

# Institutional Aspects of FIFA Governance and Its Impact on International Relations

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## Abstract

The focus of this article is to show FIFA's participation as an actor in international relations through its governance actions. FIFA is a transnational private entity that governs one of the most famous and lucrative sports: football. First, we intend to demonstrate that FIFA acts globally through its governance mechanism. Second, we try to understand its actions from a broader perspective of global governance and international power struggle among national states. After that, we explore the following dilemmas: 1) although FIFA's affiliates (the local football confederations) are also private entities, its teams are seen as official national representatives; 2) some non-sovereign nations have FIFA's recognition as members. Finally, we analyze some contradictions in FIFA's governance mechanism.

## Keywords

FIFA, International Governance, Transnational Entity, International Relations, Football, International Law

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## 1. Introduction

The focus of this article is to show FIFA's participation as an actor in international relations through its governance actions. FIFA is a prominent player in international relations due to its economic weight, the global dimension of the sport it represents, the passion that football arouses, and its form of governance that involves federations and confederations and counts on the participation of the States in its main events. Even though it is a private law entity and its members are also like that, the national teams represent their respective federations, and they are national symbols. The heads of state themselves legitimize this form of representation when they position themselves as supporters of national teams. Like many other international federations, FIFA is based in Switzerland and ab-

ides by the laws of that country.

This article presents the following structure: first, a brief history of the formation, creation, and attributions of FIFA. The next part is the methodological procedures. Then we introduce the legal issues of its performance, its governance, and the changes caused by the 2016 corruption scandals, aiming to rebuild the trust of partners and governments.

## 2. Brief History of FIFA, Political Formation, and Status of the Entity

### 2.1. A Brief History of FIFA

According to Paul Mitchell in “The first international football match,” in 2007, football spread worldwide between England and Scotland after the first initial game of national teams in 1872. Fearing that friendly games would lose their validity, it was proposed to create an entity that would regulate the 13 main rules of the sport in these games.

At first, with the creation of the *Football Association* (F.A.)<sup>1</sup>, the English Football Association in 1863, the need to create an entity that could base the rules and have governance of football sports issues was identified<sup>2</sup>.

However, the so-called Home Nations (creators of the game: England, Scotland, Wales, and Ireland) were against it. Firstly, they were against paying salaries to amateurs (Beck, 1999) as FIFA proposed. Secondly, they had just founded the International Board, which would have precisely this function of “regulating” the countries that practiced the sport.

There was also the fear that a new body would take away national football autonomy, especially of the Scottish and Welsh federations. Through the help of Baron Edouard de Laveleye and Lord Kinnaird, president of the FA, England would join FIFA, which would cause a break with other countries in the United Kingdom, complaining about the participation of English football as the United Kingdom. As a result, United at the Olympics went against the initial agreement with the International Board and the Home Nations Agreement (Hassan, 2012).

So that there was a more excellent organization in the growing number of games played internationally between teams and national teams from different countries, as well as the “little empathy” of the IOC to encourage the spread of the sport, the idea of creating an entity that could control the situation described (Rousseau, 2014).

FIFA’s initial statutes stated that<sup>3</sup>:

- Only National Associations represented would be recognized;
- Clubs and players could only play for two National Associations at the same time;

<sup>1</sup>English Football Federation.

<sup>2</sup>*The History of FIFA*. Available in: <https://www.fifa.com/about-fifa/who-we-are/history>. Acesso em: 02 Jun 2017.

<sup>3</sup>Same as the previous footer.

- All associations would recognize a player's suspension from any association;
- Matches should be played under the "Game Laws of Associação de Futebol Ltda.";
- Each National Association would pay an annual fee of 50 French francs;
- Only FIFA could organize international matches.

However, with the game spreading mainly through insular Europe and South America, in 1904, in a council at 229 Rue Saint Honoré in Paris, FIFA (International Federation of Associated Football or in the original, Fédération Internationale de Football) was created. The initial members were: Belgium, Denmark, France, Netherlands, Spain (Represented by Madrid Futebol Clube since there was no Spanish Federation), and Germany<sup>4</sup>.

In 1906, during the 3rd FIFA congress, in Bern, Switzerland, the English Association nominated and won the top position in the entity, urging the other British federations to join. Then, in 1908, in Vienna (LANFRACHI et al., 2004), the four British countries applied for the individual associations that would be known and accepted until today, the *Home Nations Agreement*.

FIFA's structural formation comprises three bodies representing the powers legislated in the entity, similar to the disposition of forces among the significant global democracies in a mutatis mutandis way (Faria, 2016). They are the Congress, the Council, and the General Assembly. The first is the place of legislative power, the second is the executive branch, and the last is the administrative branch. Finally, the judiciary branch is a more petite body, the Ethics Committee, related to transparency, ethics, disciplinary, and appeals processes. It is mainly in charge of judging athletes involved in doping and transfer issues, clubs that "entice" players, especially those under the age of 18, and associations that do not comply with FIFA's rights and duties.

