

# \*No Contest:

FIFA's Ban on 'Recourse to Ordinary Courts'  
vs.  
the Individual Right to Remedy

Play the Game 2015  
Gigi Alford  
@gigialford

Master of International  
Human Rights Law  
Oxford University



Special Advisor  
Bureau of Democracy,  
Human Rights, and Labor  
U.S. Department of State

PostEverything

# The best American foreign policy action taken in 2015

The U.S. indictments of FIFA executives could do an awful lot to promote America's standing in the world.

A



39



By Daniel W. Drezner May 27

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Daniel W. Drezner is a professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University and a regular contributor to [PostEverything](#).



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## PtG2015 question



## My thoughts



\*Reform or revolution?

\*“Our legal action has ended. But I am hopeful that the players’ willingness to contest the unequal playing fields—and the tremendous public support we received during the effort—marks the start of even greater activism to ensure fair treatment when it comes to women's sports”

- Abby Wambach,  
2012 FIFA World Player of the Year



\* **Wambach et. al.**

**v**

**Canadian Soccer Association & FIFA**

\*Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.

\* **Human Rights Code, Section 8**

\* ‘Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law’



—Universal Declaration of Human Rights, Article 8



## General Provisions

- Article 1 - Name and headquarters
- Article 2 - Objectives
- Article 3 - Non-discrimination and stance against racism
- Article 4 - Promoting friendly relations



## Membership

- Article 10 - Admission
- Article 12 - Member's Rights
- Article 13 - Member's Obligations
- Article 17 - Independence of Members and their Bodies [non-interference clause]



## Organisation

- Article 20 - Confederations
- Article 21 - Bodies
- Article 26 - Adoption of and Amendments to the Statutes, [etc.]
- Article 61 - Judicial Bodies
- Article 65 - Disciplinary Measures



## Arbitration

- Article 66 - Court of Arbitration for Sport (CAS)
- Article 67 - Jurisdiction of CAS
- Article 68 - Obligation [mandatory private arbitration clause]

# \* FIFA Statutes





## Non-Interference Clause

- \* Each Member shall manage its affairs independently and with no influence from third parties.

- FIFA Statutes, Article 17.1  
(See also Article 13.1)

## Mandatory Private Arbitration Clause

- \* Instead of recourse to ordinary courts of law, provision shall be made for arbitration.

- FIFA Statutes, Article 68.3  
(See also Article 68.2)

\* **Autonomy and closed circuit arbitration**





# GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS



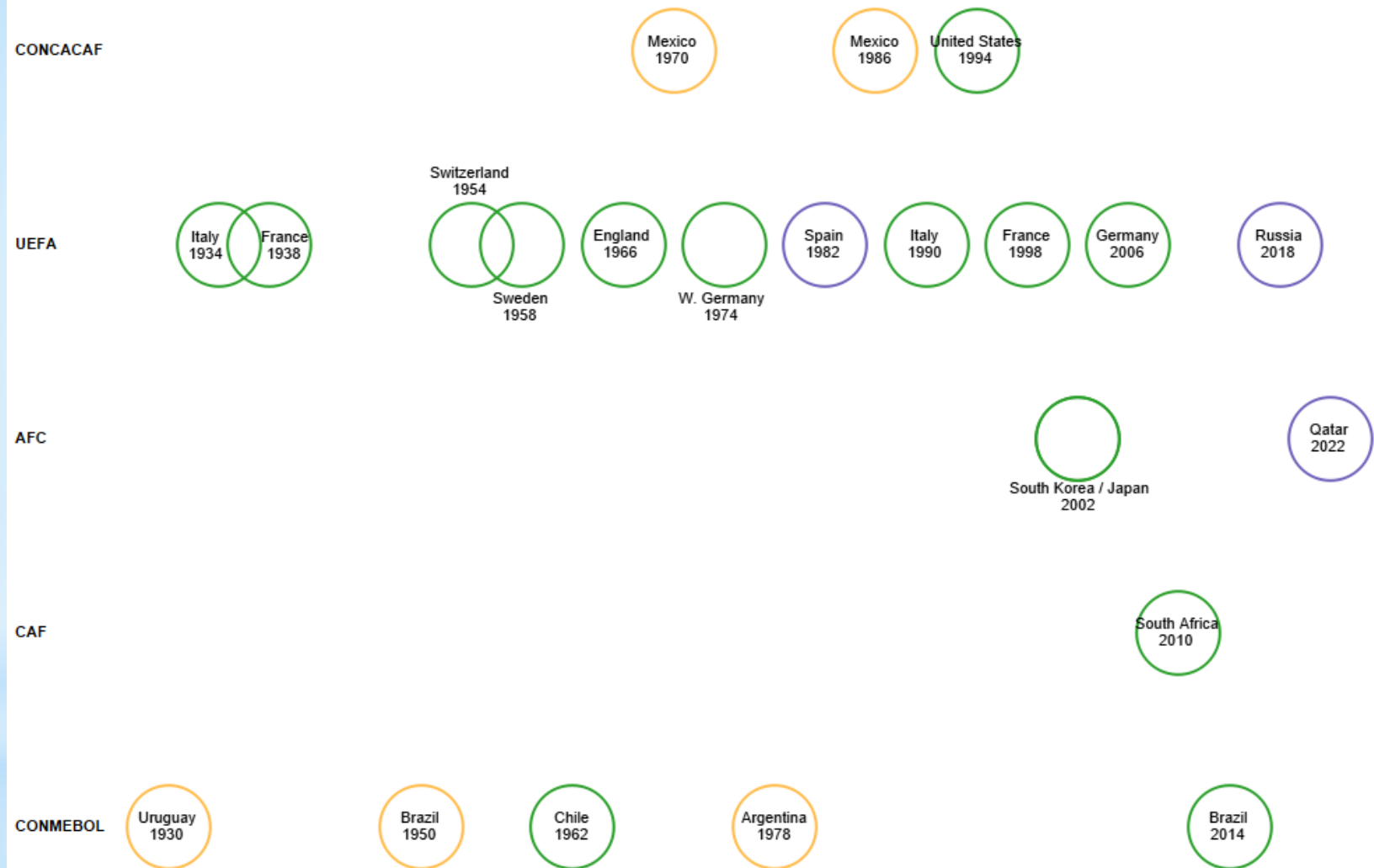
## The State of Freedom in World Cup Host Countries

