6

Climate Action in Sports

The UN Climate Change's Sports for Climate Action Initiative and Its Implementation in the Wider Sports Sector

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6.1 INTRODUCTION

This chapter assesses the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat's (UN Climate Change) Sports for Climate Action Initiative (S4CA), which is part of a complex web of climate actions by private actors facilitated and managed by UN Climate Change. This chapter will first outline the implementation efforts of the International Olympic Committee (IOC) as one of the co-drafters of the Initiative before assessing the commitment and contribution of three professional leagues – England's Premier League (EPL), the Deutsche Fußball Liga (DFL) and the National Basketball Association (NBA). By depicting the wider web of public and private actions related to the S4CA framework, it illustrates how international organizations apply direct and indirect interactions with private actors (in this case in the sports sector) to achieve the goals set through public international treaties. Here, the pull factor of what is being termed a 'pioneer or leader organization',[1] namely organizations with the power and reach to achieve broader change in a specific issue area (in this case sports), will be studied.

The S4CA, with its integration of a diverse set of sports actors, is an example of public–private interaction in the pursuance of publicly set goals. It falls within a broader trend of involving private actors directly in the execution of

This chapter is based on research conducted between 2022 and 2023, but updated with the newest numbers where relevant.

[1] R. Wurzel, D. Liefferink and D. Torney, 'Pioneers, Leaders and Followers in Multilevel and Polycentric Climate Governance' (2019) 28 *Environmental Politics* 1.

transnational governance.[2] This trend is particularly prevalent in the context of climate change regulation, where private actors are traditionally closely involved. For example, the UNFCCC states that the Conference of the Parties (CoP) should 'seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organisations and intergovernmental and *non-governmental bodies*'.[3] Over time, private actors have become increasingly relevant in international efforts to address the dangers of climate change. In 2014, the CoP 20 UN Climate Change and the Peruvian government initiated the Non-State Actor Zone for Climate Action (NAZCA) portal. It has since been renamed the Climate Action Portal.[4] The Portal tracks climate actions by different actors and includes cooperative initiatives, such as the S4CA framework.[5] In a similar spirit, leading to the Paris Conference, the Lima-Paris Action Agenda was created to orchestrate and mobilize actors from all areas of society. In the end, more than 10,000 commitments by non- and sub-state actors came together.[6] It is therefore not surprising that the Paris Conference in 2015 agreed on a stronger mobilization of non-party actors. Decision 1/CP.21, which also includes the Paris Agreement, mentions several non-state actors and their commitments.[7] On this basis, private non-party engagement has been constantly growing. At the time of writing, 43,152 actors are listed on the Climate Action Portal, of which only 14,937 are state or sub-state actors. The vast majority of the rest are privately organized.[8]

In legal scholarship, direct engagement with such polycentric interactions is less pronounced. A simple reason for this is possibly the orientation towards the more traditional and hierarchical structures of law and legal systems. Even though we do find exceptions in the context of EU law,[9] as well as in the

[2] K. Abbott et al. (eds.), *International Organizations as Orchestrators* (Cambridge University Press, 2015); J. Green, *Rethinking Private Authority: Agents and Entrepreneurs in Global Environmental Governance* (Princeton University Press, 2014).

[3] Article 7 2(l) UNFCCC. Emphasis added.

[4] Th Hale, 'The Role of Sub-State and Non-State Actors in International Climate Processes' (2018) *Chatham House Research Paper*, www.chathamhouse.org/sites/default/files/publications/research/2018-11-28-non-state-sctors-climate-synthesis-hale-final.pdf: at 7. See also the portal at: https://climateaction.unfccc.int.

[5] https://climateaction.unfccc.int.

[6] Hale, 'Role of Sub-State and Non- State Actors', 7. See also K. Bäckstrand et al., 'Non-State Actors in Global Climate Governance: From Copenhagen to Paris and Beyond' (2017) 26 *Environmental Politics* 561.

[7] 1/CP.21 for instance in the preamble, in para 106, 109, 117, etc. See also UN Climate Change, History of Non-Party Stakeholder Engagement, available at: https://unfccc.int/climate-action/introduction-climate-action/history-non-party-stakeholder-engagement.

[8] https://climateaction.unfccc.int/Actors.

[9] E. Partiti, 'Orchestration as a Form of Public Action: The EU Engagement with Voluntary Sustainability Standards' (2019) 25 *European Law Journal* 94.

context of climate change law,[10] from a traditional international law perspective, most of these interactions fall simply in the 'soft law' category. However, setting these interactions aside as just 'soft law' misses the intricate ways in which international organizations operate today and in which transnational regulation comes about. For this reason, the present chapter will analyse the S4CA framework's myriad interplays between public and private actors, as well as the legal structures that underpin them. To achieve this, the following structure is adopted. First, a theoretical background for an analysis of public–private regulatory interactions will be provided (Section 6.2). This will be predominantly based on international relations and governance literature, where this phenomenon has become more prevalent in recent decades. However, the importance of the law and legal literature will also be outlined. Section 6.3 will then introduce the S4CA framework in more detail, and Section 6.4 will depict its application by several sports actors. A discussion of the empirical developments based on our understanding of complex regulatory interactions in or based on international legal frameworks is provided in Section 6.5. Section 6.6 concludes.

6.2 THE COMPLEXITY OF PUBLIC–PRIVATE REGULATORY INTERACTIONS: THE THEORETICAL FRAMEWORK

Traditionally, in both international law and relations, the literature has focused on horizontal state interactions.[11] Yet, for decades, we have been able to observe scholarship broadening this focus.[12] We now find a significant body of research that investigates the role of non-state actors, whether they be private, NGO-based or sub-state entities.[13] A strand of literature has been concerned with the role that international organizations can play in these interactions. Thus, Abbott, Genschel, Snidal and Zangl have created a two-by-two matrix setting of four modes of interaction: hard, soft, direct and indirect (Table 6.1).[14]

[10] D. Bodansky, J. Brunnée and L. Rajamani, *International Climate Change Law* (Oxford University Press, 2017), ch. 8.