FIFA is football's central legislative, judiciary, and executive body. Its stakeholders are mainly the confederations affiliated to the entity and represent each of the existing countries globally, including some not even recognized by more significant entities in international relations and politics and overseas territories.

We can realize the institution's complexity through its importance for football and its influences on politics, economy, and international relations. For instance, the World Cup, FIFAs main event, brings a unique worldwide movement.

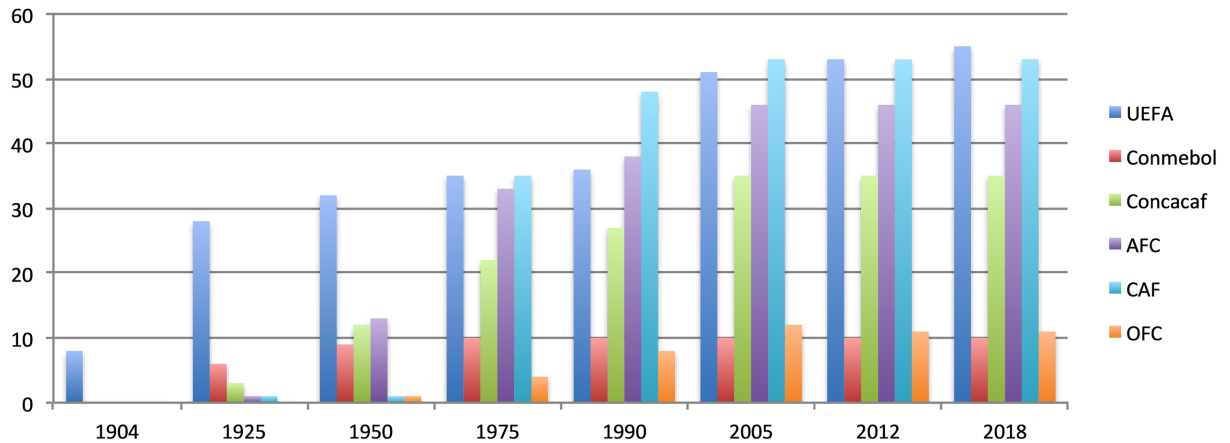
### 2.1.1. The Congress

The Congress is the supreme organ of FIFA within the entity's organizational hierarchy, exercises legislative power, and is responsible for drafting the entity's statute. All 211 affiliated associations make up the Congress and each of the six global confederations to which each is interconnected (Faria, 2016), as shown in **Figure 1**.

Within Congress, each Association has duties and rights that it must fulfill. They have obligations to comply with FIFA's final regulations and decisions and work in full collaboration with the entity when requested by it, mainly to avoid

<sup>4</sup>FIFA Organization.

	1904	1925	1950	1975	1990	2005	2012	2018
<b>UEFA</b>	8	28	32	35	35+1	51	53	55
<b>Conmebol</b>	0	6	9	10	10	10	10	10
<b>Concacaf</b>	0	3	12	22	27	35	35	35
<b>AFC</b>	0	1	13	33	37+1	46	46	46
<b>CAF</b>	0	1	1	35	48	53	53	53
<b>OFC</b>	0	0	1	4	8	12	11	11
<b>Total</b>	<b>8</b>	<b>39</b>	<b>68</b>	<b>139</b>	<b>167</b>	<b>207</b>	<b>209</b>	<b>211</b>



Source: FIFA (2021).

**Figure 1.** The evolution of the number of FIFA congress members by confederation.

the creation of independent leagues without the express consent of FIFA, which seeks to maintain the global monopoly on professional football. Furthermore, they must comply with its standards in the executive committee and concerning laws drafted in FIFA's judicial bodies or when requested by the TAS/CAS.

Memberships must also pay a \$1000 subscription to affiliates, and each one has to enforce the FIFA regulations on players, clubs, managers, and agents. In addition, they should prevent any external interference in National Football Association affairs. They have the following rights: participate in FIFAs Congress, vote in the Congress deliberations, nominate candidates for FIFA's presidency, and participate in any competition organized by the entity.<sup>5</sup>

To be entitled to vote, each Association must have internal governance, with auditing and compliance, and disclose the balance sheet and approval of budget accounts so that they are considered able to exercise their proper functions as national associations. They must also be exempt from any state intervention, correctly appointing the members of their executive bodies and having the right to nominate and vote in the election of the entity's president—as occurred in 2016.<sup>6</sup>

Gianni Infantino won the election in the Extraordinary FIFA Congress with

<sup>5</sup>We can find the complete list of FIFA's rights and duties within articles 12 and 20, respectively, of the statute.

<sup>6</sup>Eligible candidates must have at least five nominations by associations. The French Jérôme Champagne and the South African Tokyo Sexwale were also present. Other candidates did not get the five nominations from the member associations, becoming ineligible.

