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ARTICLE

# Integrating the Olympic Truce into international law: legal implications of the Russian case

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**Abstract**
The Olympic Truce could potentially have a positive impact on peace by promoting dialogue and bringing relief to suffering populations. However, the recent Russian case – where a violation of the Olympic Truce was sanctioned for the first time – has created a complex and controversial situation, raising serious questions about the neutrality and coherence of sport in the context of international conflicts. This article explores the legal implications of the Russian case, suggesting the emergence of an *opinio iuris* that could support the idea of the Olympic Truce as a binding legal norm. By analysing the legal principles that underpin the necessity for a conditional participation regime in the Games, the study evaluates the scope of the Olympic Truce, illustrating its current limitations and future prospects. The article argues that urgent reform is required to guarantee the universality of sport and to ensure the Olympic Truce's effective integration into international law.

**Keywords** Olympic Truce · *Lex sportiva* · International humanitarian law · International Olympic Committee · Russo-Ukrainian War

## 1 Introduction: Olympic Truce practice and Russian case

> *Though limited in duration, the [Olympic] Truce has unlimited potential. It can provide a pause in which to reconsider the heavy cost of war; an opening to initiate a dialogue, and a window to provide relief for suffering populations. It can demonstrate to the world that peace is possible in even the most seemingly intractable situations if we truly work towards it.*[1]

The Olympic Truce, ideally rooted in the ancient Greek tradition of the *ekecheira*,[2] in modern times refers to a resolution adopted by the United Nations General Assembly (UNGA) encouraging Member States to observe a truce during the Olympic Games. The resolution aims to promote peace, dialogue, and reconciliation by urging Countries to cease hostilities and conflicts for the duration of the Olympic Games and the subsequent Paralympic Games.[3]

The concept of an Olympic Truce has been an ideal aspect of Olympism since the inaugural modern Olympic Games in 1896.[4] However, the first formalised initiative aimed at establishing a truce during the Olympic Games was only initiated in 1991, following the break-up of the Federal Republic of Yugoslavia and the subsequent formation of the UN Security Council Sanctions Committee against this Country. In light of the UN Security Council resolution 757, which included sport as an aspect to be sanctioned,[5] the

[1] United Nations Secretary-General (2008), Message calling for observance of the Olympic Truce.

[2] Syrigos (2009), pp. 21–25.

[3] For an introduction on the modern use of the Olympic Truce see, *ex multis*: Bromberg (2023), pp. 1–26; Hozhabri et al (2022), pp. 87–96.

[4] Young (1984); Bromberg (2022), pp. 267–296.

[5] UN (1992), resolution 757, point 10(b).

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International Olympic Committee (IOC) decided to reintroduce the Olympic Truce in 1992.[6] Following an agreement with the UN Security Council, the IOC made the decision to allow the Yugoslav athletes to take part in the Olympic Games in Barcelona as individuals.[7] Since 1993, the UNGA has repeatedly invited its Member States to observe the Olympic Truce, either individually or collectively, every two years, a year before each edition of the Olympic Games.[8] The IOC has also taken the initiative of including the rite of the Olympic Truce in all Olympic Games. This has entailed the implementation of even highly symbolic initiatives, such as the creation of the Refugee Olympic Team or the joint parade of South and North Korean delegations under the flag of the Korean peninsula at the opening ceremony of the Sydney Games.[9] The Olympic Truce would then be a practice founded on the co-operation between the IOC and the UN, which would gradually and procedurally be implemented by the *lex Olympica*, generally understood as the body of legal norms and principles governing the Olympic Games[10] and providing the normative framework for the Olympic Movement.[11]

This UN/IOC practice has in some cases had a positive impact on peace.[12] However, given that conflicts and hostilities have never ceased during the Olympic Games, it could be argued that the Olympic Truce has been violated on virtually every occasion.[13] Moreover, there is no clear legal framework governing this UN/IOC practice. Its tenets, and the criteria for sanctioning eventual violations, are not explicitly regulated in any UN or Olympic Movement document. The efficacy and uniformity of the Olympic Truce, as an element of the *lex Olympica*, can therefore be called into question; furthermore, any decision to apply sanctions runs the risk of being regarded as arbitrary, discriminatory or the result of double standards.

This kind of criticism, for example, was largely expressed in the first historical case in which a violation of the Olympic Truce was sanctioned: the aggression against Ukraine by Russia. As known, the very next day following the invasion, which was regarded as a blatant violation of the Olympic Truce,[14] the Executive Board of the IOC strongly recommended to all International sporting federations (ISFs) to relocate or cancel sports events planned in the Russian Federation or Belarus, and not to invite or allow Russian and Belarusian athletes and officials to participate in international competitions.[15] The most prominent criticism came from three UN Special Rapporteurs on cultural rights. One of them, Professor Alexandra Xanthaki, argued that Russian athletes have been discriminated against based on their nationality, pointing out that no other nation has faced the same response, even though, for example, the US government went to war against Iraq in 2003.[16]

The Russia and Belarus case (hereinafter Russian case) suggests that the Olympic Truce could be more than just a political message from the UN Secretary-General, supported by the Olympic ceremonial and symbolic projects. It could potentially be a *rule* with sanctioning consequences, definitively extending the scope of *lex Olympica* and integrating sport realm into the international law. By moving from a symbolic practice to an effective *legal rule*, the Olympic Truce would go beyond the classic normative framework of the Olympic Movement, as it would *directly* cover actors, such as national governments, which are not unanimously considered to be key Olympic stakeholders.[17] It would also cover activities, such as armed conflicts, that are traditionally regulated by international law, thus introducing elements of international law into the *lex Olympica* and, simultaneously, bringing some activities of the Olympic Movement within the framework of international law. At the same time, the lack of a clear legal framework raises important political and legal questions about the validity, enforcement, and consistency of this UN/IOC practice understood as a *rule*: after the Russian case, should similar sanctions be adopted against all Countries that fail to cease hostilities and military activities during the Olympic Truce? How can consistency and fairness be ensured? Could (or should) the IOC implement the

[6] IOC (1992), Appeal for the Olympic Truce.

[7] Spaaij (2012), pp. 761–774.

[8] The first historic resolution is: UNGA (1993), Observance of the Olympic Truce.

[9] In addition to the authors mentioned in the notes 2 and 3, see: Ubaidulloev (2018), pp. 104–126.

[10] Panagiotopoulos (2017), p. 375.

[11] Mestre (2009); James and Osborn (2023), p. 27.

[12] The most cited example is the 1994 Lillehammer Winter Olympics, where the Olympic Truce resolution helped the Sudanese National Olympic Committee negotiate a ceasefire between the Sudan People's Liberation Army and the government army. Reid (2006), pp. 205–214.

[13] Park et al (2023), pp. 107–125.

[14] IOC (2022a), Condemnation of the breach of the Olympic Truce.

[15] IOC (2022b), EB urges all International Federations to relocate or cancel their sports events currently planned in Russia or Belarus; IOC (2022c), No participation of Russian and Belarusian athletes and officials. These positions were confirmed by the Declaration of the 11th Olympic Summit, 9 December 2022.

[16] The different positions of the Rapporteurs are available at https://www.ohchr.org/en/press-releases/2023/02/un-experts-commend-ioc-considering-admission-russian-and-belarusian-athletes (accessed April 24, 2024).

[17] While public authorities and national governments are recognised as playing an important role in several activities of the Olympic Movement, they are not explicitly mentioned as stakeholders in the Olympic Charter. In general, there is a fundamental disagreement on the scope of the *lex Olympica*, between those who see it as part of international sports law, including public authorities, and those who, on the other hand, interpret it as an essentially autonomous body of private law. On this debate see, *ex multis,* Latty (2011); Siekmann (2011).

Olympic Truce by structurally integrating sport into international law? What would be the consequences of inaction by public and sporting authorities in the wake of the Russian case?

