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ARTICLE

Space invaders: dominant and emergent regulatory actors in the case of World Aquatics and the International Swimming League

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Abstract
This article examines the regulatory space occupied by principal actors in elite sport, with a particular interest in how dominant actors in sports governance respond to the emergence of third-party competitions or 'breakaway' leagues. Applying a regulatory lens, the article identifies actors who, by virtue of their role and position, have long assumed or claimed legitimacy and authority in the running of a sport. In pursing that line of inquiry, the article focuses on the role of dominant actors assuming the constitutional right of prior approval in sanctioning and authorising qualifying events, along with penalties for athletes who participate in breakaway leagues. These controls in elite level swimming present a salient case where the sport has long been ruled by a singular actor, World Aquatics (WA), formerly known as Fédération Internationale De Natation. In recent years, WA's dominant position has been interrupted by the rise of an emergent actor, the International Swimming League (ISL), which presented opportunities for either regulatory accommodation or disruption. In pursuing that scenario, the article draws on Hancher and Moran's regulatory space metaphor (1989), which theorises the attributes of dominant actors occupying regulatory spaces. Concurrently, the article draws upon Arts' Three Faces of Power concept (2003) to interpret the values, behaviours, and characteristics of various types of regulatory actors. By exploring the key characteristics of regulatory actors in the WA-ISL relational context, this article contributes to our understanding of organisational legitimacy and the regulatory power of dominant and emergent actors in global sport's regulatory space.

Keywords World Aquatics · ISL · Swimming · Governance · Regulatory space · Breakaway leagues

1 Introduction

This article explores international sports governance with a focus on how accredited sport governing bodies (SGBs) respond to novel or breakaway leagues that challenge the regulatory status quo. With several recent cases involving unaffiliated third-party organisers, the article considers how international federations (IFs) draw upon their dominant position within a regulatory space to unilaterally exercise sanctioning powers, thereby deciding who participates and upon what basis.

In this article, the case under review is the ongoing dispute involving World Aquatics (WA) (formerly known as Fédération Internationale De Natation) and the International Swimming League Ltd (ISL).[1] As the article explains, this dispute stemmed from ISL's unsanctioned entry into elite swimming, wherein it offered new and innovative competition models with significant remuneration for elite swimmers. WA denied entry of ISL into its exclusive regulatory domain, perceiving ISL as a threat to its power and authority. Consequently, WA exercised its statutory right of prior approval of qualifying events, embedded within the provisions of WA's constituent documents. Thus, WA embarked upon a defensive strategy that ostracised ISL and threatened expulsion of anyone involved with the rival third party unsanctioned competition.

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[1] In 2022, FINA changed its name to World Aquatics. For consistency, this article refers to WA.

The imbroglio ultimately led to legal complaints filed in December 2017 by ISL and several swimmers in separate claims in the United States District Court alleging tortious interference with economic or contractual relations and competition law arguments involving anti-trust and monopolistic behaviour alleged against WA[2]. These legal claims are ongoing. The first round was won by WA in January 2023, with the United States District Court issuing summary judgment dismissing the ISL and swimmers' claims.[3] That decision is now the subject of an appeal, with the plaintiffs outlining their arguments in an Appeals Brief.[4] Currently, the appeal is pending before the United States Ninth Circuit Appeal Court.

The background to the dispute is fascinating for several reasons. First, the case demonstrates how a dominant actor in a regulatory space, WA, unilaterally exercised its exclusive regulatory power over elite swimming, and in the process marginalised the influence of ISL, an emergent actor. Second, the case highlights how regulatory tools such as constitutional rules are deployed to coerce the compliance of members to IFs requirements. Third, the case provides insights as to how the exercise of such regulatory power is at the absolute discretion of the IF, without being required to give detailed (indeed any) reasons or justifications for decisions that deny entry, nor the basis upon which specific conditions, such as monetary considerations, are quantified.[5] Thus it appears that the 'shelf life' of an IF in maintaining global 'territorial exclusivity' warrants further attention, particularly in an era when the 'highest level of good governance' is universally presumed to be underpinned by concepts of transparency, accountability and stakeholder representation.[6]

A rich body of legal scholarship examines cases involving SGBs and breakaway leagues, where legal vulnerabilities associated with competition law and antitrust law form the basis of legal claims.[7] Indeed, several recent cases before the Court of Justice of the European Court (CJEC) highlight the legal complexities associated with balancing interests and colliding interests.[8] While the existing legal scholarship critiques the jurisprudence, this article adopts a different approach by applying a regulatory lens, with a particular slant towards the role of dominant actors, the functions they administer, and the tools at their disposal. As the article demonstrates, tensions escalate when an emergent actor offers a new value proposition to existing stakeholders.

Researchers have revealed the hierarchical governance structures underpinning sports global governance regimes, which are dominated by international sports federations at the apex of a multi-layered transnational system.[9] However, only a few studies apply regulatory scholarship to international sports governance.[10] This lacuna is surprising, because regulatory scholarship assists our understanding of who has the power to set, direct, and control regulatory responses in international sport. Just as significantly, the regulatory space metaphor remains an "underutilised analytical construct in understanding the regulation of sport".[11]

A significant body of literature underscores the peculiar nature of sport from the perspectives of business and law.[12] The regulatory and governance functions associated with rule-making and standard setting, and the organisation and performance of sport competitions fall beyond the reach of competition laws, typically justified on the basis of legitimate interest protection and the necessity in performing the quasi-public roles of private non-state actors.[13] This so-called "autonomy of sport" is a notion often cited by the International Olympic Committee (IOC) to buttress

[2] Case No. 18-cv-07393-JSC, Thomas A Shields et al, v. Federation Internationale de Natation; Case No. and 18 cv-07394-JSC International Swimming League, Ltd, v Federation Internationale de Natation, (*ISL Claim*). This article refers to these as 'Joint Claims'.

[3] Case Nos. 18-cv-07393-JSC and 18 cv-07394-JSC, *Thomas A Shields et al, v. Federation Internationale de Natation*; *International Swimming League, Ltd, v Federation Internationale de Natation*, 'Order re: Motions for Summary' Judge Jacqueline Scott Corley, 6 January 2023.

[4] Case: 23-15092 *Thomas A Shields, et al v. Federation Internationale de Natation*, United States District Court, Northern District of California, No. 321 (January 6, 2023) ('*Shields*'); Case: 23-15156 *International Swimming League, Ltd, v Federation Internationale de Natation*, United States District Court, Northern District of California, *Joint Brief of Appellants on Appeal from the United States District Court for the Northern District of California*, (Civ Nos. 18-7393; 18-7394), June 14, 2023 ('*Appeal Brief 2023*').