115 votes. Sheikh Salman bin Ibrahim al-Khalifa of Bahrain had 88 votes, and Prince Ali bin Hussein of Jordan had only four votes. The Extraordinary Congress also deliberated questions about the 2026 World Cup. Any Congress decision must have a three-quarters majority in the first instance or a majority in the second instance. If a member does not exercise his duties, the FIFAs statute recommends sanctions (Article 26).

### 2.1.2. The Council

Known until 2016 as the FIFA Executive Committee (Comex), the Council symbolizes the entity's executive body (Faria, 2016), composed of 34 members, subdivided into i) FIFA president; ii) six vice-presidents elected by the confederations and representatives of the associations; iii) another 34 members of the associations; and iv) a female representative within the entity, currently occupying the position of General Secretary.

The importance of advice is crucial for FIFA's daily follow-up. If Congress sets itself up as the main legislative body of the entity, the executive power takes form in the FIFA council.

It represents the core of all associations and confederations, as it is responsible for executing the entity's statute and the deliberations in which Congress cannot participate daily. Furthermore, together with the Ethics Committee, the Council is responsible for exercising the executive power of order to comply with the rules and punishment in case of disrespect. In short, Congress deliberates and votes, and the Council executes.

Within the Council's attributions are:

- 1) Player transfer regulations;
- 2) FIFA organization regulations
- 3) The code of ethics;
- 4) Electoral regulations of the FIFA President;
- 5) General electoral regulations;
- 6) Code of ethics;
- 7) Disciplinary code;
- 8) Regulation on intermediaries;
- 9) Regulation on the arbitration body;
- 10) Regulation for admission of new associations;
- 11) Collaboration agreement between FIFA and the States for holding competitions.<sup>7</sup>

The Council President has the prerogative of decisions approved by Congress and the General Secretariat. In addition, the Council President works with the associations and confederations and the members of political bodies and national organizations.

It is the Council, through its president, that oversees the Congress and other

<sup>7</sup>The general list of FIFA regulations is on the FIFA official website. *FIFA Laws and Regulations*. Available in: <http://www.fifa.com/about-fifa/official-documents/law-regulations/index.html>. Access in: 05 Apr 2018.

designated committees, putting the agendas to a vote and exercising the right of “Minerva’s vote.”<sup>8</sup> (Faria, 2016).

### 2.1.3. The General Secretary

According to Articles 71 and 72 of the FIFA Statutes, the FIFA General Secretariat is responsible for all FIFA’s administrative work, including:

- Implementing Congress and Council decisions;
- Manage FIFA accounts;
- Manage and maintain FIFA’s correspondence with confederations, associations, international bodies, and entities as well as with the general public;
- Sign the decisions of FIFA committees when regulations are silent;
- Assume the role of the president, when he is not present, mainly in promotions for the entity’s competitions;
- Provide official FIFA accounts when launching its financial statement.

FIFA’s most famous general secretaries were former President Joseph Blatter, who served as João Havelange’s right-hand man from 1981 to 1998 (SUDGEN; TOMLINSON, 1997). Blatter served as its secretary and took on the role of “FIFA guy” several times, mainly in World Cup draws from 1982 to 1994, with the expectation of assuming the role of president in 1998.

In addition to the “three powers” of FIFA, there is, as described at the beginning of the chapter, the entity’s judiciary within the Ethics Committee, formerly the Legal Affairs Committee. In addition to this committee, nine other committees integrate the entire network of responsibilities for the entity’s global football.

### 2.1.4. Os Other Committees

1) Ethics Committee—According to FIFA’s statute, in article 61, it is a judicial body divided into ethics committee, disciplinary committee, and appeal committee. Designated to judge the issues of *lex FIFA* (Faria, 2016) linked to illegal transfers of players, the minimum age for transferring players, the status of associations within the entity, and possible punishments for players in the anti-doping control. Ethics committee decisions can only be appealed at TAS-CAS according to *FIFA Statutes* (2019).

2) Development Committee—Designed to fulfill FIFA’s functions for developing the sport in poorer countries through strategies and analyses for its financing.

3) Stakeholders Committee—Serves as a committee of advisors to the FIFA board mainly about game structure, technique, and relationships between clubs, leagues, and athletes.

4) Medical Committee—Assigned to medical issues involving football.

5) Associations Committee—Committee that acts directly with associations,

<sup>8</sup>Minerva’s vote comes from the Greco-Roman myth. Athena or Minerva, goddess of war and wisdom, made the final decision for herself in a tied trial after Orestes killed her mother and her lover to avenge her dad’s death. Judged by 12 citizens, there was a tie, and Athena, who presided over the jury, cast the tie-breaking vote in favor of Orestes. At this time, the casting vote became known as the Minerva vote.

mainly monitoring possible actions contrary to the FIFA Statute. It is also willing to propose cooperation between FIFA and associations that are in difficulty financially and in terms of political issues.

6) Competitions Committee—Designed to indicate the results, priorities, problems and inspect the associations where the next FIFA tournaments will be held.

7) Finance Committee—Committee to assist the Board in rendering the entity's accounts, disclosing the quarterly and annual balance sheet, and analyzing the entity's budget for the next year.