In order to answer these questions, this article examines the implications and potential legal consequences of the Russian case for the Olympic Truce. Starting with an analysis of the basic objective element of a truce, i.e. the commitment to cease violence from a specific point in time, the study puts forward the idea that there may be an emerging *opinio iuris* that should necessarily be implemented (Part 2). Such an idea, which essentially suggests the establishment of a conditional participation regime for the Games, is supported by a reference to the principles that would require action by sporting authorities in alignment with the UNGA's positions and the implications of the Russian case (Part 3). In the light of the chaotic scenario triggered by the Russian case (Part 4), the scope of the Olympic Truce is finally investigated (Part 5).

The aim is to indicate the limits and perspectives the Olympic Truce faces in light of recent events, as well as the extent to which reform of current UN/IOC practice is urgently needed to guarantee its effectiveness, the universality of sport, and its coherent integration into international law (Part. 6).

## 2 The commitment to stop violence: an arising *opinio iuris* to be implemented

The basic objective element of a truce is the commitment by at least one conflict party to stop violence from a specific point in time. This is the common element of all agreements that in practice are associated with the notion of truce, such as 'ceasefire', 'cessation of hostilities', 'armistices', 'windows of silence', and 'humanitarian pauses'.[18] The current legal status of the Olympic Truce should be thus verified in light of the actual commitment to cease violence made by the various participants in the Games. It is evident that the extent and nature of this commitment, and how it is perceived at the international level, enables the legal framing of the current UN/IOC practice. Furthermore, it allows for the identification of the fundamental elements required for the Olympic Truce to be regarded as a *rule* rather than a political message. Additionally, it facilitates the clarification of the specific type of truce that should be assumed.

The truces mentioned above, indeed, are generally divided into three categories: cessation of hostilities, temporary ceasefires and permanent ceasefires. Cessation of hostilities would entail informal agreements to suspend fighting without provisions for monitoring compliance. In contrast, preliminary ceasefires are formal agreements that include specific compliance provisions and provide for monitoring and/or verification of the agreement. Finally, definitive ceasefires are formal truces that include compliance mechanisms and may also include provisions for the disarmament and demobilisation of the parties to the conflict. The last two categories, preliminary and definitive ceasefire, would be linked to a formal peace process and their aim would be to end an armed conflict, not just to suspend fighting.[19]

In theory, there are no inherent obstacles to the incorporation of the UN/IOC co-operation into the formal framework of a peace process. Nevertheless, in the absence of cases supporting such a development, it can be argued that the Olympic Truce would simply be a case of cessation of hostilities. Indeed, as noted in the quote at the beginning of this discussion, it would essentially be intended *to provide a pause, to initiate a dialogue, and* to offer *a window* of opportunity *to provide relief for suffering populations*. The truce would only cover the *cessation of hostilities* from the seven days before the opening of the Olympic Games until seven days after the closing of the Paralympic Games.[20]

It is important to note, however, that the intention to establish a cessation of hostilities does not correspond to the formal establishment of such a regime. The current Olympic Truce practice lacks of the requirement of a clear commitment to stop violence from a particular point. As in part emerged in the previous discussion, it formally consists of a resolution by the UNGA and a unilateral appeal by the IOC. No specific declaration by the *belligerent parties* is required, and there is no specific indication in the documents of the Olympic movement that clearly states that governments sending their national delegations must cease hostilities. By contrast, the establishment of a cessation of hostilities or a ceasefire require a declaration, whether verbal or in writing, from the relevant actors indicating their commitment to suspend violence. Such declarations may vary considerably in their formality and complexity, ranging from informal understandings to highly structured formal documents.[21] In any case, these clear statements are regarded as fundamental elements in distinguishing the different types of truces and ceasefires from looser commitments to reduce or stop violence at some point in the future, or less intentional breaks in the fighting.[22] It could therefore be observed that today the Olympic Truce is not formally a truce under international law.

[18] See, *ex multis*: Bailey (1977), pp. 461–473; Bara et al (2021), pp. 329–340.

[19] Clayton et al. (2023), pp. 1430–1451.

[20] The temporal element is constant since the first Olympic Truce resolution (UNGA, n 8, point 2).

[21] Bell (2006), pp. 373–412; Milton-Edwards (2017), pp. 212–235.

[22] In addition to the bibliography mentioned in the previous note, see: Clayton et al (2021), pp. 341–365.

By assuming that there is no clear commitment to respect the Olympic Truce, which *de facto* and *de iure* cannot be considered a truce under international law, it can also be argued that starting a war or continuing hostilities during the seven days before the opening of the Olympic Games until seven days after the closing of the Paralympic Games does not constitute a violation of any *hard* rules or commitments. It could then be deemed that the exclusion of the Russian and Belarusian delegations was unfounded and unjustified in the light of international law and the *lex Olympica.*

At the same time, it can be suggested that the position of the sports movement against the Russian aggression in Ukraine has introduced a precedent that may be able to innovate international law and *lex Olympica*. As known, precedents play a crucial role in the formation of *opinio iuris* by establishing patterns of behaviour, demonstrating acceptance of legal norms, guiding future conduct, influencing judicial decisions and reflecting *consensus*.[23] In this perspective, it could be noted that, in case of a violation of the Olympic Truce, States participating in the Olympic Games should expect a similar reaction from the IOC; the Russian case would be a legitimate basis for demanding similar sanctions against Countries that do not cease hostilities and do not allow humanitarian pauses during the Olympic Games. The sanctions adopted by the Sports Governing Bodies (SGBs) against Russia would reflect, and at the same time reinforce, the emerging belief among States that the Olympic Truce is not just a symbolic message and a ceremonial practice, but a legal obligation motivated by international law and norms.

It would potentially be a case of emerging *opinio iuris*, which refers to situations where there is a growing belief that a particular norm or principle is required by international law, there are indications that States *aspire* or *tend* to treat the norm as legally binding, but the norm in question is not yet fully established and its application is inconsistent and sporadic because the practice is still developing.[24] In this perspective, an initial sense of obligation, which is not yet universally or predominantly held, and a practical recognition, which is not yet fully crystallised, could legitimately be deduced from the Russian case. The idea of the Olympic Truce as a legal or quasi-legal norm that should be respected is suggested by the Olympic Truce resolutions passed by the UNGA, where Member States are called upon to uphold the Truce.[25] Furthermore, the role that the UN has traditionally and emphatically attributed to sport in the promotion of peace since the first Olympic Truce resolution would also support a general recognition of the Olympic Truce as a matter of legal significance.[26]

This emerging *opinio iuris*, understood as a precursor to and not merely a reflection of international practice, should necessarily be reinforced by diplomatic declarations, international resolutions, judicial decisions or treaty references in order to fit into a traditional *opinio iuris*.[27] It should be backed up by similar sanctions against States that violate the Olympic Truce, and the SGBs should envisage it as a legal norm to be respected. The potential for the Olympic Truce to be regarded as an emerging rule, rather than a mere symbolic message and a ceremonial practice, is clearly contingent upon the Russian case not remaining an isolated case. By contrast, this would constitute an *exception* rather than a *rule*. Countries sending delegations to international competitions should be required to make a formal commitment to cease all hostilities in conflicts in which they are involved during the Games. Alternatively, the IOC could clearly state that participation in the Games is conditional on observance of the Olympic Truce, so that the commitment to a temporary cessation of violence could be considered as implicit. This kind of implementation would be consistent with, and in part required by, *lex Olympica* and international law, as the following discussion will illustrate.