[11] J. L. Brierly, *The Law of Nations*, 6th ed. (Clarendon Press, 1963) 63; R. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton University Press, 1984); S. Krasner (ed.), *International Regimes* (Cornell University Press, 1983).

[12] Ph Jessup, *Transnational Law* (Yale University Press, 1956).

[13] For example, A.-M. Slaughter, *A New World Order* (Princeton University Press, 2004); T. Börzel and Th Risse, 'Governance without a State: Can It Work?' (2010) 4 *Regulation and Governance* 13.

[14] K. W. Abbott et al., 'Introduction', in Abbott et al. (eds.), *International Organizations as Orchestrators* 1–2.

TABLE 6.1 *Modes of interaction*

	Direct	Indirect
Hard	Hierarchy	Delegation
Soft	Collaboration	Orchestration

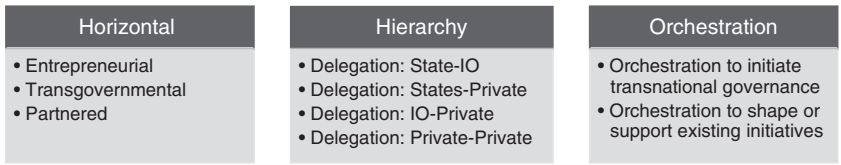

FIGURE 6.1 Modes of governance
Hale and Roger (2014)

More specifically for the context of climate governance, Hale and Roger created a typology of the varieties of relationships between different types of actors. These roughly align with the matrix in Table 6.1 in the way that horizontal interactions refer to collaborative versions, hierarchy refers to forms of delegation and finally orchestration is an independent category in both settings (Figure 6.1),[15]

To better understand what these individual categories entail, let us look a bit more closely at how they play out in regulatory practice and look for ways in which these interactions enter the legal literature.

The first form of horizontal interaction in Table 6.1 is labelled 'entrepreneurial'.[16] It refers to private actors, whether NGOs or firms or a combination of the two engaging in regulatory activities (often standard setting) without direct public participation.[17] They are entrepreneurial in the sense that they become active in areas where they perceive a lack of public initiative. In the context of climate regulation, Roger and Hale mention the Greenhouse Gas Protocol,[18] which also plays an important role in the S4CA framework. However, private regulatory initiatives are common across many regulatory domains, from forestry and fisheries,[19] to financial

[15] Th Hale and Ch Roger, 'Orchestration and Transnational Climate Governance' (2014) 9 *Review of International Organizations* 59, 62ff.
[16] Green, *Rethinking Private Authority*; Hale and Roger, 'Orchestration and Transnational Climate Governance'.
[17] Green, *Rethinking Private Authority*.
[18] https://ghgprotocol.org.
[19] S. Carodenuto and B. Cashore, 'Can Non-State Regulatory Authority Improve Domestic Forest Sustainability? Assessing Interactive Pathways of Influence in Cameroon', in S. Wood

markets[20] and new technologies.[21] These phenomena have also been captured by legal scholars engaged in transnational private regulatory processes.[22] Here, focus has often been on contractual arrangements which are used by these private regulators to implement and enforce their regulatory regimes;[23] the resemblances to public law instruments;[24] and the way in which public regulators may have responded to such initiatives.[25]

The second group listed in the horizontal column is collaborations between sub-state domestic actors. These could be regulatory agencies and other bureaucratic units or regions and cities. Pathbreaking in the context of such trans-governmental networks has been the work by Anne-Marie Slaughter dating back to 2004.[26] In the context of climate regulation, cities have been particularly active in creating such transnational networks.[27]As we will see, their role is important in the sports context, as many large sporting events take place in major cities. Legal scholarship, too, has started to focus on the role of regional and local authorities and cities in particular in international law when emphasizing their growing involvement in international soft law processes while still not being recognized as international legal actors.[28] Finally,

et al. (eds.), *Transnational Business Governance Interactions: Advancing Marginalized Actors and Enhancing Regulatory Quality* (Edward Elgar, 2019), 207; L. Gulbrandsen and G. Auld, 'Contested Accountability Logics in Evolving Nonstate Certification for Fisheries Sustainability' (2016) 16 *Global Environmental Politics* 42; E. Meidinger, 'Forest Certification and Democracy' (2011) 130 *European Journal of Forest Research* 407.

[20] M. Borowicz, 'Contracts as Regulation: The Isda Master Agreement' (2021) 16 *Capital Markets Law Journal* 72; J. Biggins and C. Scott, 'Resolving the Gaps: Embedding Isda in States' Responses to Systemic Risk', in Nicholas Dorn (ed.), *Controlling Capital, Public and Private Regulation of Financial Markets* (Routledge, 2016), 157; M. Andenas and I. H.-Y. Chiu, *The Foundations and Future of Financial Regulation: Governance for Responsibility* (Routledge, 2014).

[21] IEEE AI technologies standards.

[22] Among many others: F. Cafaggi, 'New Foundations of Transnational Private Regulation' (2011) 38 *Journal of Law and Society* 20.

[23] Among others: Borowicz, 'The Isda Master Agreement'.

[24] E. Meidinger, 'The Administrative Law of Global Private–Public Regulation: The Case of Forestry' (2006) 17 *European Journal of International Law* 47.

[25] L. Gulbrandsen, 'Public Sector Engagement with Private Governance Programmes: Interactions and Evolutionary Effects in Forest and Fisheries Certification', in A Nollkaemper et al. (eds.), *Smart Mixes for Transboundary Environmental Harm* (Cambridge University Press, 2019), 211.

[26] Slaughter, *A New World Order*.

[27] Hale and Roger, 'Orchestration and Transnational Climate Governance', referring to T. Lee, 'Global Cities and Transnational Climate Change Networks' (2013) 13 *Global Environmental Politics* 108, and N. Toly, 'Transnational Municipal Network in Climate Politics: From Global Governance to Global Politics' (2008) 5 *Globalizations* 341.

