

Cambrian Law Review 2009 Issue Proposal

Sport, Law and Human Rights

Rationale

This issue of the *Cambrian LR* would consider how human rights provisions have impacted, or have the potential to impact, upon sports practices – and how sports practices have the potential to impact upon human rights. The provisions that would be of relevance include, but are certainly not limited to, the 1948 Universal Declaration of Human Rights, the 1950 European Convention on Human Rights, the 1990 Convention on the Rights of the Child and the 2006 Convention on Persons with Disabilities.

The call for papers that would accompany this issue would stress the need for contributors to do more than simply outline how these provisions pertain to the legal and formal political freedoms of individuals in sports, for it offers an opportunity to consider how those rights might acquire real substance, perhaps by locating debates around sports practices and human rights within the much broader context of the relevance of ‘the Western Human Rights paradigm’ (Falk, 2000) in the developing world. Contributors might also wish to consider (for example) how an athlete’s putative Art. 8 privacy rights within the context of anti-doping tests can be reconciled with the continued use of sex testing in athletics (McArdle, 2008); or whether the 1990 Declaration’s strictures on child labour can possibly amount to anything meaningful given China’s long history of exploiting ‘child stars’ (Fan Hong, 2006) and the continued sexual exploitation of child athletes worldwide (Brackenridge, 2006).

Indeed, can the formal enforcement of human and civil rights in sport ever ‘work’ until the material and developmental inequalities of the world are reduced? Sport provides an important site for the exploration of new horizons in human rights because, as the popular cultural forum in which the normative bases of human relationships are dramatised and debated, it provides for a sense of membership, belonging and participation that is analogous to citizenship. It can contribute to the consciousness-raising required by international organisations, perhaps facilitated by partnerships between sports celebrities, institutions and NGOs, but there is a direct correlation between levels of development and opportunities to participate – the least developed nations, by definition, have the least to spend on such fripperies (Andreff, 2001). Furthermore, the systematic practices within sport that undermine civil and human rights continue to demand scrutiny – the IOC’s willingness to work cosily with the Chinese government (Jefferson Lenskyj, 2006) to ensure the success of Beijing 2008 and the spectre of the 2014 Commonwealth Games being held in Nigeria hardly sit comfortably with the notions of honour, decency and fair play that are the supposed ‘life blood’ of sports.

This journal issue would thus contribute to the analysis of these complex legal and theoretical issues by offering an extensive, scholarly analysis (pundits need not apply) of sport, law and human rights in the immediate aftermath of the Beijing Olympics. As the sporting world turns its attention to London 2012 it would offer a timely, scholarly critique of issues that affect us all, but which are ignored all too easily.

About the Editor

David McArdle is Senior Lecturer in Law and the Deputy Head of the School of Law, Stirling University. He holds an LLB from the University of Wales, Aberystwyth (1989) and a PhD from Manchester Metropolitan University (1997). He is the founding editor of the Entertainment and Sports Law Journal and guest edited the 2005 Cambrian Law Review issue, 'comparative perspectives on employment law'. A biography is available at www.law.stir.ac.uk/staff/d.mcardle.php

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