8) Players Committee—Acts in conjunction with the “Regulation for the Transfer Status of Players” monitoring transfers, disputes between clubs, labor disputes both concerning clubs and associations, clubs and players, players and associations, and disputes in training players. Essential body to prevent conflicts judged by the FIFA Ethics Committee or the TAS/CAS (Faria, 2016), acting as a compliance action<sup>9</sup> For the players.

9) Referees Committee—The Committee is designated to indicate the laws of the game to referees, as well as to implement new proposals within the FIFA Council. As a more recent example, there is the Video Assistant Referee (VAR)—Video Referee Assistant, and its use regulation for the 2018 World Cup, in Russia<sup>10</sup>.

10) *Governance Committee—Appointed to work directly with the Board, focusing on the entity's transparency, such as checking the eligibility of its member federations and independence reviews.*

## 2.2. Guidelines for FIFA Membership

Membership in an association is only permitted within FIFA if the Association is currently a confederation member. With this, the Board can issue regulations regarding the admission process. Any association wishing to become a member association must request this in writing to the FIFA General Secretariat.

The legally valid statutes of the Association must be attached to the application for membership and contain the following mandatory provisions: 1) always comply with the statutes, regulations, and decisions of FIFA and the relevant confederation; 2) comply with the rules of the game; 3) recognize the Court of Arbitration for Sport, as specified in these statutes.

The acceptance in FIFA is open to any country considered sovereign in its eyes and able to compete in its competitions if it abides by the entity's regulation and receives a majority of votes in the Council for its acceptance into FIFA.

In the case of the four British associations, each of them must be recognized as a separate association of FIFA members. However, if some association represents

<sup>9</sup>Group designated to carry out the action to comply with legal and regulatory standards, policies, and proposed guidelines, trying to avoid any possible deviation or non-compliance with what is suggested by judicial legality.

<sup>10</sup>Available in <https://www.theguardian.com/football/2018/mar/03/var-premier-league-ifab> Access on 24 Sep 2021.

a non-sovereign region, it can be a member with the authorization of another FIFAs association.

The affiliation process is as follows: the Council asks Congress to admit or not an association, and admission is by majority approval of the affiliated associations. If necessary, the requesting Association can indicate the reasons for its application to Congress.

Thus, there is a vote among associations and a majority vote that accepts or not the affiliation of a new member association in FIFA.

A central political question about the vote for countries' entry is about the political lobby and the international force of a given country. Weak countries have the same voting power as countries that have sport as a driving force in the economy, such as the case of overseas territories in the USA.

A second example was the recent admission of South Sudan in 2011. What would take four years, in theory, was "leveraged" in less than ten months (BBC, 2017) for South Sudan membership, which could represent one more vote for the FIFA WORLD CUP expansion. Besides, this country is economically strategic for oil, although athletics is its primary sport.

FIFA looks for new affiliations aiming for future profits or votes for important decisions, such as adding new members, increasing seats in World Cups for federations with lower sports history, or presidential polls that directly impact the increase in the entity's financial income. With this in mind, following the guidelines—with the policy preceding the nomination withdrawn—any newly admitted member is part of FIFA, having rights and duties, which they must to remain able to participate in FIFA's congresses.

### 3. Methodological Procedures

The study presents a qualitative descriptive and institutional historical analysis of the international system through the evolution of FIFA's role in international relations. In this way, we built the methodological procedures through paradigms related to constructivist and neoliberal theories of international relations. At first, explore the constitution of the international organization studied (FIFA) and then present how this entity participates in international relations.

The analysis of FIFA's participation in international relations through its governance system assumes that this entity is a relevant actor in the global system, given its relations with the States' main actors in international relations. Both neorealist and institutionalist neoliberal theories start from this principle. Furthermore, they also agree that the main objective of States is to maximize their interests, whether defined in terms of power or defined in terms of increasing cooperation and maintaining peace. Within these two classic analyses, the role of FIFA would be subordinated to the interplay of interests and the power disputes of the States. However, through the soft power concept (Nye, 1990), it will be possible to understand FIFA's political and economic power and its performance through its governance mechanisms. This way, it will



be possible to describe the interactive dynamics of influence between the entity and its member states.

Even if it is not a national state, we can define FIFA's performance as an actor that intends to maximize its interests. [Hans Morgenthau \(1948\)](#) described interests in terms of power in international relations. His remark was directed at States, the legal subjects of the international system. In this article, we take the liberty of using this concept to describe FIFA's international performance. More than promoting football and serving the interests of its members, the entity is concerned with maintaining and expanding its power. The power of FIFA is not the same power that States have. They are actors of different natures. FIFA's power is a soft power, defined as the power of international influence that began in the cultural sphere and afterward spilled over to the political and economic ones.

