 43649.

Recognizing the need for indicators and benchmarks based on commonly agreed standards to assist Governments to enable the consolidation of sport in cross-cutting development strategies and the incorporation of sport and physical education in international, regional and national development policies and programmes,

Recalling resolution 64/289 of 2 July 2010, by which the General Assembly established the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and the opportunities it provides for the realization of gender equality and the empowerment of women, including in and through sport, and welcoming the continued advancement of women in sports and sporting activities, in particular the support for their progressive high performance in sporting events, which provides opportunities for economic development through sports,

Highlighting the importance of continuing to reduce barriers to participation in sport events, particularly for participants from developing countries,

Emphasizing the critical role of productive public-private partnerships for funding sport for development and peace programmes, institutional development and physical and social infrastructures,

Recognizing that major international sport events should be organized in the spirit of peace, mutual understanding, friendship, tolerance and inadmissibility of discrimination of any kind and that the unifying and conciliative nature of such events should be respected, as recognized by fundamental principle 6 of the Olympic Charter,

1. *Invites* Member States, the organizations of the United Nations system, including its peacekeeping missions, special political missions and integrated peacebuilding missions, sport-related organizations, federations and associations, athletes, the media, civil society, academia and the private sector to collaborate with the United Nations Office on Sport for Development and Peace to promote greater awareness and action to foster peace and accelerate the attainment of the Millennium Development Goals through sport-based initiatives and promote the integration of sport for development and peace in the development agenda, by working along the following principles adapted from the United Nations Action Plan on Sport for Development and Peace, contained in the report of the Secretary-General to the General Assembly at its sixty-seventh session:⁹

(a) Global framework for sport for development and peace: further develop a framework to strengthen a common vision, define priorities and further raise awareness to promote and mainstream policies on sport for development and peace that are easily replicable;

(b) Policy development: promote and support the integration and mainstreaming of sport for development and peace in development programmes and policies, including mechanisms for growth and wealth;

(c) Resource mobilization and programming: promote innovative funding mechanisms and multi-stakeholder arrangements at all levels, including the engagement of sport organizations, civil society, athletes and the private sector, to create effective programmes with sustainable impact;

(d) Evidence of impact: promote and facilitate common evaluation and monitoring tools, indicators and benchmarks based on commonly agreed standards;

⁹ A/67/282.

2. *Encourages* Member States to provide institutional structures, appropriate quality standards, policies and competencies and promote academic research and expertise in the field to enable ongoing training, capacity-building and education of physical education teachers, coaches and community leaders in sport for development and peace programmes;

3. *Invites* Member States and international sport organizations to continue to assist developing countries, in particular the least developed countries, in their capacity-building efforts in sport and physical education, by providing national experiences and best practices, as well as financial, technical and logistic resources for the development of sport programmes;

4. *Encourages* the stakeholders referred to in paragraph 1 above to emphasize and advance the use of sport as a vehicle to foster development and strengthen education, including physical education, for children and young persons, prevent disease and promote health, including the prevention of drug abuse, realize gender equality and empower girls and women, foster the inclusion and well-being of persons with disabilities and facilitate social inclusion, conflict prevention and peacebuilding;

5. *Encourages* the stakeholders, and in particular the organizers of mass sport events, to use and leverage such events to promote and support sport for development and peace initiatives and to strengthen existing and build new partnerships, coordinate common strategies, policies and programmes and increase coherence and synergies, while raising awareness at the local, national, regional and global levels;

6. *Encourages* Member States to adopt best practices and means to promote the practice of sport and physical activities among all members of society, and in this regard welcomes initiatives to adopt dedicated health, youth and sport days, including specialized sport days, at the national and local levels, as a means to promote physical and mental health and cultivate a sport culture in society;

7. *Encourages* Member States that have not yet done so to designate a focal point for sport for development and peace within their governments and provide updates to the United Nations Office on Sport for Development and Peace on institutional, policy and programme-related developments;

8. *Supports* the independence and autonomy of sport as well as the mission of the International Olympic Committee in leading the Olympic movement;

9. *Urges* Member States that have not yet done so to consider signing, ratifying, acceding to and implementing the Convention on the Rights of the Child⁵ and the Optional Protocols thereto,¹⁰ the Convention on the Rights of Persons with Disabilities⁷ and the International Convention against Doping in Sport;⁸