[28] C. Swiney, 'The Urbanization of International Law and International Relations: The Rising Soft Power of Cities in Global Governance' (2020) 41 *Michigan Journal of International Law*

from a more theoretical angle, we can refer to the Global Administrative Law project, which explicitly included 'administration based on collective action by transnational networks of cooperative arrangements between national regulatory officials' and distributed administration conducted by national regulators under treaty, network or other cooperative regimes[29].

The final horizontal mode of interaction is partnered governance, which Hale and Roger define as 'mixtures of sub-state and non-state actors who come together to achieve some governance goal'.[30] The S4CA initiative on which this paper focuses is, to a degree, a good example of such a partnered form of governance. It brings together a treaty body, UN Climate Change and private actors, among them the IOC, to achieve better climate protection mechanisms in the field of sports. However, such partnered approaches are not new, especially not in the sports context, where, as early as in the 1990s, we observed collaboration between the IOC and the United Nations Environmental Programme (UNEP).[31] Such partnerships are more common than one might think;[32] and have in recent years also received more attention in legal literature.[33]

The second column in Hale and Roger's typology covers hierarchical forms of interactions and here in particular delegation, which refers to the 'grant of authority from a principal to an agent'[34]. Unlike with horizontal relationships, here it is clearly the principal that initiates and designs the interaction. The agent is furthermore held to account by the principal and there may be forms of punishment for violation or failure to properly implement the agreement.[35]

(2020) 227; Y. Blank, 'The City and the World' (2006) 44 *Columbia Journal of Transnational Law* 875; Y. Blank, 'Localism in the New Global Legal Order' (2006) 47 *Harvard International Law Journal* 263; M. Ruffert, 'Transboundary Cooperation between Local or Regional Authorities', in *Max Planck Encyclopedia of International Law* (Oxford University Press).

[29] B. Kingsbury, N. Krisch and R. Stewart, 'The Emergence of Global Administrative Law' (2005) 68 *Law and Contemporary Problems* 15, 20.

[30] Hale and Roger, 'Orchestration and Transnational Climate Governance', 63.

[31] See Memorandum of Understanding between UNEP and the IOC from 1994 (on file with the author). See furthermore, R. Schmidt, 'Protecting the Environment through Sports? Public–Private Cooperation for Regulatory Resources and International Law' (2017) 28 *European Journal of International Law* 1341–1366.

[32] K. Abbott, 'Public Private Partnership', in *Max Planck Encyclopedia of International Law* (Oxford University Press).

[33] D. Aziz, 'Global Public–Private Partnerships in International Law' (2012) 2 *Asian Journal of International Law* 339; R. Schmidt, *Regulatory Integration across Borders: Public Private Cooperation in Transnational Regulation* (Cambridge University Press, 2018).

[34] D. Hawkins et al., 'Delegation under Anarchy: States, International Organizations and Principal–Agent Theory', in D. Hawkins et al. (eds), *Delegation and Agency in International Organizations* (Cambridge University Press, 2006), 3.

[35] Hale and Roger, 'Orchestration and Transnational Climate Governance', 64.

Delegation was traditionally spoken of in the context of states allocating tasks to international organizations.[36] In the context of transnational environmental regulation, delegation from states, or groups of states, as well as from international organizations to private actors – transnational delegation – has increased in the past three decades.[37] One reason for this development is seen in the increased complexity of environmental treaties that employ multi-stakeholder forms of governance.[38] As will be subsequently depicted in this article, this complexity also leads to other types of delegation. In particular, delegation between private actors might take the form of sub-delegation as well as even forms of delegation from private to public actors, as is the case in the sports context between the IOC and host cities.[39]

The final column in Hale and Roger's matrix addresses orchestration. Orchestration was originally defined by Abbott et al. as 'one actor (or set of actors), the orchestrator, [who works] through a second actor (or set of actors), the intermediary, to govern a third actor (or set of actors), the target'.[40] Originally, this research started out with the goal of understanding the way in which international organizations engage in this mode of governance; the focus was therefore put on public actors – (states or) international organizations which in one way or another engage private organizations, often NGOs, as intermediaries.[41] However, as previous literature showed, states or international organizations engage in orchestration and many actors can be intermediaries, from private actors to networks to states or other NGOs. Especially in the context of climate, governance orchestration rose since the late 1990s;[42] with UN Climate Change taking on a more prominent role in recent years.[43] Reasons for why actors engage in orchestration are manifold, but it is generally believed that a combination of factors encourages it. First, the inability to achieve goals via traditional intergovernmental cooperation; second, the fact that sub-state and non-state actors have capacities and the interest to address a

[36] Ibid., 63.
[37] Ibid.; J. Green, 'Transnational Delegation in Global Environmental Governance: When Do Non-State Actors Govern?' (2018) 12 *Regulation and Governance* 263, 275.
[38] Green, 'Transnational Delegation in Global Environmental Governance', 275.
[39] R. Schmidt, 'The Carbon Footprint of the Games: International Climate Change Law and the Olympics' (2020) 114 *AJIL Unbound* 362.
[40] Abbott et al., 'Introduction', 4.
[41] Abbott et al. (eds.), *International Organizations as Orchestrators*; Hale and Roger, 'Orchestration and Transnational Climate Governance'.
[42] Hale and Roger, 'Orchestration and Transnational Climate Governance'.
[43] K. Bäckstrand and J. Kuyper, 'The Democratic Legitimacy of Orchestration: The UNFCCC, Non-State Actors, and Transnational Climate Governance (2017) 26 *Environmental Politics* 764–788.

regulatory problem but face obstacles to do so, for example, collective action problems; third, the orchestrators possess attributes that help overcome the aforementioned problems.[44] Those attributes are given if the orchestrator is a so-called anchor organization or 'natural focal institution'; if they have convening power; if they possess public legitimacy, as well as material and intellectual resources and organizational culture.[45] Again, one can also observe these elements with UN Climate Change, which possesses qualities of an anchor organization; the details of this will be discussed in more detail in the rest of this chapter.