[5] See Appeal Brief 2023, 6. The Joint Claims particularised the demand as $50million. See Joint Claims [6].

[6] On the question of 'shelf life', see J Kornbeck. 2020; For further details of the underpinning concepts of good governance of sporting organisations, see Sport Integrity Global Alliance (SIGA), *SIGA Good Governance Universal Standards 2023 Edition Implementation Guidelines* p.12 < www.siga-sport.com>.

[7] For the evolution and development of EU sports law and breakaway leagues, see K Pijetlovic *EU sports law and breakaway leagues in Football* (Springer, 2015).

[8] See R Houben, Sports governance (in football) under attack' (2023) *The International Sports Law Journal* published online 17 November 2023, doi.org/10.1007/s40318-023-00253-6. For a detailed discussion on the legal issues associated with the European Super League, see K Pijetlovic 'The European football competition model (under stress). In R Houben (ed) *Research handbook on the law of professional football clubs* (Edward Elgar Publishing, 2023).

[9] Forster 2006; Geeraert et al. 2013; Jedlicka 2018.

[10] Nichol and Kawai 2021. Windholz & Hodge 2019.

[11] Nichol & Kawai (2021, p. 83).

[12] Rascher et al. 2019; Vermeersch 2018.

[13] Nafziger 2008; Weatherill 2017.

its claims of regulatory independence from nation states or governing bodies outside of sport.[14] Although the autonomy of sport is a contested concept, particularly where self-regulation fails or is inadequate to achieve desired outcomes,[15] this 'gatekeeper' role enables sport bodies to engage in independent decision-making when performing sport-specific regulatory functions.[16] Yet, as we show in this article, the boundary between sport exceptionalism and anti-competitive behaviour is not well defined in cases when rival leagues enter a sport marketplace and regulatory interests collide.

To understand WA's role as a regulatory actor, we need to examine the characteristics underpinning its authority. Since 1908, the accreditation of international swimming has been the domain of WA, a status also recognised by the International Olympic Committee (IOC). Thus, WA has administered elite swimming by promulgating the rules and qualifying criteria for swimmers participating at the Olympics.[17] In 2018, however, WA's regulatory dominance was interrupted by the establishment of an alternative competition by ISL, a Swiss-based, Ukrainian owned, private league.[18] As we will see, WA and ISL disagreed on fundamental terms, including an alleged demand by WA of a US$50 million payment over a 10 year period to recognise this rival competition and the assignment of ISL sponsorship deals in exchange for approval. WA therefore exerted its regulatory authority over its member federations and their representative swimmers, threatening sanctions and reprisals against those who engaged with ISL.[19] Thus, by virtue of this stakeholder disagreement, a regulatory interruption had become a form of disruption, affecting both dominant and emergent actors.

We apply regulatory scholarship to understand how WA initially exerted regulatory power over ISL and its stakeholders. Two research questions drove that quest. First, what characteristics and powers underpinned the authority of WA in controlling swimming's regulatory space? Second, what characteristics and powers underpinned ISL's entry into swimming's regulatory space? The overriding contribution of this article, therefore, is the application of regulatory scholarship to the literature—in this case, by evaluating the roles, behaviours, and powers of competing regulatory actors.

The article proceeds with the following sections. First, we provide the theorical framework and interrogate regulatory scholarship, conceptualising both regulation and regulatory space. We then explore empirical insights through a review of the WA and ISL dispute, demonstrating how WA (as a dominant actor) asserted power within this regulatory space. Subsequently, we explore ISL's immersion (as an emergent actor) into professional swimming, along with WA's claim of authority over that body. The article concludes by suggesting additional and complimentary areas of research into dominant and emergent actors in the regulation of global sport.

2 Theoretical framework

To explore the regulatory role of dominant actors in global sport, this article draws upon conceptual frameworks that theorise regulation and regulatory spaces. These frameworks help us to interpret how dominant and emergent actors occupy regulatory space and exercise power.

2.1 Conceptualising regulation

General theories of regulation offer a basis for exploring regulation in sport. As Windholz and Hodge explain when examining international sports governance, "regulatory scholarship provides a rich literature that is highly relevant to understanding…transnational private regulatory regimes",[20] about which sport is an example. So, how might we understand regulation in theory and practice? According to Julia Black, a renowned scholar in this field, "regulation occurs in many locations, in many fora".[21] Despite this pervasiveness, or perhaps because of it, there is no accepted consensus among scholars about regulation as a concept.[22] Some researchers apply interpretations based on entrenched disciplinary frameworks,[23] while others conceive of regulation crossing disciplinary lines.[24] There has also been a move to regulatory pluralism, wherein various state and non-state actors engage in regulatory activity.[25]

In this article we adopt Black's behavioural understanding of regulation as

[14] Geeraert 2020.

[15] Houben 2023; Donnelly et al. 2022; Geeraert et al. 2014; Meier & García, 2015.

[16] For further discussion, see Houben 2023 and the author's critique of the Advocate General's preliminary opinion in the European Super League case.

[17] Karst & Zipp 2020.

[18] ISL, 2019.

[19] *Shields* (p. 2). See also *Appeal Brief 2023*, p. 6. According to the appellants, the demand also included transfer of ownership of ISL events, and for ISL to cede control of commercial sponsorships in exchange for FINA's approval.

[20] (2019, p. 302).

[21] Black, (2002, p. 6).

[22] Freiberg 2017; Parker 2008; Windholz 2018.

[23] Baldwin et al. 2011.

[24] Koop & Lodge 2017; Repko, Szostak, and Newell, 2012.

[25] Grabosky 2017.

> [T]he sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, which may involve mechanisms of standard-setting, information-gathering, and behaviour modification.[26]

Of course, regulation is more than simply the behaviour of actors; we need to also understand the nature of the regulatory spaces within which actors occupy, the resources they access, and the relationships they form.

2.2 What is regulatory space?

As the name suggests, regulatory space reflects a "kind of physical arena which influences the practices that happen within it".[27] Morgan and Yeung assert that regulatory space is a subset of institutional theory and provides a useful framework to understand the actors, resources, and relationships within a regulatory space. In this article, the regulatory space metaphor is used to conceptualise the involvement of a range of actors (state and non-state), their access to resources (financial and non-financial), and multilayered relationships of authority and accountability.