## 3 The conditional participation regime: a positive obligation for Sports Governing Bodies

The implementation of a conditional participation regime, linked to the observance of the Olympic Truce, could be supported by some fundamental principles. Namely, it could be argued that the UNGA's positions and the Russian case would be indications of *lex ferenda* (what the law should be); and that a positive action by the sporting authorities, based on the general obligation of co-operation, the promotion of peace enshrined in the Olympic Charter, the principle of the neutrality of sport and, finally, the principle of legality, should be required in order to complement the fragile and lacking *lex lata* (the law as it is) on the Olympic Truce.

The general obligation of co-operation, as known, underlies the relations between sporting and public authorities. This obligation is enshrined in the International Charter for Physical Education, Physical Activity and Sport (ICPEPA), which was adopted by the United Nations Educational,

[23] See, *ex multis*, Cohen (2015), pp. 172–194.

[24] On the traditional elements of an emerging *opinio iuris* see, for example: Beham (2019), p. 49.

[25] Masumoto (2012), pp. 1263–1280.

[26] This important and strategic role that sport could play in promoting peace is a constant in all UN resolutions on sport. On this point, see, *ex multis*, the resolution that granted observer status to the IOC at the UNGA (UNGA 2014). See also the UNESCO Kazan Action Plan (2017).

[27] Dahlman (2012), p. 327; Beham (2019), p. 49.

Scientific and Cultural Organisation (UNESCO),[28] as well as in the European Sport Charter (ESPC).[29] Furthermore, it is also explicitly recognised in the Basic Universal Principles of Good Governance of the Olympic and Sports Movement (BUP),[30] which are binding on all Olympic constituents.[31] Accordingly, the IOC would therefore be duty-bound to consider the recommendations put forth by the UNGA, which has consistently advocated for the effective implementation of the Olympic Truce and underscored the pivotal role of the IOC in this regard.[32] Indeed, since the granting of observer status to the UNGA,[33] the IOC has largely been regarded as the *legitimate legislator* of international sport.[34]

In the light of this general obligation, the IOC should give due consideration to the concrete possibilities for the effective implementation of the UNGA resolutions, in line with its fundamental objective of promoting peace through sport, while utilising the unique convening power and global reach of the Olympic Games. Indeed, the tenet that the Games are a *celebration of peace* is fundamental to the Olympic Charter, which is the primary source of the *lex Olympica*, as is well known;[35] the promotion of peace is a *constitutional* goal of Olympism;[36] the 'philosophy of Olympism',[37] which is traditionally associated with humanism,[38] is often situated within the 'idealist internationalisms'[39] and in the realm of peaceful internationalism.[40] The Olympic Movement would be required not only to organise sporting events, but also to concretely promote peaceful relations between nations. Consequently, national governments and peace-seeking activities, such as armed conflicts, would fall *de facto* and *de jure* within the scope of the *lex Olympica*.

In this perspective, it could be assumed that there is a positive obligation on SGBs to promote peace, and that the establishment of a conditional participation regime represents an implementation of this general obligation. By requiring a formal statement on the Olympic Truce, or an implicit commitment to stop violence during the Games, the IOC would give concrete expression to the role of sport as a mechanism for peace-building and conflict resolution, which, as highlighted above, has traditionally been emphasised by the UNGA. It would be consolidated the fundamental tenet that the Games are a *celebration of peace* by adding the idea that it *is not possible to celebrate peace by making war*.

It should be noted that such an implementation of the Russian case precedent would clearly bolster the legal nexus between the sports realm and international law. By publicly committing to the Olympic Truce, States would be subject to legal scrutiny and possible enforcement measures in the event of non-compliance. It would establish a legal obligation that would serve as a deterrent to potential violations of the Olympic Truce. Co-operation between the UN and the IOC would be partly integrated into the formal framework of the humanitarian law, by facilitating humanitarian access and strengthening multilateral co-operation. From this standpoint, the analogy with other legitimate international humanitarian organisations, such as the Red Cross, used to describe the legal status of the IOC[41] and strongly criticised for the political behaviour of this organisation,[42] would be strengthened by finally finding practical and legal anchoring.

This integration of the *lex Olympica* into international law, suggested by the UNGA resolutions and the fundamental objectives of the Olympism, could be also regarded as a condition for the respect of the fundamental principle of the political neutrality, enshrined in the IOC Code of Ethics together with the 'principle of the universality'.[43] As Næss observes, the concept of neutrality, in its traditional meaning, is not (and cannot be) applicable in sport; political neutrality in sport would be a real 'myth', and in practice ISFs and politics cannot be separated.[44] It would be a 'relative neutrality'[45] which, in my opinion, could be interpreted in the light of the traditional canons of international law: the prohibition of taking part in a *conflict* and the maintenance

[28] UNESCO (2015), International Charter of Physical Education, Physical Activity and Sport, Preamble, point 11.

[29] Council of Europe (2021), Revised European Sports Charter, Article 10. On the general obligation of co-operation see, *ex multis*, Di Marco (2023), pp. 33–51.

[30] IOC (2008), Basic Universal Principles of Good Governance of the Olympic and Sports Movement (BUP), Principle 7, Harmonious relations with governments while preserving autonomy, point 7.1, p. 12.

[31] IOC (2024), Code of Ethics, Point D, Good Governance and resources, Article 11.

[32] See, for instance, UNGA (2023), Building a peaceful and better world through sport and the Olympic ideal, recital 10 and para 2.

[33] UNGA (n 26).

[34] Silence (1971), pp. 586–596; Bousfield and Montsion (2012), pp. 823–838.

[35] James and Osbon (n 11), p. 27.

[36] IOC (2023a), Olympic Charter, Fundamental Principles of Olympism, point 2.

[37] The Fundamental Principles of Olympism state that 'Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind' (IOC, n 36, 11, point 1).

[38] Boulogne (1999), p. 37; MacAloon (1996), p. 136.

[39] Hoberman (1995), p. 1; Parry (1994), p. 181; Chatziefsstathiou and Henry (2012).

[40] Martínková (2012), pp. 788–797.

[41] O'Neill (1987), p. 403; Ettinger (1992), p. 102.

[42] Hoberman (2011), pp. 17–29. The author posits that the SGBs would have undermined the fundamental claim to be a peace-making by reducing global sport to a form of show business internationalism.

[43] IOC (n 36), Fundamental principles, Article 1.2.

[44] Næss (2018), p. 144.

[45] Di Marco (2021), pp. 620–640.

of an attitude of impartiality towards *warring parties*.[46] By establishing an equal rule for all, i.e. the cessation of hostilities during the Games, the IOC would maintain an attitude of impartiality towards the *warring parties*. At the same time, it would 'enable people otherwise known as enemies to become friends',[47] acting as a vehicle for universal values without being drawn into political disputes, as the principle of universality suggests.[48]

It could be finally argued that to establish a one-size-fits-all rule would be a prior condition for respecting the principle of legality, which is one of the general principles included in *lex sportiva*[49] that should influence the IOC's action in creating of the *lex Olympica*.[50] As Lindholm has underlined, the principle of legality in sports would include not only the *thin* understanding of legality, such as the requirements of a formal legal basis for actions and non-retroactivity, but also a *thick* 'understanding that demands that the governed are actually able to understand, predict and direct their actions based on the rules'.[51] It could thus be contended that the principle of legality is the main legal basis that requires clarification of the Olympic Truce regime, by filling the current legal *vacuum*. This should be carried out in accordance with the other aforementioned principles; and such an operation of clarification appears to be both necessary and urgent in view of the chaotic scenario that has been unleashed by Russia's condemnation for violating the Olympic Truce.

## 4 The consequences of the Olympic Truce violation: a chaotic scenario

The condemnation of Ukraine's aggression and the IOC's recommendations for sanctions were immediately followed by concrete actions by the ISFs. These included the relocation of events from Russia and Belarus, the suspension of Russian and Belarussian member federations, the suspension of sponsorship contracts, the withdrawal of honorary memberships of Russian individuals, fundraising initiatives for Ukraine, and the suspension of Russian and Belarussian individuals from ISFs' leadership positions.[52] However, the application of these sanctions varied throughout the course of the war, with the specific measures taken differing contingent on the circumstances and, arguably, on the motivations underlying the actions of the various ISFs.