From the short overview of governance interactions that we just saw, it is easy to imagine that one might have difficulty drawing a straight line between the different modes of interaction. Abbott et al. described this in the following manner:

> [the modes of interactions] are mixed and blended into hybrid forms. Rather than treating the direct–indirect and hard–soft distinctions . . . as categorical, then, they should be regarded as the extreme points of continua. Thus, there are degrees of '(in)directness' in governance. For instance, direct collaboration in professional self-regulation may blend into indirect orchestration when governments promote the creation of professional associations that serve as independent middlemen between government and targets.[46]

We thus find multifaceted combinations of interactions within the same regulatory issue area and sometimes even within the same regulatory framework. This is especially the case in climate governance, in which the post-Paris Agreement has become an exemplar case of polycentric governance,[47] that is based on interactions between the different actors therein.

Before turning to an examination of these phenomena through a close assessment of the S4CA framework, let us analyse the role that individual actors may play in these interactions. The literature on governance interactions often, though not always, starts from the perspective of public actors such as states, international organizations or subnational entities. However, it might also be the initiatives of private actors that lead to the development of novel regulatory approaches to fostering change in a certain regulatory field. In the context of climate governance, the role of so-called leaders and pioneers

[44] Hale and Roger, 'Orchestration and Transnational Climate Governance', 67–68.
[45] Ibid.
[46] Abbott et al., 'Introduction', 10.
[47] S. Oberthür, 'Reflections on Global Climate Politics Post Paris: Power, Interests and Polycentricity' (2016) 51 *International Spectator* 80. A. Jordan et al., 'Governing Climate Change Polycentrically: Setting the Scene', in A. Jordan et al. (eds.), *Governing Climate Change: Polycentricity in Action?* (Cambridge University Press, 2018), 3.

has been discussed.[48] According to Wurzel, Liefferink and Torney, 'pioneership/leadership refers either to actors who are first to introduce and/or propagate a certain policy measure or who exhibit the highest level of ambition'.[49] Leaders are usually distinguished from pioneers in that they 'seek to attract followers', something that pioneers do not.[50] Leaders or pioneers can be different actors, international organizations, single countries, business actors, NGOs, etc.[51] In Section 6.3, we will look at this intersection between governance interactions and the role of regulatory pioneers and leaders in the context of the Sports for Climate Action framework. As will be shown, these complex interplays are at the centre of a comprehensive approach to climate change regulation.

6.3 THE SPORTS FOR CLIMATE ACTION FRAMEWORK

Questions about the environmental impact of sports have been prominent for at least three decades. The 1992 Winter Olympics in Albertville, for instance, was considered 'an environmental disaster' and led to widespread global concern about the impact of such mega-events.[52] As a result, the IOC had to put in place environmental policies for the Olympic Games specifically and the movement generally.[53]

The Paris Agreement set out to hold 'the increase in the global average temperature to well below 2°C above pre-industrial levels'.[54] The provision only binds those states that are signatories to the agreement. However, to successfully tackle climate change, it is understood that a broader societal effort is necessary. Non-state actors can be involved by states in their climate action plans.[55] To this end, UN Climate Change launched the Global Climate Action Portal, which lists climate change commitments (actions) by actors from all segments of society. Non-state actors can determine their own

[48] Wurzel et al., 'Pioneers, Leaders and Followers'.
[49] Ibid., 8.
[50] Ibid.; D. Liefferink and R. Wurzel, 'Environmental Leaders and Pioneers: Agents of Change?' (2017) 24 *Journal of European Public Policy* 951.
[51] Wurzel et al., 'Pioneers, Leaders and Followers', 15.
[52] H. Cantelon and M. Letters, 'The Making of the IOC Environmental Policy as the Third Dimension of the Olympic Movement' (2000) 35 *International Review for the Sociology of Sport* 294, 300.
[53] For further information, see Schmidt, 'Protecting the Environment through Sports?'.
[54] U.N. Doc. FCCC/CP/2015/L.9/Rev/1, article 2(a); Sports for Climate Action Framework, paras 5 and 12.
[55] U.N. Doc. FCCC/CP/2015/L.9/Rev/1, article 2(4); D. Wei, *Linking Non-State Action with the U.N. Framework Convention on Climate Change* (Center for Climate and Energy Solutions, 2016).

contributions to tackling climate change by, for instance, reducing emissions by a certain date. At the time of writing, 43,152 actions were listed, the vast majority of which are non-state actors.[56] One campaign that is also found on GCAP and particularly important to the present example is the Race to Zero (R2Z) campaign, which was established in 2020. It is described as 'the UN-backed global campaign rallying non-state actors … to take rigorous and immediate action to halve global emissions by 2030 and deliver a healthier, fairer zero carbon world in time'.[57]

Before this background, UN Climate Change, the IOC and other leading sports organizations started the S4CA initiative in 2018. Its goal, as stated in Section 6.1, is to foster the commitments made in the Paris Agreement in the sports sector.[58] Numerous sports actors, such as federations, clubs and actors from the sports industry, have signed up to it, totalling 280 participants at the time of writing.[59] UN Climate Change published a support document, the so-called Sports for Climate Action framework, which asks signatories to develop a climate action agenda based on five principles: first, to undertake systematic efforts to promote greater environmental responsibility; second, to reduce overall climate impact; third, to educate for climate action; fourth, to promote sustainable and responsible consumption and, fifth, to advocate for climate action through communication.[60]

Principle 2 establishes the central goal of achieving climate neutrality.[61] There is a two-step process foreseen by the framework to achieve climate neutrality. First, participating organizations should 'measure and understand',[62] by gathering information on current activities to establish a baseline climate footprint. Through this, the overall climate impact of the organization is established. These data then guide decision-makers in implementing the second step,[63] where organizations must mitigate their carbon footprint through a hierarchical five-stage process that starts with avoidance measures (1), then reduction (2) and substitution (3) of emissions. Finally, compensation through