### THE ROLE OF FIFA WITHIN INTERNATIONAL RELATIONS

FIFA is football's central legislative, judiciary, and executive body. Its stakeholders are the confederations, and all teams represent a country. The World Cup's main event presents an incomparable international mobilization of Heads of States, companies, economic and political actors, and financial resources. Even though it is a private, non-profit entity (according to Swiss law) and has confederations (also non-state entities) as affiliates, FIFA remains an international organization where nations feel represented. The teams are national teams, and the governments themselves legitimize this representation due to the importance given to the World Cup. In this way, FIFA establishes political, economic, and cultural influence with the States represented by its confederations.

Even though States are the main actors and the only legal subjects in International Relations, they are not the only actors. At the end of the 20<sup>th</sup> century, when [Joseph Nye \(1990\)](#) presented his definition of Soft Power, he had already highlighted the importance of other actors in the interactive dynamics that constitute international relations. Whether in primary debates on security ([Krahmann, 2005](#); [Abrahamsen & Williams, 2010](#)) or on international cooperation and paradiplomacy ([Fronzaglia, 2011](#); [Duchacek, 1987](#)). The vast literature on the global governance of sport and the role of FIFA in international relations is one of the expressions of the economic, political, and social changes engendered by the globalization process ([Meier & Garcia, 2015](#); [Bishop & Cooper, 2018](#)).

### 3.1. FIFA and International Governance

First, it is possible to say that FIFA acts as an actor in international relations through its governance structure. It mobilizes confederations and federations from approximately two hundred countries and interacts with its partners, governments, companies, lovers, and football consumers. Secondly, FIFA is also part of the international governance of sport that involves other international federations and their international political and economic relations. These are the two fundamental aspects of FIFA's global performance. According to [Rose-](#)

nau (1992), governance is an ordering system that works and is legitimated (if accepted) by its participants. It depends on sharing meanings as well as institutions and statutes.

The ordering of an anarchic system of States is done as much by governance as by international regimes. The importance of the first is directly proportional to the growing interdependence between the various international actors. John Ruggie (2014) explains the emergence of a new global governance system. According to the author, an old form of governance relay on the international organizations that emerged after the Second World War.

This governance works by stricter rules and would deal with significant terms defined by the interests of the States, with little space for the participation of other actors in international relations. On the other hand, the new governance, which emerged at the end of the 20<sup>th</sup> century and is also one of the expressions of the globalization process, is more flexible, dealing with more specific themes and inviting dialogue and participation actors than simply States.

### 3.2. The Framework of FIFA within International Governance

The dynamics of FIFA's role as an actor in international relations change as its internal governance changes. As noted earlier, FIFA acts on the international scene through its form of governance. Moreover, the entity also underwent a similar transformation process between old and new global governance. For example, FIFA's old governance was rigid with its affiliates and trading partners. Likewise, there was no demand from FIFA that its sponsors commit to sustainable development; see the case of Gazprom. In addition, the corruption scandals involving former president Joseph Blatter were damaging the image of its main sponsors, such as VISA, Hyundai, and especially Coca-Cola, one of the entity's oldest partners.

The legitimacy of an entity within good governance depends on the normative transparency of its rules and the openness of its relations with governments and the public (Sheng, 2009), something that FIFA has not had historically. These corrupt actions were similar to those of the Italian mafia, according to the 2010 BBC documentary "FIFA dirty secrets."

The change in FIFA's governance came shortly after Michael García's Report on Joseph Blatter's corruption in 2016, converging with the need for change in the entity needed to regain its global prestige. The allegations of corruption involved the choice of host countries for the World Cup, as stated in the García report. Furthermore, this was the main reason that practically removed Joseph Blatter from power and his possible successor, former UEFA president Michel Platini. The accusations refer to the choices of Russia and Qatar (The Telegraph, 2015) as host countries of the 2018 and 2022 World Cups. In this context, there is a change in the FIFA presidency with the election of Gianni Infantino.

Today, all FIFA reports are available on the entity's website, seeking greater transparency. In June 2018, FIFA members elected the host country for the 2026

World Cup, won by North America (USA-Mexico-Canada) in dispute with Morocco. However, the debate was not closed as it used to be for years in the entity, especially when João Havelange was in power (Jennings, 2015). This fact gave greater legitimacy to the process. Each country received grades from 1 to 5 to vote in various dimensions in this election. For instance, infrastructure and public acceptance have greater weight than the construction of stadiums, so governance rules are more open to stakeholders.<sup>11</sup> World Cup.

### 3.3. FIFA within International Law

According to the Swiss Civil Code, FIFA is considered an international non-governmental, non-profit organization and operates based on the Association and affiliation of member associations. Still, on the Swiss civil code, the entity's records are, it appears that it falls under art. 60, chapter II in the trade register:

Art. 60: Associations with political, religious, scientific, cultural, charitable, social, or other non-commercial purposes acquire legal personality as soon as their intention to exist as a corporate body is apparent from their statutes. Articles of Association may be in writing and indicate the objectives of the Association, its resources, and its organization. (Swiss Civil Code, 1907)

The tax benefits to which FIFA is entitled come, according to the same civil code, from the non-profit associative character declared by it, which does not consider it to have any economic and financial purpose, is obliged to use its reserves to be taxed according to the Swiss tax law applied to associations, with a reduced tax burden of 4% on net income, half of what required as for-profit corporate entities (Swiss Civil Code, 1907).