2.2.1 Crowded spaces

Josselin and Wallace explain that various actors may occupy regulatory landscapes.[28] Non-state actors include associations, firms, unions, NGOs, supra-governmental agencies, standard-setting bodies, and global organisations (Freiberg 2017). Regulatory actors also vary in terms of mission orientation and purpose. Hancher and Moran contend that large firms often acquire the status of governing institutions, carrying out public or quasi-public roles. They promulgate rules and enforce standards, which often involves interdependence between influential organisations that share similar characteristics, thus galvanising collective interests.[29]

Black (2002) reminds us that multiple regulatory actors may compete for decision-making authority in a regulatory space, with such behaviours constituting a contest of power. Yet there is also the question of who the actor represents. As Windholz attests, a regulatory actor that represents specific interest groups is likely to seek a regulatory space to "expand or contract its boundaries to suit…[those] interests".[30] Regulatory space can therefore be complex, crowded, and contested.

2.2.2 Power dynamics

Regulation inevitably involves power: at its most basic this means power 'to do' something or power 'over' another.[31] The exercise of regulatory power, being a form of authority, is also inherently relational. Therefore, "discovering who has power in regulation involves paying close attention to the relations between the organizations which…occupy regulatory space".[32]

Concepts of power are multi-faceted and highly contested. As Arts (2003) muses, "it seems as if there are as many definitions and approaches as there are power analysts".[33] He provides a deep foray into power as it relates to various types of non-state actors (NSAs). Within that context, Arts (2003) theorises that power is "the organizational and discursive capacity of agencies, either in competition with others or jointly, to achieve certain outcomes in global governance, a capacity which is…co-determined by…social structures".[34] Arts' conceptual frame features what he terms "three faces of power", each of which has associated characteristics.

These categorisations, while interdependent, provide means by which to identify characteristics of power and associated actions in regulatory environments. The first of these Arts calls 'decisional power', which speaks to exercises in policy creation and political persuasion. The actor does not merely make decisions unliterally; it engages in strategic dialogue with relevant stakeholders, whether internal or external. This may involve activities such as advocacy and lobbying, but that is unlikely to be effective in the absence of necessary expertise or appropriate connections.[35]

Arts' second categorisation is 'discursive power', which speaks to how organisational practice is framed and the language used to justify it. He explains that discourse is a "set of values, norms, ideas, concepts…produced, reproduced or transformed by a group of societal actors, to give meaning to a certain practice".[36] Private actors generate a sense of purpose as a community of practice, not simply creating an identity and goals for themselves but marking their discursive territory as different—even oppositional—to others. Arts contends that an actor's discursive power "is more likely, the more moral authority it possesses, [and] the more access it has to the mass media".[37]

Arts' third categorisation is 'regulatory power', which is expressed as exercises in authority via rulemaking,

[26] Black, (2002, p. 26).
[27] Morgan and Yeung, 59.
[28] Josselin & Wallace 2001.
[29] Hancher & Moran 1989.
[30] (2018, p. 70).
[31] McClelland 1970.
[32] Hancher & Moran, (1989, p. 277).
[33] Arts, (2003, p. 12).
[34] Ibid p. 13.
[35] 2003, p. 20.
[36] Arts 2003, 23.
[37] Arts 2003, 26.

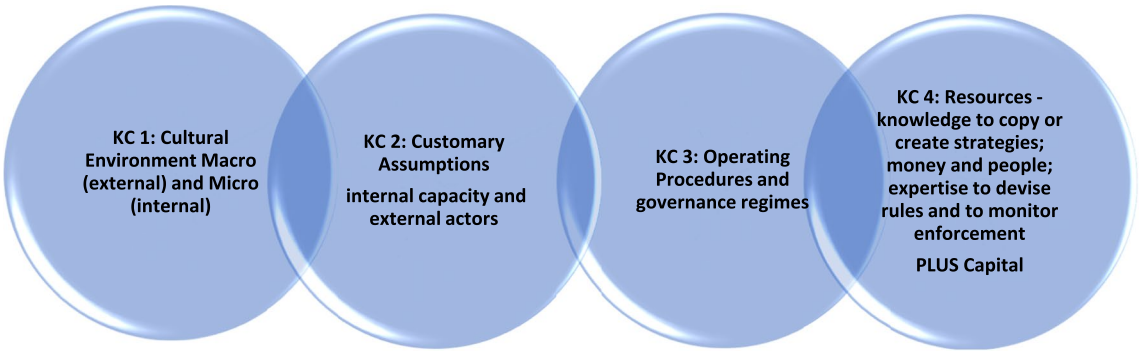

Figure 1. The four characteristics of dominant actors

standard-setting, and behaviour modification. He notes that many NSAs are no longer waiting for the state to establish rules on matters relevant to them; where such rules do not exist, they are "increasingly taking the initiative to set rules *themselves* [emphasis in the original]".[38]

Arts (2003) used this tripartite approach to explore three case studies involving very different types of non-state actors, each exhibiting varying levels of regulatory power. In terms of the present article, Arts' framework is valuable because it allows the exploration of an emergent actor (ISL). That is complemented, as we will now see, by Hancher and Moran's (1989) framework, because it allows the exploration of a dominant actor (WA).

2.2.3 Characterising dominant actors in sport

In our quest to understand attitudes and behaviours among dominant regulators (i.e., WA), we draw on the germinal research of Hancher and Moran (1989).[39] They contend there are typically four interlinking key characteristics (KC) of dominant actors in regulatory space. Figure 1 depicts these attributes and features. We apply these attributes as a pathway by which to explore the characteristics of dominant actors in sports regulation.

1. *Cultural environments*: Hancher and Moran assert that cultural settings underpin the key characteristics and legitimacy of actors who compete for power in regulatory spaces.[40] They contend that culturally formed assumptions determine "whether regulation happens at all, its scope, how far it is embodied in statute or formal rules, and how far the struggles for competitive advantages which are a part of the regulatory process spill over into the courts".[41] Culture shapes whether something is classified as 'regulatable', and which actors are included or excluded from the decision-making process. Sport is, without doubt, relevant to the 'filter of culture' because it is replete with a multitude of socio-cultural influences.[42]
2. *Customary assumptions*: Culture underpins customary assumptions. While these two characteristics are inextricably linked, they represent different elements.[43] In sport, both cultural assumptions and voluntary self-regulation typically insulate sport from direct state interference—the often-touted autonomy of sport.[44] Customary relationship patterns, therefore, shape the legitimacy of actors within sport's regulatory space. Hancher and Moran (1989) explain that large firms acquire the status of governing institutions to engender trust and the capacity to perform regulatory functions. Sport's governing institutions—either national or international—are 'large firms' and typically self-regulating rather than being directly accountable to governments.[45]
3. *Operating procedures and governance regimes*: The third characteristic involves an examination of the nature and scope of the governance regimes and operating procedures.[46] As Hancher and Moran contend, "[A]ctors who are highly organised and establish a strong governance regime are likely to attract the attention of other large firms" and therefore attract legitimacy from institutional peers.[47] In sport, such collusion of actors typically functions along a hierarchy of authority and responsibility. Indeed, the pyramidal characteristics of