Rankings from Freedom House's *Freedom in the World* based on the year each country was awarded the right to host the tournament.

■ Not Free

■ Partly Free

■ Free

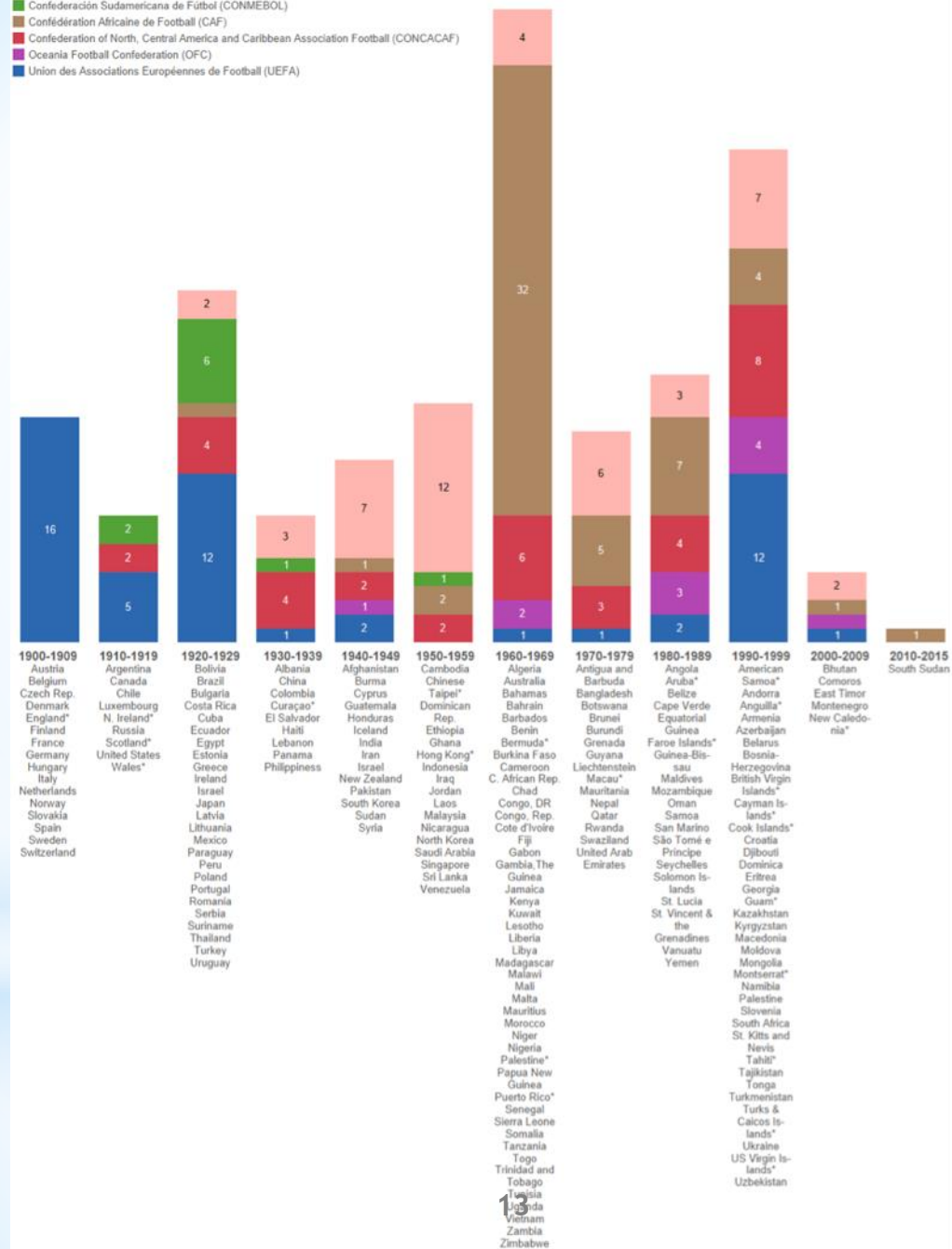


\* Rankings for World Cup hosts are based on the year the tournament was awarded to each country. For those awarded prior to 1972, rankings are based on 1972 figures (the year *Freedom in the World* rankings were first produced).

