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No Need to Stop the Ball

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As Turkey's shooting a Russian jet was more than enough to add another variation into the equation of world politics in the last month, Kremlin issued a decree consisting of numerous sanctions against its second largest trading partner, Turkey. Not too surprisingly, sanctions cover mostly economic topics such as limiting presence of Turkish workers in Russia, banning Turkish exported goods and suspension of visa-free regime implemented in 2010.

However, repercussions of the incident have been expanded. On 29th of November, Vitaly Mutko, Russian Minister of Sports and the President of the Football Union of Russia, has announced that as a result of sanctions in force, Russian clubs are banned to sign any Turkish players during the winter break season.

Saying that clubs 'already received the message', Mutko added that 'If anyone wants [to sign a Turkish player] during the break, there will not be such a possibility. Everyone who has an existing contract will carry on working. They won't be here in the future but at the moment they have contracts and these will not be looked into.' Although it sounds nothing but a political statement; approach and legislative instruments of international governing bodies of sports as well as academic accumulation regarding the position of sports law encourages a brief insight.

Since the statement and the Minister's other professional position immediately brings one's attention to football, so let's take a look into FIFA Statutes. Article 13 of the April 2015 edition of the Statutes stipulates Members' obligations. Specifically letter (i) of the same article states that members shall manage their affairs independently and ensure that their own affairs are not influenced by any third parties. Moreover, second

paragraph of the Article states that a violation of the above-mentioned obligations by any Member may lead to sanctions provided for in these Statutes, whereas violations of Par. 1 (i) may also lead to sanctions even if the third-party influence was not the fault of the Member concerned.

In light of the aforesaid framework, it is seen that member federations shall preserve their independence while governing and regulating football nationwide, as well as refraining from anything which could potentially associate their titles with the influence of third parties. Indeed, in the recent Kuwaiti example, it is seen that FIFA enforces a strict policy to make its members maintain their independence, especially if independence of the related body is explicitly associated with any third party interference.

Now, where do these put the Russian Football Federation ?

There could easily form two schools on the matter, as one acknowledging the legality of the ban by qualifying players as workers under Russian Law and pursuant to the Presidential Decree, and the other emphasizing the importance of protecting independence of a FIFA member, Russian Football Federation, without violating applicable legal instruments.

For the sake of safeguarding the principle of regulatory independence of the related body, which is of utmost significance for development of sports law as an independent area of substantive law, some advisory points in relation with the second approach shall be made.

First of all, *a sports legislation* could be introduced by Russian legislator in order to provide a liberal governance framework for these bodies. Indeed, taking into account that political traditions are built on a strong loyalty in Eastern communities, it would prove to bring sustainable results which grant development of Russian sports on administrative level.

In the same vein, a modern law could make the Russian State unreluctantly refrain from interfering with sports administration. As such 'government-effect' also hindered initial phases of Turkish sports organization and gave result to a patchwork regime

which is remote from a modern establishment of sport, an immediate prioritization within the Russian legislator shall be made.

Strikingly, recent report of the Independent Commission of WADA, too, confirmed deep interference of Russian government into ARAF and RUSADA, which caused failure of these bodies to fulfil their obligations towards WADA and consequently provisional suspension of Russia by the IAAF. From an objective point of view, occurrence of the same for the Russian Football Federation is not an unlikely incident.

Therefore, in order to guarantee global development of a sustainable and independent sports administration which would promisingly resume to build a modern sports regime, steps shall be taken with prudence and strategic planning. Here, the most important point is only to observe the fundamental goal of sports: unify citizens of the world and maintain peace.

Should you have any further comments, inquiries and questions on sports law and arbitration along with the current climate of Russian and Turkish relations on international trade arena, do not hesitate to contact us at info@guzeloglu.legal
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