[38] Arts 2003, 30.
[39] Hancher and Moran. Greenhow 2024.
[40] Ibid.
[41] Ibid, 280.
[42] Craig 2016. Greenhow 2024.
[43] Hancher and Moran 1989.
[44] Geeraert et al. 2014.
[45] Chappelet 2017.
[46] Djelic & Sahlin-Andersson 2008.
[47] Hancher and Moran 1989. Greenhow 2024 p 59.

global sports governance, operating through a series of interlocking arrangements, typically reflects these characteristics. The IOC, for example, is an independent, non-state actor, beneath which IFs comply with the Olympic Charter, rules of competition, event-specific requirements, and so on.[48] IFs are structured across geographical lines, with levels of associations occupying positions within the sporting hierarchy.

4. *Resources and capital*: Resources allow actors to exert influence over a regulatory space. In addition to financial capital and assets, resources typically associated with a dominant actor include advanced knowledge and expertise, as well as the input of renowned leaders and influential policymakers. These non-financial resources are important, and include "information, wealth and organisational abilities".[49] In sport, organisational capacity is shaped fundamentally by resources, which allow dominant actors the economic power and expertise to regulate their domain.[50] Know-how, industry knowledge and awareness are also characteristics underpinning the justification for the non-inference principle in sport.[51]

Taken together, Hancher and Moran's (1989) framework of dominant actor characteristics in regulatory spaces provides a systematic pathway by which to identify the attributes of those who exercise organisational authority. This model is applied to the case under review here, with WA—the dominant actor—our focus.

2.3 Materials and method

To explore changing power relations in a regulatory context, we adopted a qualitative single case study approach and document analysis therein. Drawing on Yin, a single case study method has the advantage of developing deep insights into discrete phenomena in their unique context.[52] The case was chosen because of its distinctive attributes: it features WA, a dominant actor, along with ISL, an emergent actor, two actors negotiating a relationship in mutual time and space. The study, while contextually rich, is of course not intended to produce wide-ranging conclusions. Yet, as Flyvbjerg asserts, the purpose of a case is to understand an investigation in its unique context, not a basis upon which to provide generalisations.[53] This is especially so given the absence of similar case studies about dominant vs emergent regulators in contemporary sport management scholarship. That said, an in-depth focus can have didactic value. The case study lens is periscopic rather than telescopic, but that gaze has strategic purpose: the imbroglio between two actors offers insights into power and legitimacy in sport's regulatory space.

To explore the relationship between these two actors, we drew on publicly available digital records from the time of ISL's inception in mid-2017 to September 2023. A range of online materials was curated: media releases from both WA and ISL, statements on their web sites, reports from the most relevant sport information services, notably *Inside the Games, Swimming World Magazine,* and *SwimSwam*, as well as pertinent articles in global media outlets. In addition, information in the form of claims about WA's governance arrangements appeared in court proceedings and interlocutory judgements in *the Joint Claims*.[54]

Our article relies on publicly available documents and, in order to make sense of them, deploys a practice-oriented qualitative research lens.[55] In our case, this is driven by a practical interest in the policy positions and practices of two organisations, their associated regulatory arrangements, and power relationships over a six-year period. The centrepiece of our analysis is in the following section: a case study where stakeholder interplay between WA and ISL is showcased, followed by changes to the way in which both organisations now function.

3 WA and ISL

The WA and ISL dispute illustrates, in the first instance, the exercise of regulatory authority by a dominant actor.

3.1 "Water is our world": WA

WA was established as a not-for-profit association in London in 1908; today it is in Lausanne and changed its name and constituent documents in November 2022. Competitive swimming was one of the original sports at the modern Olympic Games,[56] and a total of 209 national federations across five continents comprises WA's scope of membership today.[57] WA branding declares "water is our world", which symbolised its regulatory authority. Indeed, WA self-identifies as the "sole and exclusive world governing body for all Aquatics"[58] - which means all sport disciplines governed

[48] Chappelet & Kübler-Mabbott 2008.

[49] Nichol and Kawai, 85. See also Scott 2001, 329.

[50] Barnhill et al. 2021.

[51] Nafziger 2008.

[52] Yin 2017.

[53] Flyvbjerg 2006.

[54] *Shields*.

[55] Asdal & Reinertsen 2021.

[56] FINA, 2021b.

[57] WA, 2023.

[58] WA, 2023, C. 1 p 8.

by World Aquatics, including swimming.[59] Importantly, the IOC recognises WA as the organisation responsible for administering the sport globally.[60] This imprimatur affords WA the authority to establish, organise, and administer both the rules of swimming and the nature of Olympic competition. It also allows WA to set the benchmark performance criteria for athletes and establish qualifying events that enable swimmers and teams to participate at the Olympics.[61]

3.2 WA's constitutional regulations and governing authority

At the time of the ISL dispute in 2018, WA's constituent documents contained several statutory provisions which have since been amended or removed. For the purpose of the present analysis, we draw upon the most recent iteration of WA's constitution, noting where current versions differ from the earlier provisions.

3.2.1 Legislative functions

As rule-maker and policymaker, WA performs legislative functions and promulgates rules that are binding on all members of the WA governance network.[62] Through a series of interlocking arrangements, the constitutional powers of WA are vertically integrated throughout swimming's global governance system. Freeburn describes this process as a "chain of contracts" whereby international sports federations impose rule-based obligations on members without the need to implement direct legal relations.[63]

WA's commanding regulatory authority is illustrated by statements in its constituent documents—the WA Constitution, the WA Aquatic Rules (defined as the By-laws and any other rules and regulations adopted by WA), and the directives and decisions of the WA.[64] Through this cascading governance network, the expanded WA membership must comply with these constituent documents.[65]

3.2.2 Regulatory dominance

The dominance of swimming's supreme body is in no doubt, with the WA Constitution requiring that member federations recognise that "WA is the only recognised body in the world which governs [A]quatics on a worldwide basis".[66] WA asserts statutory control over the constitutional provisions of its member federations, requiring members to "fully comply at all times with this Constitution and the World Aquatics Rules, the WADA Code, the decisions and directives of the World Aquatics Bodies, as well as the decisions of CAS".[67]