Because of their remarkable ability to acquire income, it is not easy to distribute any surplus profit. Thus, to make football a global sport, FIFA bases its financial gains on investments within the entity itself, its events, and its global expansion with measures to encourage them in countries that lack essential tools for football practice. For example, football—balls, stadiums, fields, uniforms, Etc.—as carried out and disclosed in the FIFA Forward Football Development Program (2018).

FIFA itself, in its statute, declares itself a sports entity with universal membership (Rodrigues, 2015) and, for this, it must have the representation of at least 60 countries in total, or 30 countries on at least two continents, with a well-balanced geographic distribution (Union of International Associations, 2014). “*FIFA is a complex organization, constituted and oriented to achieve specific objectives, [...] characterized by its dynamic centers of power with management, direction, planning, and control functions, by its ability to act strategi-*

<sup>11</sup>For instance, there are Locations and construction for stadiums that will not be used after its usage in tournaments. Therefore, the money invested in this built site is lost, as the compound is nowhere near being subject to use after the.

*cally, by the extreme sophistication of their ways acting*'. (Faria, 2016: p. 26).

FIFA has six regional confederations: a) CONMEBOL—Confederación Súdamericana de Fútbol—responsible for the countries of South America except for Guyana and Suriname, linked to CONCACAF, and French Guiana, not affiliated to FIFA; b) UEFA—Union des Associations Européennes de Football—responsible for the countries of Europe, plus Kazakhstan and Israel; c) CONCACAF—The Confederation of North, Central America, and Caribbean Association Football—responsible for the countries of North America, Central, Caribbean, Guyana and Suriname; d) CAF—Confédération Africaine de Football—responsible for African countries; e) AFC—Asian Football Confederation—responsible for Asian countries plus Australia; and f) OFC—Oceania Football Confederation—responsible for the countries of Oceania, except for Australia, which applied for membership in the AFC in 2005, accepted in 2006.

The entity also responds to what coins as *lex FIFA*, which legally means that its legislation imposes on the limits of its host country, Switzerland, and the European Union. Here both sports law and state law are linked to the norms of international law solidified in the Swiss statutes and the standards of the European Union (Faria, 2016).

#### 4. FIFA's Governance Contradictions

FIFA has changed its internal governance to meet the demands for greater legitimacy and democracy and maintain its power and independence as the organization that administers world football and the World Cups. According to Bishop and Cooper (2018), there is a consensus among international governance analysts and scholars that it seeks to maintain a balance between efficiency, legitimacy, and democracy. These demands emerge as representatives of the new governance. However, in the case of FIFA, the search for this balance exposes the following contradiction: the search for greater participation (representing the new governance) allied to an institutional structure that favors the power of its bureaucracy, facilitating agreements that involve bribes and practices of corruption. Thus, representatives of countries with little expression and importance in football find a space to consolidate a network of power that governs FIFA. According to the same authors, the role of representatives of small states in the organization can be characterized as rent-seeking. The corruption scandals involving the choice of countries to host the last World Cups are an expression of this contradiction.

Other fundamental contradictions express themselves in FIFA's form of governance: its power to influence national governments as a private international organization. Meier and Garcia (2015) ask themselves how FIFA could occupy a regulatory space that should belong to public authorities, given the importance of football as a socio-economic activity. According to the authors, the international regulation of football makes the balance of power lean towards FIFA and not the government. This fact is due to the form of governance present in the

entity. *“FIFA illustrates that transnational private regulators can confront public authorities by relying on strong enforcement mechanisms”* (Meier & Garcia, 2015: p. 891).

## 5. FIFA's Recent Governance Actions

In March 2019, there was an actual example of the conflict between international governance management concerning FIFA and one of its peers, UEFA. Even under FIFA's tab in the power hierarchy, UEFA has independence in international relations and international governance, with even different stakeholders and sponsors.

In a recent case involving the Brazilian, naturalized Ukrainian player, Junior Moraes, in two qualifiers for the European National Team Championship, the player has participated in matches against Portugal and Luxembourg. However, according to a player's naturalization status by FIFA, Article 7, pp 68-72, he did not fulfill one of the questions necessary to play the game.

The countries requested the cancellation of the game to UEFA<sup>12</sup>, having their requests denied even in the appeal committee, where FIFA lawyers participated, detailed by Mr. Garcia.

Head of the player status<sup>13</sup> In Nyon, Switzerland, the head of the player status indicated that the player was ineligible for the matches according to their regulations.<sup>14</sup>

However, UEFA's decision to allow the player to participate in the Ukrainian national team was maintained based on a third actor in international relations, which were the basis for its acceptance, the country's permanence legislation under Swiss law, where FIFA and UEFA have its headquarters.