Following the position of the IOC, for example, FIFA has taken the decision to exclude the Russian national team from qualifying for the 2022 World Cup in Qatar. Similarly, the *Union des Associations Européennes de Football* (UEFA) has chosen to exclude Russian clubs from European competitions. Furthermore, Russian and Belarusian Paralympic athletes have been unable to participate in the 2022 Beijing Paralympics, while Russian tennis players have been unable to compete in Wimbledon 2022.[53] While initially proposing the unconditional exclusion of Russian and Belarusian athletes, the IOC subsequently recommended to readmit neutral athletes (those who do not actively support the war) as individual (without flag, anthem, etc.) in January 2023,[54] adding in March 2023 significant additional conditions.[55] Some ISFs (e.g., United World Wrestling, International Table Tennis Federation, *Union Internationale de Pentathlon Moderne*) followed the recommendation of the IOC to lift the ban on Russian and Belarusian athletes and to allow individual athletes to compete as neutral athletes. Other ISFs, such as the World Athletics and the *Fédération Equestre Internationale*, did not adopt the *revised* IOC's approach and maintained the total exclusion of Russian and Belarusian athletes. At the same time, a third group of ISFs, as the International Boxing Association and the International Tennis Federation, continued to allow Russian and Belarusian athletes to

[46] Di Marco (2022).

[47] On this interpretation of the sport's political neutrality see Petrov (1984), p. 121. For further insight on this topic, in addition to the authors mentioned in the previous notes, please refer to the following recent contributions: Bordoloi (2024) and Schubert (2024).

[48] On the principle of universality, and on the attitude of the sporting organisations to represent themselves as 'Great Universals', vehicles for universal values higher and more general than those represented by other international organizations or States see, for instance, Allison and Tomlinson (2017).

[49] On the principle of the legality in the *lex sportiva* see: Lindholm (2024), pp. 41–68; Vieweg and Staschik (2015), p. 26.

[50] Although there is no unanimous consensus on the definition of the *lex sportiva*, it can be considered as a general category that includes the rules created by the IOC and the ISFs and, in this sense, also the *lex Olympica.* On the definition of the *lex sportiva* see, *ex multis*: Foster (2003); Beloff (2005), p. 49; Röthel (2007), p. 755; Latty (2007); Casini (2010); Duval (2013), p. 822; van Kleef (2014), p. 24; Fach Gómez (2015), pp. 112–139.

[51] Lindholm (n 49) 41.

[52] Krieger et al (2023), pp. 1–24.

[53] For an overview of sporting sanctions imposed by the various ISFs see, *ex multis*: Kobierecka and Marcin Kobierecki (2023), pp. 1321–1345.

[54] IOC (2023b), Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these Countries.

[55] In was essentially envisaged that athletes contracted to the Russian or Belarusian military or national security agencies should be excluded. See IOC (2023c), the participation of athletes with a Russian or Belarusian passport in international competitions.

compete after the start of the war.[56] In a situation of legal *vacuum* and uncertainty, the political conditions and the considerations of expediency have indeed led to inconsistent treatment of otherwise very similar situations.

The chaotic scenario described above could therefore seriously jeopardise the coherence of the neutrality policy and, more generally, the universality of the transnational sports legal order. As known, *coherence* is generally indicated as 'the absence of contradictions',[57] a situation where there is a 'symmetry within all of the components of a given legal system'.[58] As argued by some authors, the presence of contradictions and asymmetries would lead to the adoption of acts that would violate the 'integrity'[59] and the 'single vision of justice'[60] of the legal system in question.[61]

This apparent *chaos* could be explained, at least in part, by the fact that ISFs acted with different motivations, some of which were not directly related to the mere violation of the Olympic Truce or a proactive response to the violation of the *lex Olympica.* Some SGBs' actions are explicitly taken in support of Ukraine, and the 'suspensions are intended to serve as sanctions on Russia and Belarus, complementary and similar in kind to those implemented by States and international organizations'.[62] These sporting sanctions are partly linked to the global response to the military conflict, ranging from European (and world) governments to international and regional organisations (e.g. the Council of Europe, the European Union, the UNGA). They would reflect a general condemnation of the war and specifically aim to sanction the use of sporting events by the Russian Federation, which has systematically developed and pursued state political agendas, in particular to support its soft power strategy.[63] In other cases, in addition to the initial reference to the violation of the Olympic Truce and the possible propagandistic use of sport by the Russian authorities, the main reasons given were related to security issues.[64] In the case of UEFA, for example, the suspension decision on Russian clubs was adopted on the same day as the IOC resolution regarding the Russian invasion as a blatant violation of the Olympic Truce and in accordance with that resolution.[65] However, in the context of the Russian teams' allegations against this decision, UEFA's actions were only justified and assessed in the light of the need to ensure the viability, integrity and safety of competitions and to protect the interests of European football stakeholders.[66] Similarly, FIFA's decision to suspend the Russian national teams, which was taken on the same day as the UEFA' decision and in accordance with the aforementioned IOC's resolution, was justified and assessed in the light of the grounds of *force majeure*[67] and the statutory objective of providing 'safe, secure and orderly international football events for the rest of the world'.[68]

The IOC's stance on Russia's violation of the Olympic Truce triggered a series of otherwise justified sporting sanctions. The motivations behind the decisions under comment appear to be indiscriminately mixed, which makes it challenging to ascertain the *ratio* of the SGBs' decision and the underlying cause-and-effect relationships. This has *de facto* determined a lack of clarity and transparency, which can erode the accountability of the SGBs and, in turn, undermine co-operation within the sport movement and the authority of sport.

It could be deemed that there was a *clash of motivations*, where the general condemnation of war and security issues tend to hinder the main purpose of the Olympic Truce. Indeed, the former are linked to the reaction of public opinion and the international community; this is, for example, a fundamental criterion considered in the FIFA case for assessing the measures against Russian teams and athletes. By taking into account the Russian state's annexation of Crimea or the activities of the Assad regime in Syria, both recent examples of military conflict, the Panel concluded that these cases 'have not, for better or for worse, elicited the same global reaction from governments, non-governmental organisations, international bodies or the wider public (whether or not in the view of some people or entities, it should have)'.[69] The Olympic Truce, on the other hand, is theoretically independent of the reaction of the public opinion and of the international and regional authorities; it could be pointed out that its application would be strictly *neutral* in relation to the public condemnation, since the existence of a war is actually the material condition for invoking a humanitarian pause. The Olympic Truce, which is intended to promote peace, is, in a sense, an acknowledgement of war as a reality, an inherent aspect of international relations. It explicitly calls for a temporary cessation of hostilities, thereby allowing the warring States to take a pause to reflect on the heavy costs of war, including those strongly

[56] Wiater (2023a, b), pp. 461–467.

[57] Mac Cormick (1994), p. 14.

[58] Dworkin (2013).

[59] Poiares Maduro (2012).

[60] Guest (2012), pp. 39–40.

[61] The doctrine relating to the principle of consistency is vast and it varies depending on the sector. In general terms see, for instance: See Steyn (1997), p. 444; Franklin (2011), pp. 42–85.

[62] Lindholm (2022), p. 2.

[63] Næss (2022).

[64] Wiater (n 56).

[65] For a reconstruction of the facts see the case *FC Zenit JSC & Ors v UEFA* (the UEFA Award) [2023], paras 13–30.

[66] Ibid., para 48, point C, let. *i)*.

[67] *Football Union of Russia v FIFA* (the FIFA Award) [2023], paras 120–126.

[68] Ibid., para 174.

[69] Ibid., para 160.

condemned by the international community, and to provide relief to suffering populations.