[56] See https://climateaction.unfccc.int/Actors. Those also include public initiatives such as those by cities or regions but not by states.
[57] https://climatechampions.unfccc.int/Initiatives?id=Race_to_Zero.
[58] https://unfccc.int/climate-action/sectoral-engagement/sports-for-climate-action; for further information on the implementation of this framework in the context of the Olympic Movement, see Schmidt, 'Carbon Footprint of the Games'.
[59] https://climateaction.unfccc.int/Initiatives?id=Sports_for_Climate_Action.
[60] Sports for Climate Action Framework, available at: https://unfccc.int/sites/default/files/resource/Sports_for_Climate_Action_Declaration_and_Framework_0.pdf, para 18.
[61] Ibid., para 22.
[62] Ibid., paras 23–25.
[63] Ibid., para 25.

TABLE 6.2 *Five step table*

Step	Starting Line	Leadership Practice
Pledge	- Reach (net) zero GHGs by 2050 at the latest - Reach the interim target of 50% global reduction of CO_2 by 2030 - Targets must cover all GHG emissions, including all three scopes of the Greenhouse Gas Protocol Corporate Standard.[64]	- Target absolute zero or net negative emissions - Adopt inclusive boundaries - Twin targets for reduction and removal - Specific targets for short-term reduction of methane and other GHGs - Protect nature - Contribute to 2030 breakthroughs
Plan	- Transition plan within 12 months of joining, includes actions taken within 12 months, 2–3 years and by 2030	- Support a just transition - Integrate nature - Empower stakeholders
Proceed	- 'Immediate action through all available pathways toward achieving (net) zero' emissions	- Contribute beyond own value chain - Prioritize emissions-intensive sectors - Scale up climate solutions - Empower ecosystems
Publish	- Public reporting of progress	- Activate the ambition loop - Mainstream (net) zero alignment
Persuade	- Align external policy and engagement to halving emissions by 2030 and the net zero goal by 2050	- Activate the ambition loop - Mainstream (net) zero alignment

UNFCCC recognized mechanisms (4) for those emissions not covered by stages (1)–(3) is foreseen. Beyond the mitigation steps, step two also requires the reporting of the climate footprint and mitigation actions.[65]

The Sport for Climate Action framework also links to the R2Z campaign, to which several sports organizations, such as the IOC or the EPL, have already subscribed.[66] R2Z also consists of a five-step plan that overlaps to a degree with

[64] The three scopes derive from the Greenhouse Gas Protocol, a global framework to measure greenhouse gas emissions. The framework classifies the scopes in the following way: 'Scope 1 emissions are direct emissions from owned or controlled sources. Scope 2 emissions are indirect emissions from the generation of purchased energy. Scope 3 emissions are all indirect emissions (not included in scope 2) that occur in the value chain of the reporting company, including both upstream and downstream emissions'. https://ghgprotocol.org/sites/default/files/standards_supporting/FAQ.pdf.

[65] Ibid., para 26.

[66] https://climateaction.unfccc..int/Initiatives?id=Sports_for_Climate_Action.

TABLE 6.3 *Four-step version*

Step	Action
Pledge	- Pledge by the head of the organization which includes commitments to reach (net) zero by 2040
Plan	- Within 12 months of joining, signatories will be expected to submit plans to UN Climate Change outlining the actions they will take toward achieving their climate pledges (especially in the short term (2030 target)) - These plans will likely be iterative
Proceed	- Take immediate action toward climate goals - Reflect the urgency of rapid emissions reductions - Each organization can choose how to approach emission reduction audits (different starting lines)
Report	- Annual public reporting from 2021 onwards

the S4CA principles, yet it does provide some more concrete targets (Table 6.2). The five steps are divided into starting-line criteria, which all members must meet, and leadership practices, which map out potential pathways for leadership in a net zero economy.[67]

The S4CA has in recent years aligned its own framework with the targets of the R2Z campaign and, as mentioned, some signatories of the S4CA have also joined the R2Z.[68] The S4CA has invited all participants to adopt the following targets. First, reduction of GHG emissions by 50 per cent by 2030 at the latest, either using a 2019 baseline or the latest year for which data is available; second, net zero GHG emissions by 2040; third, targets should be inclusive of scopes 1, 2 and 3 of the Greenhouse Gas Protocol[69]; and, fourth, organizations for which Scope 3 represent 40 per cent or more of total emissions generated by the organization to model Scope 3 emissions and set Scope 3 targets.

Furthermore, to ensure a consistent process and to incentivize action, all Sports for Climate Action signatories are requested to adhere to a four-step version of the R2Zs 5-step plan (Table 6.3).[70]

In the following we will look at the implementation of the S4CA framework by different sports actors. We will start with the IOC itself and then look at for-profit sports organizations that are not themselves part of the Olympic orbit. Examples of the latter will be two football leagues (the EPL and the First and

[67] https://climateaction.unfccc.int/Initiatives?id=Race_to_Zero.
[68] Cf Schmidt, 'Carbon Footprint of the Games' (at the time of writing that article the R2Z scheme had not been in place yet).
[69] See n. 67.
[70] See https://unfccc.int/climate-action/sectoral-engagement/sports-for-climate-action.

Second German Bundesliga under the umbrella of the DFL) as well as the NBA.