Sources: Freedom House (rankings); FIFA (World Cup hosts).

### FIFA Confederations

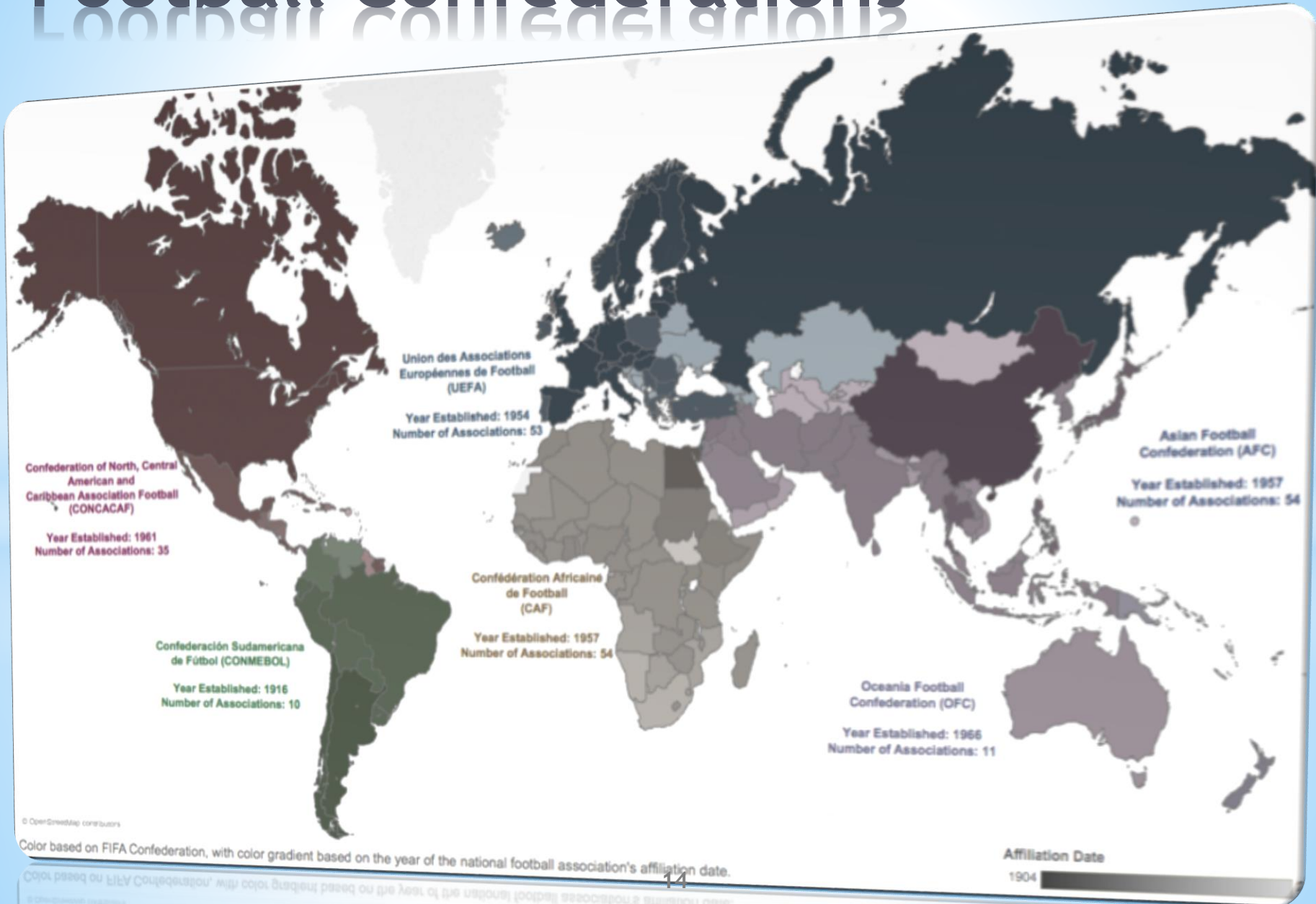
- Asian Football Confederation (AFC)
- Confederación Sudamericana de Fútbol (CONMEBOL)
- Confédération Africaine de Football (CAF)
- Confederation of North, Central America and Caribbean Association Football (CONCACAF)
- Oceania Football Confederation (OFC)
- Union des Associations Européennes de Football (UEFA)



\*FIFA Member Associations from dependencies and disputed territories.

Eight UN Member States do not have football associations affiliated with FIFA: ...

# \*Football Confederations



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Color based on FIFA Confederation, with color gradient based on the year of the national football association's affiliation date.

Affiliation Date



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Affiliation Date