In this perspective, the condemnation of a war of aggression and the reaction to the violation of the Olympic Truce may coincide. This is exemplified by the Russian aggression against Ukraine, where the military action was taken during the Olympic Truce. Considering that the *lex Olympica* is a specific driver of transnational sports law,[70] it could also be assumed that the sanction for violating the Olympic Truce could lead to a general condemnation of a war of aggression by the ISFs. However, the underlying motivations remain different, as do the eventual conditions of application and the possible legal consequences; they would be distinct and theoretically autonomous cases. Therefore, in order to ensure the consistency of the *lex Olympica* and to clearly distinguish what is related to the violation of the Olympic Truce from what is justified on other legal grounds, the SGBs should define *prima facie* the scope of the commitment to stop violence.

## 5 Scope of the commitment to stop violence: *Ratione materiae* and *personae*

The scope of the commitment to stop violence should be defined in accordance with the principles of intentional law, and in particular international humanitarian law. The latter provides a structured, widely recognised and enforceable framework for the concept of ceasefire. Furthermore, the application of international humanitarian law principles would ensure a focus on humanitarian concerns and the protection of human rights during the truce period. It would essentially provide a practical and theoretical guidance for defining the types of violence and conflict activities it seeks to halt (*ratione materiae*), identifying the individuals and entities that should be sanctioned (*ratione materiae*), and eventually determining the duration of the sanction (*ratione temporis*).

In light of the above, it could be firstly argued that the commitment under analysis would theoretically cover all hostilities related to an armed conflict, which should be understood in its most comprehensive sense. There are no conventional international instruments that explicitly clarify what the notion of armed conflict covers;[71] however, as know, the International Criminal Tribunal for the former Yugoslavia (ICTY) considered that an armed conflict 'exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State'.[72] This extensive notion, which considers that any use of force can be characterised as an armed conflict, includes international and internal conflicts.[73]

The SGBs have also consistently referred to this notion of armed conflict when addressing the problems posed by the use of force by the governments of the National Sport Federations (NSFs) that are members of their ISFs. This is the case, for example, of UEFA decision that suspended all competition matches in Israel during the 2002 Israel-Palestine conflict, banned all matches between Ukrainian and Russian clubs and national teams in 2014 due to Russia's annexation of Crimea, and decided that UEFA club and national team competitions would not be held in Armenia or Azerbaijan in 2020 due to the tense security situation in the Nagorno-Karabakh region.[74]

On the basis of this extensive notion of armed conflict, it could then be assumed that the commitment to stop violence, required by the eventual implementation of the Olympic Truce as a ceasefire regime under international law, would concern all governments involved in the 100 or so current armed conflicts.[75] It thus follows that the participation of delegations from these States should be conditional on the formal establishment of a ceasefire, thereby creating a conducive environment for dialogue and providing a window of opportunity to bring relief to the suffering populations.

In the light of the idea put forward in the previous discussion that *it is not possible to celebrate peace by making war*, we could also deem that the obligation to respect the Olympic Truce, which entails the establishment of a ceasefire, should also be applied to governments suffering a war of aggression or where the enemy (state entity or armed group) does not accept a truce. As mentioned in the part concerning the objective element of a truce, it is indeed possible to declare a ceasefire unilaterally. In such cases, it might be assumed that only defensive operations are permitted on the basis of the inherent right of individual or collective self-defence enshrined in Article 51 of the UN Charter. In the event of a breach of the aforementioned provisions by a State during the Olympic Truce, it should be considered the immediate exclusion of its delegation from the Games.

National delegations and athletes within them represent the scope *ratione personae* of the Olympic Truce. This is a

[70] On the influence of the *lex Olympica* on the evolution of transnational sports law, in addition to the authors mentioned in the notes 10, 11 and 50, see also: James and Osborn (2016), p. 104.

[71] Bettati (2012), p. 2; Rousseau (2012) Avant-propos.

[72] *Dusko Tadic a/k/a "Dule"* [1995], para 70.

[73] In these terms, in addition to the authors mentioned in the note 71, see: Dinstein (2022).

[74] For an overview of cases in which SGBs have dealt with issues related to armed conflict, and how they have defined such situations, see, for example, the UEFA Award (n 65) para 47, point C, lett. l).

[75] For a list of the current armed conflicts see, for example, the website of the Academy of International humanitarian law and human rights (https://geneva-academy.ch/galleries/today-s-armed-conflicts, accessed July 1, 2024).

consequence of the fact that the Olympic Games are entirely structured around the concept of nationality, both ceremonially and substantially. Olympic athletes must be members of a National Olympic Committee (NOC), and in order to join a NOC, each athlete must be a national of the State to which the NOC is affiliated; moreover, they compete and ultimately win a medal in the name of the State and its NOC.[76] Games are meant to promote understanding between nations, making their natural competition an acceptable continuation of war by other means.[77] By providing an alternative to war, the Olympic Truce would help to channel national pride and competitive instincts into a constructive and non-violent arena, where the NOC would be an organisational emanation of the States and the athletes *de facto* national agents.

Although traditionally not formally considered as national agents, on the rare occasions when sport has been used as a sanction for decisions or actions by governments and public authorities, athletes have *de facto* been treated as such. They were essentially regarded as representatives of the State, and through them an attempt was made to sanction the public image of the government and to limit the traditional use of sport at the international level.[78] This would be the case, for example, of the ban of German athletes in 1948 for the Munich Games following the decision of the International Military Tribunal at Nuremberg in 1946;[79] the South African case, where national athletes have been banned from international competitions since the expulsion of this Country's NSFs from international sport by 20 ISFs, including the IOC and FIFA, because of the apartheid regime;[80] or the mentioned Yugoslav case, where the paragraph 8(b) of resolution 757 of the UN Security Council resulted in the expulsion of Yugoslav athletes from international competitions.[81]

As in part emerged in the previous discussion, the ban of athletes has largely been debated in the context of the Russian case. This kind of ban, which is essentially based on political considerations and the actions of public authorities, has typically been opposed by those who advocate for equality and non-discrimination, the right to participate in cultural life, which encompasses the practice of sport, and the right to work of athletes.[82] By recognising the athletes' rights as a legitimate objective to be protected, a balanced solution may be to admit athletes as neutrals, deprived of all ties to their NOC and symbolic links to their home Country. To the extent that the traditional use of sport by the State in international relations is *neutralised* (*rectius*: sanctioned), the indiscriminate exclusion of athletes solely on the basis of their nationality could be regarded as disproportionate and weakly justified. Such a solution is suggested by the Yugoslav case, where Yugoslav athletes were finally admitted to the Barcelona Olympics as individuals,[83] and by the IOC's position in the Russian case, where the initial unconditional exclusion of Russian and Belarusian athletes for violating the Olympic Truce was replaced by a proposal to readmit neutral athletes as individuals.[84]

It should be noted that the Russian invasion of Ukraine was not immediately followed by the exclusion of Russian NOC. This exclusion occurred on 12 October 2023 due to its unilateral decision to include, as its members, the regional sporting organisations which were under the authority of the Ukrainian NOC (namely Donetsk, Kherson, Luhansk and Zaporizhzhia).[85] Furthermore, while athletes have been banned from many ISFs, top officials from Russia and Belarus are largely exempt from sanctions.[86] If one assumes that the main purpose of sporting sanctions for violation of the Olympic Truce is to limit the traditional use of sport at the international level, and thus to affect the public image of the governments and public authorities that took the controversial decisions to use force during the Games, then the main recipients of sanctions should be the NOC and top officials, who are perceived as the main representatives of a State in the sporting arena and those with the most collusion with political power.

This would confirm the incoherence of the reactions of the SBGs and the urgency of clarifying the regime of the Olympic Truce, in terms of its scope *ratione materiae*, *personae* and also *temporis*. In view of the noble objective of bringing relief to the victims of war and opening windows of dialogue, it can be argued that any sanctions can only be temporary and must be suspended, including those related to the general condemnation of war, as soon as the possibility of accepting forms of ceasefire opens up.