10. *Notes* the efforts undertaken by the Secretary-General, the President of the General Assembly, Member States and civil society for the observance of the Olympic Truce, and encourages future hosts of the Olympic Games and the Paralympic Games and other Member States to support the effective implementation of the Truce;

11. *Appreciates* the leadership of the Special Adviser to the Secretary-General on Sport for Development and Peace, supported by the United Nations Office on Sport for Development and Peace, on issues relating to sport for

¹⁰ United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531; and resolution 66/138, annex.

development and peace within the United Nations system and beyond, and their creation and implementation of innovative initiatives such as the Youth Leadership Programme;

12. *Encourages* Member States, in particular those committed to promoting sport as a tool for development and peace, and other stakeholders, such as international sports federations, organizers of global mass sports events, sports clubs and leagues, foundations and the private sector, especially businesses involved in the sports sector, to provide voluntary contributions to the Trust Fund for Sport for Development and Peace and to enter into innovative partnerships with the United Nations Office on Sport for Development and Peace, which is funded exclusively through voluntary contributions, in order to sustain the mandate of the Special Adviser to the Secretary-General on Sport for Development and Peace, ensure the continuous activities of the Office, including its provision of secretariat services to the Sport for Development and Peace International Working Group, and provide project implementation funding for the Office and the United Nations system at large;

13. *Welcomes* the ongoing efforts undertaken by the Sport for Development and Peace International Working Group, which met for its thematic meeting on harnessing the power of sport to address gender-based violence and its fourth plenary session, on 30 June and 1 July 2014, respectively, and the commencement of the substantive work of the thematic working group on sport and persons with disabilities, in addition to the working groups on sport and peace, sport and gender, and sport and child and youth development;

14. *Invites* Member States and other relevant stakeholders, as observers, to join and support the Sport for Development and Peace International Working Group, so as to further strengthen its work on all envisaged themes, including the pending thematic working group on sport and health;

15. *Encourages* Member States to join and participate in the Group of Friends of Sport for Development and Peace, an informal group of permanent missions to the United Nations in New York and Geneva serving as a platform to promote dialogue and facilitate and encourage the integration of sport to support the achievement of the United Nations goals and objectives;

16. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution, including on specific initiatives aimed at ensuring more effective implementation of the Olympic Truce and progress made by Member States and the United Nations system, including activities and the functioning of the United Nations Office on Sport for Development and Peace and the Trust Fund for Sport for Development and Peace, as well as other relevant stakeholders, towards the implementation of the United Nations Action Plan on Sport for Development and Peace and the Sport for Development and Peace International Working Group policy recommendations, and to provide a review of the contribution of sport to the promotion of the post-2015 development agenda and present an updated action plan on sport for development and peace;

17. *Decides* to include in the provisional agenda of its seventy-first session the item entitled "Sport for development and peace".

*36th plenary meeting
31 October 2014*

NATIONAL

This was published 12 years ago

Games boycott wrong policy: Fraser

By **Len Johnson**

March 19, 2008 – 11.00am

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MALCOLM Fraser has for the first time publicly acknowledged that the attempted boycott of the 1980 Moscow Olympics was wrong.

In speaking out yesterday against calls for a boycott of this year's Beijing Olympics because of China's actions in Tibet, Mr Fraser who as prime minister advocated that Australia not go to Moscow, characterised the boycott campaign he supported as bad and divisive policy.

His comments came as Democrats Senator Andrew Bartlett yesterday said Australian athletes should boycott the Olympic Games in protest against the Chinese actions.

"The communist regime in China is one of the worst human rights abusers in the world and by participating in the Olympics when that country is not improving its performance — I think we've got to look at whether that makes us complicit," he said.

The 1980 boycott of the Games was advocated by US president Jimmy Carter as a response to the Soviet Union's intervention in Afghanistan.

Mr Fraser said US allies were not consulted and it became a matter of deciding whether to support America. "I never thought it was good policy because policy, to be successful, needs to be sustainable," he said. "Not only was it divisive between different sports, but also within sports."

The impact on athletes was terrible, he said. "The individual choices that were made created divisions within sports and between sports. It's not something I would want to see repeated.