The WA Constitution also provides that member federations are required to "submit their constitution or statutes, as well as any potential amendment of their constitution, to World Aquatics for approval by the Bureau".[68] There is an ongoing obligation on member federations to "ensure that their constitution and rules comply with this Constitution and the World Aquatics Rules at all times".[69] If there is any inconsistency between the Member's constitution and the WA Constitution and/or WA Rules, "the latter shall prevail".[70]

WA's regulatory authority extends to asserting control and dominance over the relationships of its members. To illustrate, an earlier version of WA's General Rules stated that "no affiliated member shall have any kind of relationship with a non-affiliated…body".[71] General Rule 4.5 obligated members to 'strictly enforce or procure the enforcement of the FINA Rule…'.[72]

WA's power to control and sanction non-compliance underscores its regulatory dominance. WA has the power to sanction members (including individuals within member organisations) for violation of WA's constituent documents,[73] with a range of penalties, from warnings to expulsion, and withholding of revenues.[74]

3.2.3 Right of pre-approval

The lawfulness of WA's exercise of its right of approval of third-party non-affiliated competitions forms a substantive part of the current WA/ISL litigation. The exercise of this right, embedded within constituent documents, gives significant power to WA, where the source of WA's regulatory authority is currently found in clause 26 of the 2023 WA Constitution. At the time of the ISL launch in 2017, the earlier version of what is now clause 26 had not contemplated a serious threat from a third-party organiser. The 2023 version

[59] WA 2023, p 5.
[60] IOC 2021b.
[61] IOC 2021a.
[62] WA 2022.
[63] Freeburn (2018, pp. 72-80).
[64] WA 2023a, b *Definitions*, 7.
[65] WA 2023a, b Cl. 7 b), 11.
[66] WA 2023a, b, Cl 7 f) I, 11.
[67] WA 2023a, b, Cl. 7 b), 11.
[68] WA 2023a, b, C 7 d),11.
[69] WA 2023a, b, Cl. 7 e), 11.
[70] WA 2023a, b, Cl. 7 f) ii, 11.
[71] FINA 2021, GR 4 Unauthorised Relations, GR4.1.
[72] FINA 2021, GR 4.5.
[73] WA 2023a, b, Cl. 29.1(b), 40.
[74] WA 2023a, b, Cl. 29.2 a) to j), 40-41.

leaves no doubt that the ambit and scope of the new clause has that actor in mind.

Houben, who has considered SGBs responses to breakaway leagues in European football, observed governance deficiencies in 'right to approval' clauses.[75] He identifies the framework provided in the 2022 opinion of the Advocate General examining UEFA's right of prior approval to the European Super League.[76] According to the Advocate General, the decision-making framework when exercising an SGBs right of approval should

> establish clearly objectively and in much detail as possible the conditions for access to the market in order to enable any organiser of third party competitions not only to have sufficient visibility as to the procedure to be followed and the conditions to be satisfied in order to enter the market in question, but also to expect that, if those conditions are met, the federation in question should not be able, in principle to refuse it access to the market.

The current iteration of WA's right of approval in clause 26 leaves room for further amendment to align with what one might reasonably expect, especially in an era when universal principles of good governance favour transparency, accountability, and stakeholder representation.

3.3 Pool of money: the ISL disruption

ISL was founded in 2017 and funded by the Ukrainian-born billionaire Konstantin Grigorishin, a maverick energy entrepreneur with a personal interest in swimming.[77] In brief, Grigorishin envisaged making elite-level swimming a full-time profession for athletes and an entertainment product appearing year-round on television sets and computer screens. Swimmers would be contracted to participate in ISL events, with salaries and bonuses for performance excellence. Moreover, the focus of competition would be mixed teams from different countries representing 'franchises' rather than the nation-state model characterised by the Olympics.[78]

Described as a "new, innovative competitor in the market for top-tier swimming events",[79] the ISL value proposition was underpinned by its motto, "athletes as our partners".[80] It featured an economic growth philosophy that aimed to reward swimmers with increased money once the league attracted more income.[81] Historically, WA offered very modest prize money, despite earning substantial revenue from sponsors and media rights. To illustrate, the 2014 Swimming World Cup provided podium finishers with US$1500 (Gold), US$1000 (Silver) and US$500 (Bronze),[82] while WA's 2016 World Swimming Championships offered "$8000 for first place, $6000 for second, $4000 for third", plus US$15,000 on offer for a world record.[83] As *MySwimPro* pointed out: "Swimming is the most watched Olympic sport in the entire world … [but] the average pro swimmer is making less than 1% of what a professional basketball or football player makes".[84] Indeed, Michael Andrew, a prominent swimmer, reported that in 2017 "athletes received a combined total of only USD 15 million out of the USD 118 million that FINA earned".[85]

According to Grigorishin, a key motivation for him establishing ISL was to put "power back into the hands of athletes…championing the right of professional swimmers to make [the] living they deserve, and to have a greater say in the way their sport is run".[86] Unlike the four-yearly Olympic Games or infrequently staged WA events, ISL's team-based format would involve regular competition while still allowing athletes to represent their country at traditional swimming events.[87] ISL therefore aimed to create a "worldwide club-based swimming league" and, in doing so, expand "competitive and financial opportunities for the world's best swimmers".[88]

Lenskyj commends ISL's aspiration to "give swimmers a permanent job, revenue and eventually a contract".[89] With ambitious growth strategies seeking to attract a global audience of 100 million viewers in five years, along with the prospect of lucrative sponsorship opportunities, ISL presented an enticing value proposition to elite swimmers. After all, most of them relied on scholarships to survive financially. Thus, according to Pijetlovic, athletes overwhelmingly welcomed the ISL model given that, as things stood, swimming only receives a "tiny fraction of the sports media rights market".[90] Pijetlovic (2019) concluded that the new league offered "unexploited market opportunities".[91]

[75] Houben 2023.
[76] Ibid.
[77] Lohn 2021; Martinelli 2019.
[78] Lohn 2021; Martinelli 2019.
[79] *Shields et al v* World Aquatics 2023 1.
[80] Lord 2020.
[81] ISL, 2019.
[82] Stewart 2014.
[83] Pearson 2016.
[84] MySwimPro 2021.
[85] Houssain 2022.
[86] Benton 2019
[87] ISL, 2019a.
[88] Shields, et al v. FINA, 2018, p. 2).
[89] Lenskyj (2020, p. 112.
[90] Pijetlovic (2019)
[91] Pijetlovic (2019)

3.4 The ISL disruption

A salient question is how WA, as a dominant actor, responded to the rise of a well-resourced emergent actor, ISL. Would the ISL interruption complement WA or be construed as an industry disruptor? Perhaps unsurprisingly, WA's initial response to ISL was protectionist, asserting its dominant regulatory power by threatening to impose sanctions on anyone associated with ISL.