Understanding the case: Junior Moraes would have to complete five uninterrupted years playing in Ukraine to be naturalized. A second alternative was: the player has Ukrainian ascendants, or Junior should have entered the country as a minor and made it his naturalization during this period (this was not the case either).

What followed was that Junior Moraes played four years and eight months in Ukraine and was on loan to a Chinese team for four months. So, he broke the unbroken 5-year issue under FIFA legislation, which FIFA itself explained and indicated to the committee of UEFA's appeal, following requests from the Portuguese Federation and the Luxembourg Federation.

However, as stated earlier, UEFA has indicated in its case the acceptance of Junior Moraes as available for the match due to even greater legislation than

<sup>12</sup>Available in <https://www.uefa.com/insideuefa/disciplinary/index.html>  
<https://www.90min.com/posts/6359761-uefa-reject-appeals-from-portugal-and-luxembourg-over-ukrainian-striker-s-eligibility>.

<sup>13</sup>Chief of the players' committee.

<sup>14</sup>Available in <https://www.wort.lu/fr/sport/la-fff-resolument-optimiste-dans-l-affaire-moraes-5d08cc5dda2cc1784e346401>.

Swiss civil labor law as described in UEFA's Written Grounds.<sup>15</sup> Furthermore, being only four months in the country, Junior Moraes did not break the uninterrupted fact. According to the Swiss housing law, he would have to live longer than six months not to be considered a resident of the country. Thus keeping the game decision unchanged.

Both Federations did not wish to enter the TAS, which would open up another conflict of governance situation (which there probably will be within the qualifiers for the 2022 World Cup). Although the TAS can also suggest keeping Swiss laws or following the legislation of FIFA if the first one is accepted, it will open a jurisprudence in which other associations are already trying to benefit<sup>16</sup>.

Setting a precedent that FIFA may punish the selection if he plays or enter into UEFA's jurisprudence, taken to the TAS-CAS.

FIFA also set a contradiction in its governance towards Qatar's 2022 FIFA World Cup. For example, the Serbian football federation is under government intervention. Similar cases have occurred with the national associations of Trinidad and Tobago, Pakistan, and Chad<sup>17</sup>.

The most recent impact between FIFA's governance powers and other national entities, such as international governments, is the release of players to compete in the 2022 World Cup Qualifiers in Qatar, where the British government is exercising the need for a 14-day quarantine for players in Covid-19<sup>18</sup>. As in South America, Red List countries refused to release such professionals, even incurring a possibility of clubs punishment by the entity.<sup>19</sup>, as well as the impact on the game between Brazil and Argentina, for the same competition, where ANVISA (National Health Surveillance Agency) prevented the game after 5 minutes, as Argentine players from the United Kingdom, where there must also be a quarantine for Brazil<sup>20</sup>, entered the field. So that shows us that even the action of FIFA as a significant and perhaps outside the political organization, the largest transnational stakeholder is still subject to sovereign action and legislation of the countries in force.

This real imbroglia only shows us the importance of the international governance of different actors as they can be conflicting. However, even with solid global authority within the sporting scene, FIFA's governance actions contradict national laws.

<sup>15</sup>UEFA Written Grounds, June 2019.

<sup>16</sup>Available in

<https://www.lance.com.br/futebol-internacional/ricardo-goulart-aceita-naturalizacao-para-jogar-pela-selecao-china.html>. Access in 20 mar 2019.

<sup>17</sup>Available in

<https://direktno.rs/sport/fudbal/389746/milovan-djoric-fss-previranja-novica-tncev.html>.

<sup>18</sup>The virus Sars-Cov-2 that ignited a global pandemic situation around the world in 2020-2021

<sup>19</sup>ESPN (2021). Available in

<https://www.espn.com/soccer/english-premier-league/story/4461299/premier-league-wont-release-red-listed-players-for-world-cup-qualifying>. Access on 24 Sep 2021.

<sup>20</sup>Available in

<https://www.gov.br/anvisa/pt-br/assuntos/noticias-anvisa/2021/esclarecimento-suspensao-do-jogo-brasil-x-argentina>. Access on 24 Sep 2021.

## 6. Conclusion

The article aimed to demonstrate FIFA's role as an actor in international relations through its governance structure. The article explores the entity's history, internal structure, participation in global governance, and contradictions. As a private international actor, FIFA escapes national regulations when it manages to impose its interests on the public authorities of its associated states. The entity's power is based on the popularity of the sport it regulates, football, and its form of governance that exerts strong authority over federations and confederations. FIFAs internal governance mechanism (including national sports confederations) is the way to its international actions. Therefore, as national associations strongly tie with national governments and political actors, FIFA plays a significant political role in internal national affairs. Its soft power influences reach even domestic legislation changes, always according to the entity's interests. The article also demonstrated FIFA's role in the new international governance and identified one of its contradictions that led to corruption scandals. The difficulty in fitting into the new global governance's characteristics also lies in power conquered in the entity's bureaucratic structure by the small states and their respective confederations.

