Sportswashing: International Sports and Human Rights

January 19, 2021
5:00 – 6:30 p.m.

CT Bar Association
Webinar

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LAWYERS’ PRINCIPLES OF PROFESSIONALISM

As a lawyer, I have dedicated myself to making our system of justice work fairly and efficiently for all. I am an officer of this Court and recognize the obligation I have to advance the rule of law and preserve and foster the integrity of the legal system. To this end, I commit myself not only to observe the Connecticut Rules of Professional Conduct, but also conduct myself in accordance with the following Principles of Professionalism when dealing with my clients, opposing parties, fellow counsel, self-represented parties, the Courts, and the general public.

Civility:

Civility and courtesy are the hallmarks of professionalism. As such,

- I will be courteous, polite, respectful, and civil, both in oral and in written communications;
- I will refrain from using litigation or any other legal procedure to harass an opposing party;
- I will not impute improper motives to my adversary unless clearly justified by the facts and essential to resolution of the issue;
- I will treat the representation of a client as the client’s transaction or dispute and not as a dispute with my adversary;
- I will respond to all communications timely and respectfully and allow my adversary a reasonable time to respond;
- I will avoid making groundless objections in the discovery process and work cooperatively to resolve those that are asserted with merit;
- I will agree to reasonable requests for extensions of time and for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
- I will try to consult with my adversary before scheduling depositions, meetings, or hearings, and I will cooperate with her when schedule changes are requested;
- When scheduled meetings, hearings, or depositions have to be canceled, I will notify my adversary and, if appropriate, the Court (or other tribunal) as early as possible and enlist their involvement in rescheduling; and
- I will not serve motions and pleadings at such time or in such manner as will unfairly limit the other party’s opportunity to respond.

Honesty:

Honesty and truthfulness are critical to the integrity of the legal profession – they are core values that must be observed at all times and they go hand in hand with my fiduciary duty. As such,

- I will not knowingly make untrue statements of fact or of law to my client, adversary or the Court;
- I will honor my word;
- I will not maintain or assist in maintaining any cause of action or advancing any position that is false or unlawful;
I will withdraw voluntarily claims, defenses, or arguments when it becomes apparent that they do not have merit or are superfluous;
I will not file frivolous motions or advance frivolous positions;
When engaged in a transaction, I will make sure all involved are aware of changes I make to documents and not conceal changes.

**Competency:**
Having the necessary ability, knowledge, and skill to effectively advise and advocate for a client’s interests is critical to the lawyer’s function in their community. As such,

- I will keep myself current in the areas in which I practice, and, will associate with, or refer my client to, counsel knowledgeable in another field of practice when necessary;
- I will maintain proficiency in those technological advances that are necessary for me to competently represent my clients;
- I will seek mentoring and guidance throughout my career in order to ensure that I act with diligence and competency.

**Responsibility:**
I recognize that my client’s interests and the administration of justice in general are best served when I work responsibly, effectively, and cooperatively with those with whom I interact. As such,

- Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court (or other tribunal) and my adversary of any likely problem;
- I will make every effort to agree with my adversary, as early as possible, on a voluntary exchange of information and on a plan for discovery;
- I will attempt to resolve, by agreement, my objections to matters contained in my opponent’s pleadings and discovery requests;
- I will be punctual in attending Court hearings, conferences, meetings, and depositions;
- I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests;
- In civil matters, I will stipulate to facts as to which there is no genuine dispute;
- I will refrain from causing unreasonable delays;
- Where consistent with my client’s interests, I will communicate with my adversary in an effort to avoid needless controversial litigation and to resolve litigation that has actually commenced;
- While I must consider my client’s decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.
Mentoring:
I owe a duty to the legal profession to counsel less experienced lawyers on the practice of the law and these Principles, and to seek mentoring myself. As such:

- I will exemplify through my behavior and teach through my words the importance of collegiality and ethical and civil behavior;
- I will emphasize the importance of providing clients with a high standard of representation through competency and the exercise of sound judgment;
- I will stress the role of our profession as a public service, to building and fostering the rule of law;
- I will welcome requests for guidance and advice.

Honor:
I recognize the honor of the legal profession and will always act in a manner consistent with the respect, courtesy, and weight that it deserves. As such,

- I will be guided by what is best for my client and the interests of justice, not what advances my own financial interests;
- I will be a vigorous and zealous advocate on behalf of my client, but I recognize that, as an officer of the Court, excessive zeal may be detrimental to the interests of a properly functioning system of justice;
- I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;
- I will, as a member of a self-regulating profession, report violations of the Rules of Professional Conduct as required by those rules;
- I will protect the image of the legal profession in my daily activities and in the ways I communicate with the public;
- I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance; and
- I will support and advocate for fair and equal treatment under the law for all persons, regardless of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, gender identity, gender expression or marital status, sexual orientation, or creed and will always conduct myself in such a way as to promote equality and justice for all.