3.4.1 WA: 'thwarting' ISL's competition or protecting its legitimate interests?

In 2017, WA and ISL engaged in dialogue regarding the latter's plans to host its inaugural swimming event in 2018.[92] Direct discussions were also held with member federations, particularly USA Swimming, which had indicated interest in organising and hosting ISL events.[93] In 2018, negotiations were advanced to the point where ISL and USA Swimming entered a memorandum of understanding.[94] Similar discussions involved member federations in Australia, United Kingdom, Brazil, France, Russia, and Ukraine. The aim was to offer significant prize money to top-class swimmers by providing them with high-level competition as a complement to what WA already offered. The public interest was also advanced by affording spectators greater opportunities to watch top-tier swimmers compete in ISL events.[95]

In 2018, WA and ISL attempted to navigate "how the two organisations could co-exist".[96] At a two-day summit of leading swimmers in London in 2018, an event hosted by ISL, Grigorishin told the audience:

"We can co-exist with FINA and respect each other if they understand that their role is that of a regulator of rules not people. And they need to understand that athletes deserve their fair share of all revenues they generate as the stars of swimming".[97]

However, ISL's launch event for late 2018 was postponed after WA warned that the 50 contracted swimmers who were set to take part in an "unauthorised" ISL event would be "prohibited from swimming at the [FINA] 2019 World Championships".[98] In doing so, WA relied upon a rule that required all national federations to boycott unauthorised ISL events.[99] This edict prohibited member federations from having "any kind of relationship with any competitor" unless WA approved it. Violation carried a risk of suspension for a minimum of one year up to 2 years. According to the Shields Appeal brief, swimmers faced sanctions involving non-participation at Olympic Games or World Championships.[100]

3.4.2 Troubled waters: swimming in the dock

The ISL's goal of co-existence with WA was not to be, with negotiations unsuccessful. Subsequently, in December 2018, several swimmers led by Thomas Shields and the ISL issued separate legal proceedings against WA, alleging that it had engaged in anti-competitive behaviour.[101] Based on the court proceedings, WA allegedly demanded naming rights for the ISL competition and insisted on a payment of $50 million from ISL over ten years and assignment of ISL sponsorship arrangements.[102] The plaintiff's claim alleges that WA coerced its member federations to boycott ISL and threatened swimmers with a ban from WA events if they participated in the proposed league, thereby disqualifying swimmers from competitions that served as the qualifying meets for the 2020 Olympic Games.[103]

According to court pleadings and the appeal brief, several member federations that had previously entered arrangements with ISL withdrew their support because of WA's edicts.[104] Notably, correspondence (June 4, 2018) from Unger (USA Swimming) to Buckner (British Swimming) and Forbes (Swimming Australia) stated:

Like British Swimming and Swimming Australia, USA Swimming is very interested in this project. We plan on participating, however…FINA is…intent on derailing the ISL efforts...using GR 4 (Unauthorised Relations…[in] new FINA Handbook) as the basis for this challenge. If GR 4 is violated, FINA can issue penalties against the national federation and its athletes, including suspensions (GR 4.5). This can be quite harsh.[105]

[92] *Shields.*

[93] *Shields*; *Appeal Brief* (2023, p.6).

[94] Shields, et al v. FINA, 2018.

[95] The public interest is a relevant consideration taken into account by courts when examining the doctrine of restraint of trade in labour market control cases. See for example, *Grieg and Others v Insole and Others; World Series Cricket Pty Ltd v. Insole and Others* [1978] 3 All ER 449.

[96] *Shields* (2019, p. 6).

[97] D'Addona 2018.

[98] Lenskyj (2020, p. 111).

[99] Then FINA General Rule 4. See *Appeal Brief* (2023, p 2, p. 5).

[100] *Appeal Brief* (2023 p. 5).

[101] *Joint Claims*.

[102] Shields, et al. v. FINA, 2019, p. 6; See *Appeal Brief* (2023, 6). It is difficult to find publicly available evidence as to how the amount of $50million was quantified.

[103] *Shields*.

[104] *Shields*; See also *Appeal Brief* (2023, 7–8).

[105] *Shields* (2019, pp. 14–15).

A letter dated 5 June 2018 to all Member Federations highlighted WA's rule that "no affiliated Member shall have any kind of relationship with a non-affiliated or suspended body":

> For the sake of clarification, the "International Swimming League" is neither recognised by nor affiliated [with] FINA…[Therefore], FINA has neither sanctioned the competitions organised by this entity, nor approved their sanction…Consequently, the competitions…are not FINA…approved…The results and records achieved in these competitions…will not be recognised. FINA will…consider potential measures in application [of its governing rules], as and where appropriate.[106]

The ISL series was launched in December 2019 and scheduled to operate annually from September to July. The number of ISL contracted swimmers grew quickly from 50 to 320, and featured an impressive line-up of champions.[107] The star power included Australia's most successful Olympic swimmer, Emma McKeon, along with fellow Olympians Cate Campbell and Kyle Chalmers.[108] Similarly, American Caeleb Dressel, a seven-time Olympic gold medallist and world record holder, had become a member of the Cali Condors team.[109] Katie Ledecky, the seven-time Olympic gold medallist and world record holder, now an official ISL ambassador (Mulligan 2019), explained her reasons for joining the ISL:

> This is just an awesome opportunity; you have team members from all over the world…Competing for a team does bring out the very best in you…The ISL emphasises gender equality—on every level. Equal number of men and women within each team, equal pay, and competing for the same prize money (Mulligan 2019).