[76] Worster (2024), p. 15.

[77] This is clearly a paraphrase of the famous aphorism of Carl Philipp Gottfried von Clausewitz 'war is the continuation of policy with other means'.

[78] Implication and role of sport in international relations is a topic issue, largely investigated. See, *ex multis,* Cronin and Mayall (1998); Lavermore, (2004); Næss (n 63) 144.

[79] Hughes and Owen (2009), pp. 443–474.

[80] Llewellyn (2015), p. 53; Næss (2017), p. 535.

[81] UN (n 5).

[82] In addition to the positions of the UN Special Rapporteurs on cultural rights mentioned in the introduction of this discussion (n 16), and to the authors cited at the notes 53 and 56, see Næss (2024), pp. 1–14. For an overview of the debate surrounding the protection of the right to participate in sport and the consideration of this interest in the decisions of sports authorities, see, for example Di Marco (2024).

[83] Spaaij (n 7) 761–74.

[84] IOC (n 54 and 55).

[85] IOC (2023d), IOC EB suspends Russian Olympic Committee with immediate effect.

[86] Krieger (n 52) 13.

## 6 Conclusions: navigating between Scylla and Charybdis

This contribution has pointed out that the Russian case suggests a clear need for clarification and implementation of the Olympic Truce regulation in order to ensure its effectiveness and the coherence of the transnational sports legal order. The analysis of the implications and potential legal consequences of the Russian case has shown that the UN/IOC practice under discussion could be regarded as a *rule*, a legal element of the *lex Olympica* capable of serving to integrate sport into international law. However, this *rule* should be promptly clarified and implemented, given that it has been controversially and inconsistently understood, applied and sanctioned.

The initial condemnation of the violation of the Olympic Truce was indiscriminately mixed with other motivations related to the public reaction to the Russian aggression or to the viability and safety of the sporting competitions. Today, however, it is not clear to what extent the current (and permanent) exclusion of the Russian and Belarusian delegations is motivated by the violation and non-respect of the Olympic Truce, which has led to the sanctions under comment, or whether it is based on political and security issues. Nor is it clear why none of the Countries involved in 100 or so armed conflicts around the world has received a similar reaction during the Paris 2024 Games, or why athletes and officials are treated differently within the different ISFs. Indeed, the analysis of the theoretical scope of the modern *ekecheira* shows that the commitment to stop violence would theoretically cover all hostilities related to an armed conflict as defined by international law, and other complementary and necessary conditions are not provided for; national delegations, sporting organisations and officials, regarded *de facto* as representatives of the State at the international level, should represent the scope *ratione personae*, and the position of the athletes should be balanced in the light of their human rights; the sanction should be temporary and must be suspended as soon as the possibility of accepting forms of ceasefire opens up.

The chaotic and confusing scenario unleashed by the condemnation of Russia for violating the Olympic Truce clearly struggles with the fundamental principle of legality that binds the IOC in creating the *lex Olympica*. In fact, States and sporting actors are not able to understand, predict and direct their actions on the basis of the rules: no specific declaration by the belligerent parties is required; there is no specific indication in the documents of the Olympic movement that clearly states that governments sending their national delegations must cease hostilities; as mentioned above, on the occasion of the Paris 2024 Games, none of the Countries involved in the 100 or so current armed conflicts were excluded, with the sole exception of the Russian and Belarusian delegations. It could then legitimately be argued that the Olympic Truce does not exist as a clear and effective *rule*, but rather as a symbolic message and a ceremonial practice with uncertain and controversial legal effects. The exclusion of the Russian and Belarusian delegations for violating of the Olympic Truce can therefore be considered as unfounded and unjustified in the light of the current *lex Olympica* and international law.

At the same time, it has been put forward the idea that the adoption of the position of the sports movement against the Russian aggression of Ukraine could be regarded as a precedent reflecting an emerging *opinio juris*. As known, precedents play a crucial role in creating a sense of obligation and a general recognition of the legal importance of the issue at hand, by establishing patterns of behaviour and guiding future conduct. In case of violation of the Olympic Truce, States participating in the Games should expect a similar reaction of the IOC; the Russian case would be a legitim base for requiring similar sanctioning measures for the Countries that during the Games do not cease hostilities and do not allow humanitarian pauses. The first historical sanction for the violation of the Olympic Truce would have engendered an initial sense of obligation, not yet universally or predominantly held, and a practical recognition, not yet fully crystallised, largely supported by the Olympic Truce resolutions passed by the UN.

It has also been assumed that this emerging *opinio iuris*, which is to be regarded as a precursor to and not merely a reflection of international practice, should be implemented by the SGBs in order to be integrated into a traditional *opinio iuris*. And this would be required by several legal bases and principles, such as that of the general obligation of co-operation with public authorities, political neutrality and universality, and more generally the fundamental objective of promoting peace that underlies the Olympic Charter.

The general obligation of co-operation, which is enshrined in international law and binding on all Olympic constituents, would require the SGBs to explicitly address the matter of the Olympic Truce as a rule, in light of the UNGA resolutions. Indeed, these have repeatedly recommended its effective implementation and underscored the role of the IOC in this regard on several occasions. The fundamental objective of the Olympic Games to promote peace would, in turn, define a general obligation to act, which would imply positive measures to strengthen the effectiveness and purpose of the Olympic Truce. The fundamental tenet that the Games are a *celebration of peace* should be coherently complemented by the idea that it *is not possible to celebrate peace by making war*. Furthermore, it has been pointed out that the political neutrality of sport, considered as a *relative neutrality* which impose the prohibition of participation in a conflict and the maintenance of an attitude of impartiality towards warring parties, would suggest to

establish an equal rule for all, i.e. the cessation of hostilities during the Games, which would not be linked to the global reaction of governments, non-governmental organisations, international bodies or the general public. And this one-size-fits-all rule should comply with the principle of legality by enabling States and sporting actors to understand, predict and direct their actions based on the rules.

The implementation of the Olympic Truce resolutions, as passed by the UNGA, on the basis of the aforementioned principles, would in part result in the integration of the IOC/UN practice under analysis into intentional law, and in particular into international humanitarian law. By requiring a formal commitment to cease all hostilities, explicit or implicit, from all countries sending their delegations to the Games, the Olympic Truce could finally be considered as a real form of ceasefire under international law, rather than a symbolic message and a ceremonial practice. In this perspective, co-operation between the UN and the IOC would facilitate humanitarian access and strengthen multilateral cooperation, and the action of the SGBs could legitimately be framed, with due distinction, into the legal context involving and coordinating other international humanitarian organisations, such as the Red Cross.

Furthermore, it has been posited that by publicly committing to the Olympic Truce, States would be subject to legal scrutiny and possible enforcement measures in the event of non-compliance. In principle, the use of force during the Games should be sanctioned for all States sending their delegations. Possible exceptions and mitigations could be envisaged, but the Olympic Truce shall establish a regime of conditional participation in specific political choices (temporary cessation of violence and establishment of a ceasefire), and these conditions must necessarily be applied uniformly and not arbitrarily. The Russian case must not remain isolated; on the contrary, as the previous discussion has underlined, it would be the *exception* rather than the *rule*. The reaction against Russia and the resulting sanctions, motivated by the violation of the Olympic Truce, could be considered legitimate to the extent that this precedent is in fact the *viaticum* for an evolution of the *lex Olympica* that confirms the decisions taken.