6.4 CLIMATE ACTION BY SPORTS ACTORS

6.4.1 *Climate Action by the IOC*

The IOC has a history of environmental policy that has reached back over three decades. Climate action is a more recent activity.[71] It was the IOC that, together with UN Climate Change, co-initiated the S4CA. Internally, its own climate policy started with its sustainability strategy in 2017.[72] The strategy was in line with Agenda 2020, a reform process adopted in 2014,[73] and included the pledge to achieve carbon neutrality by 2030, which was to be achieved through a combination of reducing and compensating for direct and indirect emissions.[74] However, at least 50 per cent of this should be achieved through reductions.[75] In the course of the recent Olympic Agenda 2020+5 process, another list of sustainability objectives for the timeframe of 2021–2024 was added. Five criteria are to guide these objectives, among them the criteria to 'reflect the IOC's commitment to be a climate positive organisation by 2024 and for all Games to be climate positive from 2030 onwards'.[76]

Importantly, the IOC is only responsible for a fraction of the Olympic Movement's GHG emissions. Thus, the Tokyo Olympics, even though held under pandemic conditions, produced 1.962 million t-CO_2 emissions,[77] whereas the IOC's emissions in 2018, for example as the year where they were highest, only amounted to 60,630 tonnes.[78] To account for this, the sustainability strategy uses three spheres of responsibility: the IOC as an organization, the IOC as the owner of the Olympic Games and the IOC as the leader of the Olympic Movement.[79]

[71] The current section builds on Schmidt, 'Carbon Footprint of the Games'.
[72] IOC, Sustainability Strategy, available at: https://olympics.com/ioc/sustainability.
[73] https://olympics.com/ioc/olympic-agenda-2020.
[74] IOC, Sustainability Strategy, available at: http://extrassets.olympic.org/sustainability-strategy/2-1, 42.
[75] https://olympics.com/ioc/sustainability/climate-positive-commitment.
[76] Sustainability Report, available at: https://stillmed.olympics.com/media/Documents/News/2021/12/IOC-Sustainability-Report-2021.pdf?_ga=2.96718367.1665806811.1656500530-1116173954.1656500530, 25.
[77] Tokyo 2020, Sustainability Post-Games Report, available at: www.tokyo2020.jp/ja/image/upload/production/Sustaiability%20Post-Games%20Report.pdf, 26.
[78] See IOC, The IOC's Climate Positive Commitment, available at: https://olympics.com/ioc/sustainability/climate-positive-commitment.
[79] IOC, Sustainability Strategy, 4.

Based on this threefold division, we find several climate-related objectives in the new Agenda 2020+5. Thus, the IOC as an organization is to reduce its 'CO_2 emissions in line with the Paris Agreement, with a 30 per cent reduction in our travel emissions by 2024 and additional measures targeting our digital activities, buildings and catering'.[80] With regards to the IOC as owner of the Olympic Games, the new objectives prescribe that the IOC assists and accelerates 'the transition to climate positive Olympic Games through the development of guidance and expertise . . . and the revision of relevant existing operational requirements'.[81] These goals are in line with the requirements provided by the S4CA or R2Z schemes.

With the caveat that this is a moving target, with the IOC's sustainability strategy being in flux, let us now look at the implementation level of climate actions in the context of the Olympics. This happens at the host city level and a crucial document here is the Host City Contract's Operational Requirements. The latest version of this document was published in 2018. It contains a Sustainability and Legacy section, which requires host cities to implement their own sustainability strategies that are compatible with the IOC's.[82] Crucially, it needs to include the following requirements from 2026 onwards:

- [Organizing Committees of the Olympic Games] OCOGs and host cities [are] to minimize the Olympic Games' carbon emissions;
- OCOGs [are] to compensate for their 'direct'/'owned' emission;
- OCOGs and host cities [are] to promote low-carbon solutions for and through the Olympic Games in the host country; [and]
- Candidate cities, OCOGs and host cities [are] to take into account the potential consequences of climate change when selecting Olympic Games locations.[83]

How is this implemented? As mentioned, OCOGs must develop their own sustainability strategies. These must be accompanied by an implementation plan,[84] as well as by a sustainability management system based on the ISO 20121:2012 on Sustainable Events Management.[85] To depict the host city's progress on this front, OCOGs must prepare three sustainability reports (two before and one after the Games).[86]

[80] Sustainability Report, 26.
[81] Ibid., 26.
[82] IOC, Host City Contract: Operational Requirements, June 2018, SUS 01, 166.
[83] IOC, Sustainability Strategy, Annex 3, 54.
[84] IOC, Host City Contract: Operational Requirements, June 2018, SUS 02, 166.
[85] Ibid., SUS 04, 167
[86] Ibid., SUS 06, 167.

More specifically, regarding climate actions, OCOGs are required to develop a specific carbon management plan with the goal of measuring and ultimately minimizing carbon emissions.[87] To this end, the IOC has developed the Carbon Footprint Methodology Guideline. This technical document provides methodological principles and technical guidance on how to measure and calculate carbon footprints.[88] The methodology used in the Guideline is based on the aforementioned Greenhouse Gas Protocol, ISO 14064 and the European Commission's Organization Environmental Footprint.[89] Based on this framework, OCOGs are also required to implement an iterative process. First, they need to estimate the carbon footprint of their Games using planning documents and assumptions. On this basis, a carbon management plan is then developed and an initial carbon footprint report is published. The second step consists of the creation and implementation of a carbon footprint reduction plan, followed by a revised carbon footprint report. After the Games, in the final step, OCOGs measured the actual footprint of the Games and reported it.[90]

6.4.2 *Professional Leagues and Climate Action*

Unlike the Olympic Movement, which has a decades-long history of challenges around the interplay between environmental protection and sports mega-events, many professional leagues have only recently faced more significant environmental and sustainability demands.[91] This brought with it new challenges that leagues now need to tackle to a greater degree. To date, the S4CA framework includes a large and growing number of professional associations and teams that are not directly within the Olympic orbit as signatories. These actors, just as the IOC, subscribed to the same requirements outlined. However, as will be discussed in Sections 6.4.2.1–6.4.2.3, in most cases, they are still less advanced in the development and implementation of relevant policies.

[87] See, e.g., Paris 2024 Delivering Carbon Neutral Games, available at: www.paris2024.org/en/delivering-carbon-neutral-games/.
[88] IOC, Carbon Footprint Methodology for the Olympic Games (December 2018).
[89] Ibid., 12, and 17.
[90] Ibid., 20.
[91] T. Walters, 'The Football Industry Needs to Wake Up to the Climate Emergency', *The Guardian*, available at: www.theguardian.com/football/2020/aug/04/the-football-industry-needs-to-wake-up-to-the-climate-emergency.