"If I had the chance to argue the policy before, I would have said, 'We support you in a lot of things, but for heaven's sake don't do this.'"

Lisa Forrest, captain of the Australian swimming team at the 1980 Olympics, interviewed the former prime minister for a recently published book on the boycott campaign that, if successful, would have cost Australia its uninterrupted record of modern Olympic representation.

She said he expressed regret then, but did not go so far as to say the policy was wrong. "I guess that was what I wanted him to say," Forrest said. "To say it was wrong was quite important, especially in light of what is happening today."

Mr Fraser said he wanted to rebuff calls for a boycott of Beijing over China's Tibet policies.

"I entered the debate because I thought it important any push for a boycott not be allowed to run forward uninterrupted," he said.

He said he believed the Dalai Lama had spoken against a boycott. "If he is against it, I don't think it is for other people to demand a boycott."

The Senate yesterday — for the second consecutive day — passed without dissent a motion on Tibet. Yesterday's motion, moved by Greens leader Bob Brown, called for negotiations between China and the Dalai Lama and his representatives.

With **MICHELLE GRATTAN**

Actions taken by the IOC in the recent past to protect NOCs (and the Olympic Movement in the country) from undue government interference:

- Kuwait: The NOC was suspended twice (from 2010 to 2012: <https://www.olympic.org/news/the-ioc-suspends-the-noc-of-kuwait>; <https://www.olympic.org/news/all-204-nocs-to-compete-in-london>; and, again, in 2015: <https://www.olympic.org/news/suspension-of-the-kuwait-olympic-committee>) due to government interference through the sports law. Following the second suspension of the NOC in 2015, 15 International Sports Federations also decided to suspend their respective National Sports Federations in Kuwait for the same reasons (i.e. government interference). The IOC decision to suspend the NOC was challenged before the Court of Arbitration for Sport (CAS), but the appeal was dismissed by the CAS in 2017: <https://jurisprudence.tas-cas.org/Shared%20Documents/4282.pdf>. The suspension was eventually lifted by the IOC in 2019 <https://www.olympic.org/news/ioc-lifts-suspension-of-kuwait-olympic-committee> after the sports law was revised - in close coordination with the IOC - to make it fully compatible with the basic principles of the Olympic Movement, and free and fair elections took place within the Olympic Movement as a whole in the country, without any external interference. In particular, the conflictive provisions of the law implying undue government interference (e.g. appointment and dismissal by government authorities of the board members of the NOC and the National Sports Federations) were removed, and the new sports law fully recognises the autonomy of the Olympic Movement in the country and expressly allows the NOC and the National Sports Federations to operate in accordance with their respective statutes, the Olympic Charter and (for the National Sports Federations) the statutes of the International Sports Federations to which they are affiliated, and to freely elect (and dismiss) the members of their boards, without any external interference.
- Ghana: The NOC was suspended in January 2011 due to government interference through the sports law (which allowed, in particular, the government authorities to appoint, and dismiss, the leadership of the National Sports Federations and, by extension, the NOC). The conflictive provisions of the law were eventually removed and the law was revised to make it fully compatible with the Olympic Charter <https://www.olympic.org/news/ioc-meets-with-delegation-from-ghana>. Upon completion of the approval process of the revised law by the Parliament, the suspension of the NOC was lifted by the IOC in August 2011.
- Egypt: Following issues raised with the sports law, which was interfering with the internal governance of the NOC and the National Sports Federations, the IOC organised a joint meeting with the government authorities and the NOC in 2013: <https://www.olympic.org/news/ioc-meets-with-government-of-egypt-and-egyptian-olympic-committee>. The law was then revised by the Egyptian authorities in close coordination with the IOC and the Egyptian NOC to ensure full compatibility with the Olympic Charter, and was subsequently approved by the Egyptian Parliament in 2017. The new law fully recognises the autonomy of the Olympic Movement in Egypt, and the Egyptian NOC and the National Sports Federations can therefore operate in accordance with both the local laws and the Olympic Charter.