3.5 Adapting the script: swimming's prime actor

WA's eventual, if reluctant, decision to back down on threats to ban ISL swimmers was its first sign of rapprochement. An official statement read: "Fina [WA] acknowledges that swimmers are free to participate in competitions or events staged by independent organisers, namely entities which are neither members of Fina [WA] nor related to it in any way".[110] There was, however, a caveat. Such events and entities would need WA's 'approval' as the sport's international regulator, the main purpose of which was to monitor the rules of competition and validate performances, such as world records. This meant that WA would continue to have exclusive authority as a rule maker, though that was a role ISL never sought. Perhaps most importantly, WA's decision headed off a planned revolt by many leading ISL swimmers who had challenged the peak body to ban them.[111]

In January 2019 WA announced its new Champions Swim Series (CSS) involving three events across different continents with a prize pool for athletes of just under US$4m.[112] Only the four best-ranked swimmers would be eligible to compete in match races according to stroke, distance, and gender: "the reigning Olympic champion; the reigning World Champion, the current world record holder, [and] the #1 ranked swimmer in the world this season".[113] Not surprisingly, this new event was applauded by the best-performed swimmers, even luring trenchant WA critics. Of course, the athletes had now secured much of what they set out to achieve—professional contracts with ISL and improved prizemoney options under WA.[114]

For WA, meanwhile, the CSS was not just an effort to win back the world's best swimmers; it was as much about repositioning and rebranding. Then President Julio Maglione talked up the novel and "original competition format" which would create "a new image of swimming to the world" (D'Addona 2019). This involved the 'star' power of athletes and the lure of spectacle—entertainment, music, lighting, and other aesthetic enhancements. Feedback from swimmers about CSS events was very positive, with broadcasters also enthusiastic. For the athletes, there was further welcome news: FINA would not apply its rule for "limiting athlete sponsorship signage and athlete sponsor logos" at CSS events.[115]

WA has continued its reform agenda. The 2021 World Swimming Championships boasted US$2.8m in prize money, "the largest prize pool ever in a FINA Swimming event".[116] In the same month, WA (then known as FINA) staged an "extraordinary congress", which provided the incoming president, Husain Al-Musallam, with a platform to advocate change.[117] The most striking development was consensus about the need to recreate what was then FINA. The president asked for suggestions about a new name for swimming's international body, which he saw as part of a raft of measures needed to attract new—and especially

[106] FINA 2018.
[107] Mulligan 2019.
[108] ISL, 2021.
[109] Gillen 2020.
[110] BBC 2019.
[111] Ibid. Pijetlovic 2023
[112] D'Addona 2019.
[113] Sutherland 2019.
[114] Pavitt 2019.
[115] Rutemiller 2019.
[116] FINA, 2021.
[117] Berkeley, 2021.

younger—audiences to swimming. Indeed, the so-called FINA Reform Committee tabled a report that concluded: "The [swimming] world wants engagement, excitement, and a brand it can identify with".[118] This would need to involve FINA undergoing a digital revolution—not only promoting swimming to online audiences but providing a platform to cultivate star power. Chris Brearton, the Chair of USA Swimming, reported that WA and its federations would spend the next six months listening to broadcasters, sponsors, and swimmers about "what our product could be".[119]

3.6 Losing the script: swimming's emergent actor

For ISL, a promising start to its competitions was substantially impacted by Covid-19, this compromising event schedules and the availability of star swimmers for Seasons 2 and 3. Season 4 was scheduled to begin in June 2022 with a 24-match schedule[120] but it was cancelled a month after the Russian invasion of Ukraine. On 27 March 2022, ISL issued a news release advising that season 4 was postponed until 2023.[121] No further update is available other than the official web site message "the ISL is not going away".[122] Thus, owing to external factors beyond its control, ISL's role in elite swimming, while impactful in terms of the athlete workplace and global regulation, has stalled.

4 Framing regulation: WA and ISL

From a theoretical perspective, this article is underpinned by two conceptual frameworks. This allows us to explore how dominant and emergent actors assert power, control, and influence in sport's regulatory space.

4.1 WA as a dominant actor

WA's protectionist reaction to ISL drew on traditional compliance levers via its constitutional and rule-making powers. This response speaks to its history of it being the exclusive international regulator of elite swimming. WA saw ISL as a threat to its authority, not only because it was unaligned with WA's governance structure, but because it offered something that swimmers found attractive—substantially improved opportunities for prize money and year-round competition. If the ISL was a mere organiser of alternative amateur swim meets—without professional contracts and remuneration—it would seem unlikely to have provoked an intense reaction from WA. Instead, what was taking place here went to the core of WA's business model: swimmers are performers but not contracted employees. ISL offered a very different value proposition.

As we will now demonstrate, WA—as the dominant actor in swimming—was initially able to safeguard its position of regulatory dominance and quickly draw upon the key characteristics of culture, customary assumptions, governance, and resources.

4.1.1 Key characteristic: culture

WA indicated that it was not prepared to approve ISL as an accredited swimming body and would not engage with that organisation in a way that suggested even a tacit relationship. In its letter to members on June 5, 2018, WA clearly indicated that ISL was non-authorised and must be avoided. In doing so, WA was able to draw upon the established cultural environment across all levels of its hierarchy. WA is, after all, recognised as the supreme international sports authority for swimming. This accreditation underscores WA's legitimacy to regulate the sport, a status that also gave it the authority to isolate ISL from swimming's regulatory space. Because WA has been recognised as swimming's controlling international federation for decades, it possessed both the historical cachet and cultural attributes that have underpinned its regulatory dominance.

4.1.2 Key characteristic: customary assumptions

Historically, the role of WA as a dominant regulator has been unchallenged. So, when ISL made initial efforts to negotiate with WA, it was perhaps no surprise that the latter was steadfast by way of refusal. The very fact that ISL tried to negotiate with WA speaks to the peak body's unwavering control over swimming's regulatory space. Rather than 'poke the bear' by going it alone, ISL sought to establish rapport through dialogue. From WA's perspective, though, the proposed introduction of the ISL competition challenged customary assumptions about its status as the supreme authority for swimming competitions. After all, the ISL model offered swimmers financial and career opportunities that WA was not providing.

4.1.3 Key characteristic: operating procedures and governance regimes

WA has the characteristics of a large firm with the status of a governing institution. Through its operations and

[118] Ibid.

[119] Ibid.

[120] D'Addona 2022.

[121] ISL Global, 'ISL Season 4 postpone to 2023' 2022, March 27 < https://isl.global/2022/03/27/isl-season-4-postpone-to-2023/#:~:text=As%20such%2C%20we%20have%20made,Clubs%20through%20non%2Dmatch%20events>.

[122] Ibid.

guardianship of swimming, it carries out public-like functions. WA has governance regimes through which it conducts activities and operations, with its regulatory authority underpinned by partnerships with strategically aligned actors. This is most notable through WA's integration with the Olympic movement via qualifying events, performance standards, and athlete accreditation for the Games.

The sophistication of WA's internal governance system was evident by the speed at which it was able to respond to what it saw as a threat by ISL. WA communicated with its entire membership base within days of becoming aware of the ISL plans. This degree of organisation demonstrates the proficiency of WA's capacity to regulate elite-level swimming. Intriguingly, though, once WA changed its position to consider recognising ISL, it allegedly demanded a $50 million fee for its official consent. Without access to publicly available documents in respect of this claim, we cannot ascertain how this amount was quantified and what was expected in return.