6.4.2.1 English Premier League

Football is a truly global industry, one of significant size, and it is estimated that its carbon footprint is too. Around 0.3–0.4 per cent of all carbon emissions worldwide could stem from it.[92] The travel of teams and fans is one of the main sources. However, for the longest time, climate change and sustainability in general were not high on the agenda of those leading the industry.[93]

The EPL joined the S4CA framework on 4 November 2021. With its signature, it is committed to reducing its emissions by 50 per cent by 2030 to achieve net zero emissions by 2040. In line with the S4CA frameworks, this is achieved through adhering to the five principles outlined in Table 6.2.[94] The EPL published its sustainability strategy in 2025. The strategy outlines plans to reduce climate impact and cooperate with relevant stakeholders.[95] Central to the League's ambitions are not surprisingly EPL clubs. Currently, a number of clubs in the EPL have also signed onto the S4CA framework.[96] The first one to do so was Arsenal FC, which has set the target of reducing emissions by 50 per cent in 2030 and achieving climate neutrality by 2040.[97] It took a variety of measures to achieve these goals, such as switching to 100 per cent green electricity. Furthermore, it also engages in educational activities, such as a sustainability module that can be delivered to local schools.[98] Another club that signed the framework is Tottenham Hotspur. Its signature in January 2021 is building on several initiatives that the club has already engaged in. One is the 10:10 initiative, which asks individuals and organizations to cut their emissions by 10 per

[92] https://sancroft.com/2022/03/22/a-more-beautiful-game-sustainability-in-football-comes-of-age/.

[93] www.theguardian.com/football/2020/aug/04/the-football-industry-needs-to-wake-up-to-the-climate-emergency.

[94] League commits to UN Sports for Climate Action Framework, 4 November 2021, available at: www.premierleague.com/news/2327983.

[95] https://premierleague.com/news/4266971.

[96] Ibid.

[97] See 'Arsenal Joins with UN to Tackle Climate Change', 16 November 2020, available at: www.arsenal.com/news/arsenal-joins-un-tackle-climate-change. Sport + Positive Leagues, which provides a ranking of environmentally sustainable clubs, states that climate neutrality is to be achieved by 2040, but the club itself still lists 2050 on its website, see: www.sportpositiveleagues.com/pl-2021/.

[98] UNFCCC, 'Four Premier League Clubs Taking Climate Action', 26 February 2021, available at: https://unfccc.int/blog/four-premier-league-clubs-taking-climate-action; and www.sportpositiveleagues.com/pl-2021/. See, furthermore, Arsenal Media, 'Arsenal Joins with UN to Tackle Climate Change'.

cent in 1 year.[99] Another project in which the club is a founding member is Count Us In. The goal of this initiative is to mobilize one billion people to take 16 steps to mitigate carbon pollution.[100] Liverpool is the third team that signed the S4CA framework. It is also committed to halve greenhouse gas emissions by 2030 and to achieving net zero by 2040. To achieve this, the club developed the Red Way strategy, which bundles all sustainability initiatives. The strategy concretely helped the club set off 435 tons of CO_2 and thus become carbon-neutral in its direct activities.[101] Another club having signed onto the S4CA framework early is Southampton. Their actions are bundled in the Halo Effect, which was launched in January 2021. According to this strategy, the club aims to be carbon neutral by 2030. Via the S4CA framework, there is an obligation to achieve carbon neutrality by 2040 at the latest.[102]

6.4.2.2 German Football League Association

The German Football League Association (DFL), which operates the First and Second Bundesliga, has also joined the S4CA framework. It implemented a binding sustainability directive in 2021, which will bind first and second Bundesliga clubs and took effect on 1 January 2023.[103] This step was preceded by the inclusion of sustainability as a goal of the DFL in its statutes.[104] In the future, clubs need to demonstrate their alignment with the requirements of the directive during the licensing process.[105] The goal of the directive is to provide a uniform framework for the existing individual commitments of Bundesliga clubs. One challenge in implementing the directive is that different clubs have different economic, structural and personnel starting points.

[99] 'Passionate about Our Planet', available at: www.tottenhamhotspur.com/the-stadium/passionate-about-our-planet/.

[100] UNFCCC, 'Four Premier League Clubs Taking Climate Action'; https://unfccc.int/news/four-premier-league-clubs-taking-climate-action.

[101] Liverpool, 'Our Planet', available at: www.liverpoolfc.com/theredway/our-planet; Liverpool, 'The Red Way', available at: www.liverpoolfc.com/news/community/422474-the-red-way-points-to-sustainability; UNFCCC, 'Four Premier League Clubs Taking Climate Action'.

[102] Southampton, Environmental Responsibility, available at: www.southamptonfc.com/~/link.aspx?_id=B9728B7AA0364AD199F18FDFE5C3BF4D&_z=z.

[103] 'Anhang XIV: Nachhaltigkeitsrichtlinie', available at: https://media.dfl.de/sites/2/2022/06/Anhang-XIV-zur-LO-2022-05-31-Stand.pdf; DFL, 'Clubs der Bundesliga und 2. Bundesliga beschließen erstmals Nachhaltigkeitskriterien für Lizenzierungsordnung', available at: www.dfl.de/de/aktuelles/clubs-der-bundesliga-und-2-bundesliga-beschliessen-erstmals-nachhaltigkeitskriterien-fuer-lizenzierungsordnung/.

[104] DFL, 'Clubs der Bundesliga und 2. Bundesliga beschließen erstmals Nachhaltigkeitskriterien für Lizenzierungsordnung'.

[105] Ibid.