By adopting sanctions against Russia, the IOC would have taken a direction that would have placed it in an uncertain and dangerous position, leading to *tragic choices* that are symbolically evocative of those Ulysses had to make in the myth of Scylla and Charybdis. Establishing a conditional participation regime in the Games (Scylla) would mean developing fair and enforceable criteria, establishing monitoring mechanisms, dealing with the diplomatic backlash from Countries that might see these conditions as political interference, and losing the national delegations of Countries involved in armed conflicts and unwilling to declare a ceasefire. Conversely, inaction in the wake of the Russian case (Charybdis), by allowing all Countries involved in armed conflicts to participate without additional conditions (with the current exception of Russia and Belarus), may have significant ethical and reputational consequences. The IOC could be criticised for inconsistency and accused of bias or discrimination; the historical response to the violation of the Olympic Truce would be (and is) perceived as unfairly targeting certain nations.

As in the myth of Scylla and Charybdis, the SBGs face a dilemma that could prove fatal. If they *sail* too close to Scylla to avoid Charybdis, they risk losing *crew members*; as known, Scylla is depicted as a terrifying creature with multiple heads and a dozen canine legs, which is almost impossible to approach without losing crew members. Conversely, if they *sail* too close to Charybdis to avoid Scylla, they risk losing the entire ship; indeed, Charybdis is represented as a massive whirlpool, creating a powerful vortex that could provoke the complete destruction of the ship and the loss of everyone on board. In accordance with the advice given by Circe to Odysseus when he crossed the strait between these two monstrous dangers, the wisest option, as well as the one most suggested by the principles underlying the *lex sportiva*, is to approach Scylla, since it is better to lose a few sailors than the whole ship and crew. Failure to act now, persisting in the inertia that has characterised the Paris 2024 Games, risks seriously and irreparably to undermine the Olympic spirit of inclusion and unity, the universality of sport and the credibility of the IOC.

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## References

### Books and journal articles


Allison L, Tomlinson A (2017) Understanding International Sport Organisations. Principles, power and possibilities. Routledge, London

Bailey S (1977) Cease-fires, truces, and armistices in the practice of the UN Security Council. Am J Int Law 71:461–473

Bara C et al (2021) Understanding ceasefires. Int Peacekeep 28:329–340

Beham M (2019) State interest and the sources of International law: doctrine, morality, and non-treaty law. Routledge, London

Bell C (2006) Peace agreements: their nature and legal status. Am J Int Law 100:373–412

Beloff M (2005) Is there a *lex sportiva*? Int Sports Law Rev 3:49

Bettati M (2012) Droit humanitaire. Dalloz

Bordoloi A (2024) The neutrality paradox in sports – to rethink or rework?. Int Sports Law 24:1–15

Boulogne Y-P (1999) Olympism more than ever. Olymp Rev 16:37

Bousfield D, Montsion JM (2012) Transforming an International Organization: norm confusion and the International Olympic Committee. Sport Soc 15:823–838

Bromberg J (2022) Pax Olympica: the rhetoric and ideology of the Olympic Truce. In: Álvarez RF et al (eds) La paz: perspectivas antiguas sobre un tema actual. Universidad de los Andes, Bogotá, pp 267–296

Bromberg JA (2023) Peace through sport: from ancient sources to modern practice. Classica-Revista Brasileira De Estudos Clássicos 36:1–26

Casini L (2010) Il diritto globale dello sport. Giuffrè, Milan

Chatziefsstathiou D, Henry I (2012) Discourses of Olympism: from the Sorbonne 1894 to London 2012. Palgrave Macmillan, London

Clayton G et al (2021) Ceasefire success: a conceptual framework. Int Peacekeep 28:341–365

Clayton G et al (2023) Introducing the ETH/PRIO civil conflict ceasefire dataset. J Conflict Resolut 67:1430–1451

Cohen HG (2015) International precedent and the practice of international law. In: Helfand M (ed) Negotiating state and non-state law: the challenge of global and local legal pluralism. Cambridge University Press, Cambridge, pp 172–194

Cronin M and Mayall D (1998) Sporting nationalisms: identity, ethnicity, immigration and assimilation. Frank Cass, London

Dahlman C (2012) The function of *opinio juris* in customary international law. Nordic J Int Law 81:327–339

Di Marco A (2021) Athletes' freedom of expression: the relative political neutrality of sport. Hum Rights Law Rev 21:620–640

Di Marco A (2022) Neutrality of the olympic movement and freedom of expression: legal and practical dilemmas. VerfBlog, https://verfassungsblog.de/neutrality-of-the-olympic-movement-and-freedom-of-expression/. Accessed 4 July 2024

Di Marco A (2023) Sporting antinomies and systemic *aporia*: the duty to co-operate (and the right to be involved) of Sporting Organisations. Eunomia. Rivista di studi su pace e diritti umani, pp 33–51

Di Marco A (2024) Conceptualizing the right to sport: why should trivial participation in sport be regarded as a human right? In: Boillet VV, Weerts S, Ziegler AR (eds) Sports and human rights. Springer, Berlin, pp 313–345

Dinstein Y (2022) Concept of non-international armed conflict in international humanitarian law. Cambridge University Press, Cambridge

Duval A (2013) *Lex sportiva*: a playground for transnational law. Eur Law J 19:822

Dworkin R (2013) Taking rights seriously. A&C Black, London

Elliott M (2018) A "principle" of consistency? The doctrinal configuration of the law of judicial review. Camb Law J 77:444

Ettinger DJ (1992) The legal status of the International Olympic Committee. Pace Int Law Rev 4:97–121

Fach Gómez K (2015) Enforcing global law: international arbitration and informal regulatory instruments. J Legal Plur Unoff Law 47:112–139

Foster K (2003) Is there a global sports law? Entertain Law 2:1

Franklin C (2011) The burgeoning principle of consistency in EU law. Yearb Eur Law 30:42–85

Hoberman J (1995) Toward a theory of Olympic internationalism. J Sport Hist 22:1

Hoberman J (2011) The myth of sport as a peace-promoting political force. SAIS Rev Int Aff 31:17–29

Hozhabri K et al (2022) Sport for sustainable development: historical and theoretical approaches. Springer, Berlin, pp 87–96

Hughes G, Owen R (2009) The continuation of politics by other means: Britain, the two Germanys and the Olympic games, 1949–1972. Contemp Eur Hist 18:443–474

James M, Osborn G (2016) The Olympics, transnational law and legal transplants: The International Olympic Committee, Ambush marketing and ticket touting. Leg Stud 36:93–110

James M, Osborn G (2023) Olympic laws: culture, values, tensions. Routledge, London

Kobierecka A, Marcin Kobierecki M (2023) Enforced ostracism? Analysis of the International Sports Organizations' reactions to the 2022 Russian invasion of Ukraine. Int J Hist Sport 40:1321–1345

Krieger J et al (2023) International sport federations as forums to initiate soft power processes: the case of Russia. Asian J Sport Hist Cult 2:1–24

Latty F (2007) La *lex sportive*. Recherche sur le droit transnational. Brill, Leiden

Latty F (2011) Transnational sports. Int Sports Law J 11:34–38

Lavermore R (2004) Sport's role in constructing the inter-state worldview. In: Lavermore R, Budd A (eds) Sport and international relations. Routledge, London

Lindholm J (2022) How Russia's invasion of Ukraine shook sports' foundation. Int Sports Law J 22:2

Lindholm J (2024) Putting the lex into *lex sportiva*: the principle of legality in sports. In: Duval A et al (eds) The European roots of the *lex sportiva*: how Europe rules global sport. Bloomsbury Academic, London, pp 41–68

Llewellyn M (2015) Circumventing apartheid: racial politics and the issue of South Africa's Olympic participation at the 1984 Los Angeles games. Int J Hist Sport 32:53

Mac Cormick N (1994) Legal reasoning and legal theory. Clarendon Press, Oxford

MacAloon J (1996) On the structural origins of Olympic individuality. Res Q 67:136

Martínková I (2012) Pierre de Coubertin's vision of the role of sport in peaceful internationalism. Sport Soc 15:788–797