Finally, we demonstrate FIFAs political and economic power due to their governance mechanisms. They express the entity's singular form of soft power. It is a power that began in the cultural sphere of international relations and spilled over to the political and economic arenas.

## Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

## References

- Abrahamsen, R., & Williams, M. C. (2010). *Private Security in International Politics* (Illustrated ed.). Cambridge University Press.
- BBC (2017). *Football Can Heal South Sudan, Says F.A. Boss*. <https://www.bbc.com/sport/football/40397371>
- Beck, P. J. (1999). *Scoring for Britain: International Football Politics 1900-1939*. Psychology Press.
- Bishop, M., & Cooper, A. (2018). The FIFA Scandal and the Distorted Influence of Small States. *Global Governance*, 24, 21-40. <https://doi.org/10.1163/19426720-02401003>
- Duchacek, I. (1987). *The Territorial Dimension of Politics: Within, among, and across Nations*. Routledge.
- ESPN (2021). *Premier League Will Not Release Red-Listed Players for World Cup Qualifying*. <https://www.espn.com/soccer/english-premier-league/story/4461299/premier-league-wont-release-red-listed-players-for-world-cup-qualifying>
- Faria, T. (2016). *Lex FIFA: Autonomia e poder de uma ordem jurídica transnacional*. Dissertation, University Rio dos Sinos.

- FIFA (2019). *FIFA Statutes*. Federation Internationale de Football Association.  
<https://digitalhub.fifa.com/m/784c701b2b848d2b/original/ggyamhxxv8jrdfbekrrm-pdf.pdf>
- Fronzaglia, M. (2011). *Políticas públicas internacionais*. Unicamp 2005.  
<http://repositorio.unicamp.br/jspui/handle/REPOSIP/281027>
- Hassan, G. (2012). *The Saga of “Team G.B.” and the Country That Does Not Know Its Own Name*.  
<http://www.gerryhassan.com/uncategorized/the-saga-of-team-gb-and-the-country-that-doesnt-know-its-own-name>
- Jennings, A. (2015). *The Dirty Game: Uncovering the Scandal at FIFA*. Cornerstone.
- Krahmann, E. (2005). Security Governance, and Networks: New Theoretical Perspectives in Transatlantic Security. *Cambridge Review of International Affairs*, 18, 15-30.  
[https://www.researchgate.net/publication/232889354\\_Security\\_Governance\\_and\\_Networks\\_New\\_Theoretical\\_Perspectives\\_in\\_Transatlantic\\_Security](https://www.researchgate.net/publication/232889354_Security_Governance_and_Networks_New_Theoretical_Perspectives_in_Transatlantic_Security)  
<https://doi.org/10.1080/09557570500059514>
- Meier, H., & Garcia, B. (2015). Protecting Private Transnational Authority against Public Intervention: FIFA’s Power over National Governments. *Public Administration*, 93, 890-906.  
<https://www.semanticscholar.org/paper/PROTECTING-PRIVATE-TRANSNATIONAL-AUTHORITY-AGAINST-Meier-Garc%C3%ADa/ed638d2c27552c2683c7084776567799f0beffaf>  
<https://doi.org/10.1111/padm.12208>
- Morgenthau, H. (1948). *Politics among Nations: The Struggle for Power and Peace*. Alfred A. Knopf. <https://doi.org/10.2307/2086875>
- Nye, J. (1990). Soft Power. *Foreign Policy*, No. 80, 153-171.  
<https://www.jstor.org/stable/1148580>  
<https://doi.org/10.2307/1148580>
- Rodrigues, M. (2015). *O poder institucional da FIFA como um ator não estatal na política internacional*. Dissertation, University of Economics of Coimbra.
- Rosenau, J. (1992). *Governance without Government*. Cambridge University Press.  
<https://doi.org/10.1017/CBO9780511521775>
- Rousseau, C. (2014). *FIFA World Cup History*.
- Ruggie, J. (2014). Global Governance and “New Governance Theory” Lessons from Business and Human Rights in the Global Forum. *Global Governance*, 20, 5-17.  
<https://doi.org/10.1163/19426720-02001002>
- Sheng, Y. K. (2009). *What Is Good Governance?* United Nations Economic and Social Commission for Asia and the Pacific.
- Swiss Civil Code (1907). Swiss Civil Code of 10 December 1907 (Status as of 1 January 2018). Swiss Civil Code: Article 60, Chapter 2.  
<http://www.admin.ch/opc/en/classified-compilation/1070042/201407010000/210.pdf>
- The Telegraph (2015). *Qatar and Russia Should Be Stripped of the World Cup*.  
<https://www.telegraph.co.uk/news/general-election-2015/politics-blog/11651081/Qatar-and-Russia-should-be-stripped-of-the-World-Cup.html>
- Union of International Associations (2014). Statistics, Visualizations and Patterns. *Yearbook of International Organizations 2014-2015* (Vol. 5).