- Pakistan: Following attempts by the government authorities to interfere with the internal governance of the NOC and the National Sports Federations, the IOC organised a joint meeting with the government authorities and the NOC in 2013: <https://www.olympic.org/news/ioc-holds-meeting-with-government-of-pakistan-and-the-pakistan-olympic-association>. Mutual understanding was reached on that occasion and the government authorities expressed a firm commitment to fully respect the Olympic Charter and, in particular the principle of autonomy of the Olympic Movement in the country. The autonomy of the NOC was also further recognised in 2019 in a decision of the Supreme Court in Pakistan which recognised that the NOC was not a government entity but an autonomous sports organisation operating primarily under the Olympic Charter.
- Iraq: Following issues raised with the sports law, which was interfering with the NOC's internal governance, an agreement was reached with the government authorities to revise the law in close coordination with the IOC and the NOC in order to remove the conflicting provisions and ensure full compatibility with the Olympic Charter. The new law, which fully recognises the autonomy of the NOC (and the fact that the NOC is a non-government organisation and legally independent entity governed primarily by the Olympic Charter and its own statutes), was approved by the Iraqi Parliament in November 2019. Therefore, the Iraqi NOC can now operate in accordance with both local laws and the Olympic Charter.
- Italy: The IOC and the Italian NOC are currently working together with the Italian authorities to ensure that the recently amended sports law, and its implementation, can enable the Italian NOC to operate in accordance with the Olympic Charter and respect the basic role and responsibilities of an NOC under the Olympic Charter. The discussions are ongoing but very positive so far and the IOC is optimistic that the situation will soon be resolved successfully.

Actions taken by the IOC in the recent past to address governance issues (other than those exclusively related to undue government interference):

- Afghanistan: The NOC was suspended in 1999 as it could no longer operate in accordance with the Olympic Charter (in particular due to the ban imposed by the Taliban Regime on the participation of female athletes). The suspension was lifted in 2003 once the NOC was, again, in a position to comply with the Olympic Charter.
- India: The NOC was suspended in 2012 due to poor internal governance and government interference with the NOC elections. The suspension was lifted in 2014 after the NOC statutes were revised with the IOC and free and fair elections of the NOC took place under IOC supervision: <https://www.olympic.org/news/ioc-executive-board-lifts-suspension-of-noc-of-india>.
- Kenya: Following a number of allegations against the NOC in relation to the management of the NOC delegation for the Olympic Games Rio 2016 and attempts by the government authorities to unilaterally appoint an "interim committee" to run the NOC, the IOC organised a joint meeting with the Sports Ministry and the NOC in 2016 to agree on a roadmap to address and resolve the issues raised: <https://www.olympic.org/news/ioc-hosts-a-successful-joint-meeting-with-the-national-olympic-committee-of-kenya-and-the-ministry-of-sports>. The roadmap approved by all

parties was successfully implemented and the situation was resolved in 2017 after the statutes and internal governance of the NOC were revised, and free and fair elections of the NOC leadership took place under IOC supervision (without any external interference).

- Brazil: The NOC was provisionally suspended in October 2017 in the context of allegations about the allocation of the Olympic Games Rio 2016: <https://www.olympic.org/news/decision-of-the-ioc-executive-board-regarding-mr-carlos-nuzman-and-the-brazilian-olympic-committee>. The suspension was lifted in 2018 after the situation was clarified and the internal governance of the NOC was revised by the NOC together with the IOC: <https://www.olympic.org/news/ioc-executive-board-lifts-suspension-of-thebrazilian-olympic-committee>.
- Russia: The NOC was suspended in December 2017 following the manipulation of the anti-doping system in Russia: <https://www.olympic.org/news/ioc-suspends-russian-noc-and-creates-a-path-for-clean-individual-athletes-to-compete-in-pyeongchang-2018-under-the-olympic-flag>. The suspension was lifted after the Olympic Winter Games PyeongChang 2018: <https://www.olympic.org/news/ioc-statement-2018-02-28>.
- The IOC can also take action vis-à-vis other constituents of the Olympic Movement (e.g. the International Sports Federations), when necessary. The most recent example is the case of the International Boxing Federation (AIBA) whose recognition has been suspended by the IOC due to serious governance issues : <https://www.olympic.org/news/ioc-eb-recommends-boxing-keep-its-place-on-the-tokyo-2020-sports-programme-and-suspension-of-recognition-of-aiba>; <https://www.olympic.org/news/ioc-wraps-up-final-day-of-the-134th-session>.