Nothing in these Principles shall supersede, supplement, or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which a lawyer’s conduct might be judged, or become a basis for the imposition of any civil, criminal, or professional liability.
Sportswashing: International Sports and Human Rights (SSE210119)

Agenda

1. Introduction (Daniel Cooper) – 5 min
2. Human Rights and Sports in General (Judge Ridgway) – 15 min
3. Sportswashing as Concept and Popular Pushback, Recent Developments (Professor Chadwick) – 45 min
4. Q&A
SPORTSWASHING: INTERNATIONAL SPORTS AND HUMAN RIGHTS
JOINT SECTION MEETING: SPORTS & ENTERTAINMENT LAW, INTERNATIONAL LAW
January 19, 2021

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Hon. Delissa A. Ridgway, Senior Judge, U.S. Court of International Trade

The Honorable Delissa A. Ridgway is a judge on the U.S. Court of International Trade, an Article III federal trial court based in New York which has exclusive nationwide jurisdiction over actions involving the interpretation and application of U.S. customs and international trade laws.

Before taking the bench in 1998, Judge Ridgway served as Chair of the Foreign Claims Settlement Commission of the U.S., a three-member international tribunal charged with adjudicating claims of U.S. nationals against foreign sovereigns. FCSC accomplishments during her tenure included the Holocaust Survivors Claims Program, the Albanian Claims Program, and the completion of the Iran Claims Program. Before her 1994 appointment to the FCSC by President Clinton, Judge Ridgway was a member of the International Practice Group at Shaw Pittman (now Pillsbury Winthrop Shaw Pittman) in Washington, D.C.

Judge Ridgway has been an Adjunct Professor of Law on the international law faculties of Cornell Law School and American University’s Washington College of Law in Washington, D.C. In addition, she has served as a consultant to numerous government agencies, international organizations, and NGOs, advising and teaching judges, lawyers, law students, and members of the business community in countries around the world. She has extensive experience in the Middle East/North Africa region and the Gulf (including Afghanistan, Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Tunisia, the United Arab Emirates, and Yemen).

A longtime member of the American Law Institute, Judge Ridgway is also a Fellow of the American Bar Foundation, with a long history of leadership in the U.S. judiciary and in bar and community activities. A former Chair (2009-2010) of the ABA Judicial Division’s National Conference of Federal Trial Judges (“NCFTJ”) (the entity that represents the interests of all federal trial judges nationwide), she is now serving her fourth term on the Council of the ABA International Law Section, and is a past Co-Chair of a number of Section Committees, including the Middle East Committee, the Women’s Interest Network (“WIN”), the International Arbitration Committee, the International Judicial Affairs Committee, and the National Security Committee.

Highlighting her international human rights work in particular, in 2019 the ABA International Law Section presented Judge Ridgway with its World Order Under Law Award “in recognition of her sustained and outstanding service in the field of international law”; and last year, the Section honored her with the Mayre Rasmussen Award for the Advancement of Women in International Law. In 2003, she was named Distinguished Scholar-in-Residence by the University of Missouri. In addition, she was honored as Washington, D.C.’s “Woman Lawyer of The Year” for 2001, and was the 2000 recipient of the Earl W. Kintner Award – the national Federal Bar Association’s highest honor – for “outstanding achievement, distinguished leadership, and continuing participation” in bar activities nationwide.

Judge Ridgway’s numerous other honors include the D.C. Bar’s Frederick B. Abramson Award, conferred on her in 1996 “in recognition of extraordinary service to the profession,” as well as her 1997 recognition by the Federal Bar Association as one of four “Distinguished Women in International Law,” an honor that she shared with then-First Lady Hillary Clinton, U.S. Secretary of State Madeleine Albright, and Singleton McAllister, General Counsel of the U.S. Agency for International Development.
Simon Chadwick, Professor of Eurasian Sport Industry, Em Lyon Business School, Paris and Shanghai

Professor Simon Chadwick is a researcher, writer, academic, consultant and speaker with more than twenty-five years experience working across global sport. He has particular expertise working at the intersection of sport, business, politics and technology, specifically in a Eurasian context. Huffington Post identified him as being among the world's top-30 most important sports marketers; The Independent ranked him amongst its top-10 most influential business people on Twitter; and The Times described him as Britain's 'guru of sport management'.

Chadwick is Director of Eurasian Sport at emlyon, a global-top-50, triple accredited business school. He is also Professor of the Eurasian Sport Industry and Director of CESI - the Centre for Eurasian Sport. In addition, he co-founded and co-directs the China Soccer Observatory (University of Nottingham, UK).

He previously founded and directed the University of London's Birkbeck Sports Business Centre, and Coventry University's Centre for the International Business of Sport. In addition, he has worked at several of the world's most prestigious business schools, including IESE in Spain, Otto Beisheim in Germany, Tsinghua in China and COPPEAD in Brazil.