Masumoto N (2012) The legacy of the Olympic peace education of the 1964 Tokyo Olympic games in Japan. Int J Hist Sport 29:1263–1280

Mestre A (2009) The law of the Olympic games. TMC Asser Press, The Hague

Milton-Edwards B (2017) The 'warriors break': Hamas and the limits of ceasefire beyond tactical pause. Int Peacekeep 24:212–235

Næss HE (2017) Sandwiched between sport and politics: Fédération Internationale de l'Automobile, formula 1, and non-democratic regimes. Int J Hist Sport 34:535

Næss HE (2018) The neutrality myth: why international sporting associations and politics cannot be separated. J Philos Sport 45:144

Næss HE (2022) The neutrality paradox in sport: governance, politics and human rights after Ukraine. Springer Nature, Berlin

Næss HE (2024) Sport governing bodies and the prioritization of human rights: a conceptual analysis of the International Olympic Committee's (IOC) dispute with Russia. In: Sport, ethics and philosophy. pp 1–14

O'Neill BA (1987) International sports: have states succeeded athletes as the players. Dick J Int Law 6:403
Panagiotopoulos DP (2017) Sports law: *lex sportiva* & *lex Olympica*. Biblionet, Athens
Park K et al (2023) The effect of the United Nations resolution for Olympic Truce on peace based on functionalism. J Hum Sport Exerc 18:107–125
Parry J (1994) The moral and cultural dimensions of Olympism and their educational application. In: Georgiadis K (ed) International Olympic academy proceedings. International Olympic Academy, p 181
Petrov R (1984) Pierre De Coubertin and world peace. In: Ilmarinen M et al (eds) Sport and international understanding. Springer, Berlin, p 121
Poiares Maduro M (2012) Three claims of constitutional pluralism. In: Avbelj M, Komárek J (eds) Constitutional pluralism in the European Union and beyond. Bloomsbury Publishing, London
Reid H (2006) Olympic sport and its lessons for peace. J Philos Sport 33:205–214
Röthel A (2007) Lex mercatoria, lex sportiva, lex technica – private rechtsetzung jenseits des Nationalstaats?'. Juristen Zeitung 62:755
Rousseau C (2012) Le droit des conflits armés. Pedone, Paris
Schubert M (2024) Neutrality of the Olympic movement against recent developments in sport and geopolitics – need of reconceptualization. Int Sports Law J 24:1–19
Siekmann R (2011) What is sports law? *Lex sportiva* and lex ludica: a reassessment of content and terminology. Int Sports Law J 11:3–13
Silence L (1971) Les règles du Comité International Olympique et le droit. Revue Olympique 50–51:586–596
Skocpol T et al (1985) Bringing the state back in. Cambridge University Press, Cambridge
Spaaij R (2012) Olympic rings of peace? The Olympic movement, peacemaking and intercultural understanding. Sport Soc 15:761–774
Stephen Guest, Ronald Dworkin (1991) published by Stanford University Press in 1991
Steyn K (1997) Consistency – a principle of public law? Judic Rev 2:22
Syrigos A (2009) Olympic Truce: from myth to reality. In: Georgiadis K, Syrigos A (eds) Olympic Truce; sport as a platform for peace. The International Olympic Truce Centre, Athens, pp 21–5
Ubaidulloev Z (2018) Sport for peace: a new era of international cooperation and peace through sport. Asia-Pac Rev 25:104–126
van Kleef R (2014) The legal status of disciplinary regulations in sport. Int Sports Law J 14:24
Vieweg K, Staschik P (2015) The *lex sportiva*: the phenomenon and its meaning in the international sporting arena. In: Vieweg K (ed) *Lex sportiva*. Duncker & Humblot, Berlin, p 26
Wiater P (2023a) Chaos in the sporting world over Russia's war of aggression: political neutrality in light of human rights protection. Bus Hum Rights J 8:461–467
Wiater P (2023b) Peaceful and neutral games: the human rights perspective on Banning Russian and Belarusian athletes from international sports competitions. VerfBlog. https://verfassungsblog.de/peaceful-and-neutral-games. Accessed 27 June 2024
Worster WT (2024) Respecting the right to nationality in international sport. In: Boillet V et al (eds) Sports and human rights. Springer, Berlin, p 15
Young D (1984) The Olympic myth of Amateur Greek Athletics. Ares, Palos Heights

## Legislation

Council of Europe (2021) Revised European Sports Charter, 13 October 2021, CM/Rec(2021)5
Declaration of the 11th Olympic Summit, 9 December 2022. https://olympics.com/ioc/news/declaration-of-the-11th-olympic-summit. Accessed 4 July 2024
IOC (1992) Appeal for the Olympic Truce, 21 July. https://olympics.com/ioc/olympic-truce/resolutions. Accessed 11 July 2024
IOC (2008) Basic universal principles of good governance of the Olympic and sports movement, seminar on autonomy of Olympic and sport movement, 11–12 February
IOC (2022a) Condemnation of the breach of the Olympic Truce, 24 February. https://olympics.com/ioc/news/ioc-strongly-condemns-the-breach-of-the-olympic-truce. Accessed 4 July 2024
IOC (2022b) EB urges all International Federations to relocate or cancel their sports events currently planned in Russia or Belarus, 25 February. https://olympics.com/ioc/news/ioc-eb-urges-all-ifs-to-relocate-or-cancel-their-sports-events-currently-planned-in-russia-or-belarus. Accessed 4 July 2024
IOC (2022c) No participation of Russian and Belarusian athletes and officials, 28 February. https://olympics.com/athlete365/voice/ioc-eb-recommends-no-participation-of-russian-and-belarusian-athletes-and-officials/. Accessed 5 July 2024
IOC (2023a) Olympic charter, fundamental principles of Olympism
IOC (2023b) Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these Countries, 25 January. https://olympics.com/ioc/news/statement-on-solidarity-with-ukraine-sanctions-against-russia-and-belarus-and-the-status-of-athletes. Accessed 5 July 2024
IOC (2023c) The participation of athletes with a Russian or Belarusian passport in international competitions, 23 March. https://olympics.com/ioc/news/ioc-issues-recommendations-for-international-federations-and-international-sports-event-organisers. Accessed 5 July 2024
IOC (2023d) IOC EB suspends Russian Olympic Committee with immediate effect, 12 October. https://olympics.com/ioc/news/ioc-executive-board-suspends-russian-olympic-committee-with-immediate-effect. Accessed 9 July 2024
IOC (2024) Code of ethics
UNESCO (2015) International charter of physical education, physical activity and sport, 18 November 2015, SHS/2015/PI/H/14 REV, Preamble, point 11
UNESCO (2017) Kazan Action Plan, adopted on 15 July at the sixth international conference of ministers and senior officials responsible for physical education and sport, MINEPS VI
United Nations General Assembly (1993) Observance of the Olympic Truce, 2 November, A/RES/48/11
United Nations General Assembly (2014) Sport as a means to promote education, health, development and peace, 10 November, A/RES/69/6
United Nations General Assembly (2023) Building a peaceful and better world through sport and the Olympic ideal, 21 November 2023, A/RES/78/10
United Nations Secretary-General (2008) Message calling for observance of the Olympic Truce, 8 August. https://www.un.org/sg/en/content/sg/statement/2008-08-08/secretary-generals-message-for-observance-of-the-olympic-truce. Accessed 11 July 2024
United Nations, Security Council (1992), resolution 757, 30 May

## Case law

*Dusko Tadic a/k/a "Dule"* [1995] ITCY Case No. IT-94-1-T
*FC Zenit JSC & Ors v UEFA* (the UEFA Award) [2023] Court of arbitration of sport 2022/A/8865 to 8868
*Football Union of Russia v FIFA* (the FIFA Award) [2023] Court of arbitration of sport 2022/A/8708

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