4.1.4 Key characteristic: resources and capital

The resources at WA's disposal provided it with the capacity to dominate and exert significant influence over swimming's regulatory space, particularly when ISL represented (what WA perceived to be) a threat to its regulatory authority. Timing and efficiency are, therefore, essential aspects of control over regulatory space. Within the court proceedings, there is also evidence of key strategic resources, such as knowledge relationships and operational expertise. In that respect, WA possessed the opportunity, resources, and capital to be steadfast about its regulatory dominance when faced with (what it saw as) the ISL threat.

4.2 ISL as an emergent actor

ISL was conceived as an athlete-centric, team-focused alternative to WA. There were initial efforts by ISL to establish a working relationship with WA and thus co-exist, complementing rather than eroding, and co-operating rather than competing, in respect of the operation of professional swimming. After all, ISL was not seeking to usurp WA's role as the sport's regulator in terms of rules, qualifying standards, world records, Olympic representation, and extant WA competitions. Rather, ISL sought to offer its own meets that were, admittedly, under its own jurisdiction, but it sought WA's sanction to do so.

4.2.1 Power characteristic 1: decisional power

According to Arts (2003), an actor's decisional power is underpinned by a dual process of policy creation and political persuasion. ISL's two-day summit in London in December 2018 is a prime example of an actor engaging with and wooing an audience (swimmers) to support its goals. ISL was able to showcase its vision, solicit feedback from a target workforce, and report outcomes to stakeholders across the world of swimming. ISL was, therefore, conceiving a new way of organising swimming and campaigning to garner support for its concept. It had therefore secured stakeholder support for its decision to enter swimming. Concurrently, as we have seen, ISL also tried to broker acceptance from WA. But it was only partially successful because the dominant regulator took an intransigent position; in effect WA was reasserting its idiom that 'Water is our World'.

4.2.2 Power characteristic 2: discursive power

Arts (2003) contends that an actor's discursive power is underpinned by how it frames organisational practice and the language used to justify it. ISL, by 'putting athletes first', sought to offer competitive swimming that was tied to workplace contracts, as well as enhanced opportunities for prize money. That set it apart from the established competitions offered by WA, where athletes were not contracted employees and prize money was modest. As Grigorishin emphasised publicly, "athletes deserve their fair share of all revenues...as the stars of swimming".[123] This language, which emphasised that athletes, rather than organisations, created economic value, was complemented by an insistence that the benefits of that revenue creation ought to be shared 'fairly'. It was the athletes who bought star power, but from an ISL perspective WA did not reward their accomplishments sufficiently.

At the same time, though, ISL was not seeking to establish itself as the preeminent actor in world swimming; rather it sought to be an accompaniment to WA, adding value to what that official body already offered. There was no suggestion that ISL was offering a 'breakaway' competition; WA's role as the prime regulator, and its existing competitions, were to remain intact. ISL's goal of improving conditions for athletes, both in terms of financial security and competition opportunities, was innovative but not a direct incursion against WA's modus operandi. ISL was not trying to convince swimmers to compete solely in its own competition and abandon WA events (including crucial qualification meets for the Olympics), but merely offered an additional opportunity for athletes to compete and earn money.

4.2.3 Power characteristic: regulatory power

According to Arts (2003), an actor's regulatory power is underpinned by its capacity for rule-making and

[123] D'Addona 2018.

standard-setting, these being exercises in authority. As an emergent actor, ISL was hardly dominant enough to either establish international regulations or enforce them. Yet that was hardly an ISL prime objective. Rather, as Grigorishin aptly put it, "We [ISL] can co-exist with WA and respect each other if they understand that their role is that of a regulator of rules not people".[124] Thus, ISL was not seeking to be a dominant regulator in respect of the rules of the sport of swimming; rather, it was looking to operate its own events while co-existing with WA. Crucially, ISL sought recognition from WA, which would add legitimacy and lustre to its independent model.

5 Conclusion

This article provided an overview of the regulatory landscape in international sport, with a particular interest in relationships between dominant and emergent actors. We selected a case study that exemplified an incipient relationship between two such actors, using the WA and ISL imbroglio to explore why those two bodies clashed administratively and legally, how they eventually navigated regulatory agreements, together with how they adapted institutionally and operationally thereafter. In doing so, we drew upon two regulatory frameworks from outside of sport: Hancher and Moran's (1989) Characteristics of Dominant Actors, within which WA was characterised; as well as Arts' (2003) Three Faces of Power, which allowed for evaluation of ISL as an emergent actor. Taken together, these theoretical guides provided a way of exploring and interpreting the relationship between two different types of actors.

We sought to understand why co-existence was initially problematic, yet over time the dominant actor came to acknowledge (albeit with limitations) the legitimacy of an emergent actor. Thus, these theoretical frameworks help us understand why regulatory spaces are complex, crowded, and contested, where occupants may be supportive or hostile to the regulatory relationships.

From the perspective of elite swimmers, the WA dispute with ISL has been beneficial. The dominant actor, under pressure from the emergent actor, has since adapted, such as by increasing prize money at WA meets, as well as opening up athletes' capacity to earn money from endorsements at WA-sanctioned events. What is more, both live and virtual engagement with audiences is now a priority for WA, which has promised to upskill and deliver innovations. Thus, elite-level swimming is undergoing a professionalisation phase within which commercial arrangements, such as innovative broadcasting and digital engagement, are core.

Concurrently, the governance of top-tier swimming is undergoing change. A key part of the discussion is improved professional pathways for athletes. We suspect that WA will liberalise to the extent of allowing swimmers more income from third-party sources, but it would be a surprise if they countenanced contracts for athletes as paid contractors, which is the ISL model. The rise of ISL has presented swimmers with the prospect of improvements to their livelihoods, but this may be quelled if the league fails to sustain itself financially. What the WA dispute illustrates is that there is the capacity for innovation and reconfiguration of regulatory spaces to accommodate disruptions. Rather than adopt a defensive tactic, opening the pool to a wider range of actors can improve outcomes for the ultimate performers, the swimmers themselves.

Future research could examine how democratic challenges in sports governance and decision-making—including the 'who' and the 'how'—are often controlled by dominant actors claiming regulatory legitimacy, power, and authority over functions within regulatory space. Just as significantly, we see market forces disrupting sport regulation, challenging traditional tournament competition models, best exemplified via LIV golf.[125] It is thus likely that breakaway leagues will continue to disrupt traditional models of sports governance, thus ongoing challenges to the authority of IF's are likely to remain a fertile area for further research.

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Declarations

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[124] Ibid.

[125] Iveson 2022.

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