Simon has written countless articles, books and research reports for the likes of Sloan Management Review, the Wall Street Journal, The Economist, Mastercard, Newsweek, Reuters and Financial Times Prentice Hall. In addition, Simon has worked with some of the biggest names in sport, such as FC Barcelona, UEFA, Adidas, the Association of Tennis Professionals, Nielsen, European Clubs Association, Ping and Coca Cola.

Chadwick has supervised almost twenty PhD students to successful completion. In addition, he has internally and externally examined more than seventy PhD students. This includes at institutions in Australia, China, Denmark, Germany, Great Britain, Spain and the United States.

He is open to approaches from prospective PhD students who wish to undertake studies in any of the areas where he is currently active.
Sportswashing: International Sports and Human Rights

Connecticut Bar Association Sports & Entertainment Law Section and International Law Section

January 19, 2021
SPORTSWASHING: A DEFINITION

• There is no one definition of sportswashing, but below I will attempt to propose one...

• **Sportswashing** can be defined as the practice of certain countries with poor records on human rights and rule of law hosting sporting events, or acquiring well known sports teams or franchises abroad, as a way to improve their reputation in the international community.

• It is similar to **greenwashing**, which is also practiced by many of the countries accused of engaging in sportswashing

• The regimes that “sportswash” tend to be concentrated in the Middle East and East Asia, though not exclusively
Countries with both rule of law and human rights issues will tend to not only use sporting events to improve the image of the country but will also attempt to improve the image of the regime itself.

The hosting of sporting events or the acquisition of ownership of top clubs or franchises also has the effect of projecting “soft power” on both the world stage and for domestic consumption in these countries.

The highlighting of sportswashing has had the effect of preventing individuals affiliated with certain country regimes from entering the international sporting world, e.g., the recent scuttling of the purchase of Newcastle United F.C. in England.
Sportswashing, therefore, demonstrates the interplay between the conduct of sporting events and the governmental and non-governmental/inter-governmental push for countries to foster greater respect for human rights.
SUGGESTIONS FOR FURTHER READING

1. The geopolitical economy of sport: A new era in play (Simon Chadwick, Asia & The Pacific Society)
   The geopolitical economy of sport - Policy Forum

2. China: Repression Threatens Winter Olympics (Human Rights Watch)
   China: Repression Threatens Winter Olympics | Human Rights Watch (hrw.org)

3. Canadian Olympic Committee says boycotting Beijing Games would be ‘misguided’ (CTV News)
   Canadian Olympic Committee says boycotting Beijing Games would be 'misguided' | CTV News

4. Conservatives urge feds to consider boycotting Beijing Olympics over China tensions (City News Vancouver)
   Conservatives urge feds to consider boycot Beijing Olympics over China tensions (citynews1130.com)

5. Beijing is planning to host another Olympics. Clashes over human rights are back, too (Washington Post)
   Beijing Olympics face boycott calls over Chinese repression of Uighurs - The Washington Post

   Sportswashing: What is it and who practice it? (cnn.com)

7. Calls for Saudi Dakar Rally boycott while women’s right to drive activist in prison (The Guardian)
8. Saudi Arabia dismisses F1 ‘sportswashing’ criticism (Motorsport.com)
   Saudi Arabia dismisses F1 "sportswashing" criticism (motorsport.com)

9. Sportswashing: how Saudi Arabia lobbies the US’s largest sports bodies (The Guardian)
   Sportswashing: how Saudi Arabia lobbies the US's largest sports bodies | Sport | The Guardian

10. Human rights groups urge golf’s Ladies European Tour to reconsider Saudi tournament (Middle East Monitor)
    Human rights groups urge golf’s Ladies European Tour to reconsider Saudi tournament – Middle East Monitor

11. How Newcastle United and the Premier League landed in the middle of a toxic mix of moral, ethical, legal and governance issues (Simon Chadwick, The Independent)
    Newcastle takeover: How United and the Premier League landed in the middle of a toxic mix of moral, ethical, legal and governance issues | The Independent | The Independent

    Sport and human rights | Amnesty International UK

13. Sportswashing and the tangled web of Europe’s biggest clubs (The Guardian)
    Sportswashing and the tangled web of Europe's biggest clubs | Football | The Guardian

14. Why the Gulf states are betting on sport (Financial Times)
    Why the Gulf states are betting on sport | Financial Times (ft.com)

15. Abu Dhabi accused of ‘using Manchester City to launder image’ (The Guardian)
    Abu Dhabi accused of 'using Manchester City to launder image' | Football | The Guardian

    Amnesty: stop Azerbaijan from sportswashing ‘appalling human rights record’ (irishtimes.com)

17. Formula One boss rebuffs Lewis Hamilton over human rights criticism (Middle East Eye)
    Formula One boss rebuffs Lewis Hamilton over human rights criticism | Middle East Eye