To this end, the directive foresaw a multi-stage implementation model consisting of three categories of minimum standards and extended criteria:[106]

- Minimum criteria I: Fulfilment must be fully demonstrated by licence applicants from the Third league by 1 March 2023 and from the First and Second Bundesliga by 15 March 2023;
- Minimum criteria II: Fulfilment must be fully demonstrated by licensees by 1 September 2023;
- Extended criteria: Fulfilment or response can be demonstrated and financially and non-financially incentivised by licensees by 1 September 2023.[107]

The minimum criteria can be assigned to three subject areas of sustainability: 'Club management and organization', 'Environment and resources' and 'Stakeholder groups'. In the second category, we find CO_2 emission management. Here are the minimum criteria required:

> Proof of biennial recording of the greenhouse gas emissions caused by the club's business activities in Scopes 1 and 2 of the GHG Protocol as well as club-relevant components in Scope 3.
>
> Minimum components for Scope 3 are: (1) mobility of employees, (2) business trips (including sports and function teams), (3) fan mobility, and (4) emissions from club stadium use under leases.[108]

Minimum Criteria II for now contains questions to the clubs regarding their emission reduction goals and measures to achieve such reductions.[109]

Besides the DFL itself, two Bundesliga clubs – 1. FC Köln and VFL Wolfsburg – were early signatories of the S4CA framework. VFL Wolfsburg is usually mentioned as a model actor when it comes to climate action. It was the first football club to sign onto the S4CA framework and has since implemented significant and detailed measures to reduce emissions. Currently, the goal is to achieve net zero emissions by 2025. It has determined its climate footprint using the GHG model and has put concrete measures into place to reduce and offset its emissions.[110]

[106] https://media.dfl.de/sites/2/2022/06/Anhang-XIV-zur-LO-2022-05-31-Stand.pdf, p. 1.
[107] Ibid.
[108] Ibid., p. 13.
[109] Ibid.
[110] VFL Wolfsburg, 'Moving Together, Sustainability Report of the VFL Wolfsburg 2020', available at: https://static-typo3.vfl-wolfsburg.de/user_upload/Medien/Dokumente/210425-VfL-Wolfsburg-Sustainability-Report.pdf, p. 55.

6.4.2.3 National Basketball Association

The third example of a professional league's engagement with the S4CA framework is the NBA. The NBA was the first professional sports league to sign onto the S4CA in 2019.[111] With its signature, the NBA also agreed to halve its emissions by 2030 and to achieve net zero emissions by 2040. However, to date, there is at least no publicly available sustainability policy, even though the NBA has engaged in several activities to mitigate emissions.[112] These mainly centre around creating awareness and green buildings. Ten teams have already received Leadership in Energy and Environmental Design (LEED) certifications.[113]

A major source of emissions for the NBA, like other sports leagues, is carbon emissions through (air) travel. There are estimates that, in 2018, the four major North American leagues emitted 122,000 tons of CO_2 for 7.5 million kilometres of travel in total.[114] The NBA is said to have had the largest footprint. As a result, meaningful commitments to reduce emissions need to address air travel. This has also been acknowledged by NBA Commissioner Adam Silver in a recent statement made at the Aspen Ideas Festival.[115] As a response, the NBA announced on 17 August 2022 that it had adjusted the playing schedule in such a way that travel would be reduced by 5 per cent or 90,000 fewer kilometres.[116] Regarding teams, Portland Trail Blazers are frequently mentioned as particularly progressive, even though they have not signed up the S4CA framework. The team has adopted a sustainability plan called 'livegreener' which, among other areas, also contains a policy on energy usage. Here, the team states that the carbon footprint/event-day-person was cut by 25 per cent since 2008. The current goal is to reduce this footprint by an additional 15 per cent by 2025 and to continue offsetting 100 per cent of electricity and natural gas use. Together with EnergyTrust of Oregon, the

[111] https://greensportsalliance.org/nba-signs-on-to-uns-sports-for-climate-action-framework-whos-got-next/.

[112] See https://cares.nba.com/programs/nba-green/.

[113] LEED is a rating system which is developed by the US Green Building Council and which rates buildings according to carbon, energy, water, waste, transportation, materials, health and environmental equality. Information available at: www.usgbc.org/leed.

[114] S. Wynes, 'Covid-19 Disruption Demonstrates Win–Win Climate Solutions for Major League Sports' (2021) 55/23 *Environmental Science & Technology* 15609, 15609.

[115] Interview available at Angie Lassman, 'NBA Commissioner Talks about League's Efforts toward Sustainability', www.nbcmiami.com/news/local/changing-climate-south-florida/nba-commissioner-talks-about-leagues-efforts-toward-sustainability/2758589/.

[116] R. Del Bello, 'The NBA Takes Action to Reduce Its Carbon Footprint', *Le Monde*, 24 August 2022.

team completed 53 energy-related projects.[117] To date, few of the teams of the NBA have joined the S4CA framework.

6.5 DISCUSSION: THE COMPLEXITIES OF PUBLIC–PRIVATE INTERACTION IN THE S4CA FRAMEWORK

The previous sections depicted both the S4CA framework and the implementation of climate change measures by four actors in the sports context: the IOC itself, the EPL, the DFL and the NBA. In this section, the focus will be directed towards both the types of interactions that characterize the S4CA and the underlying legal framework(s).

Let us begin with the role of the IOC. It is fair to say that, in the 1990s, when the first environmental policies were developed, the IOC took a leadership position in the Olympic realm and possibly a pioneering role regarding the wider sports orbit.[118] The policies developed became binding on future host cities and impacted actors, such as local Olympic committees and sports federations. At the time, cooperating with the UNEP seemed a logical step, given the new territory that the IOC was entering, its own lack of expertise in the field and the fact that UNEP had plenty of it and was furthermore considered a legitimate actor.[119] Back then, the relationship could be described as more cooperative. Since the 1990s, a lot has changed and engagement with the UN and the integration into broader projects backed by the UN has become more commonplace for the IOC.[120] At the same time, engagement with various private actors has also become more commonplace for UN institutions.

It is therefore not surprising that the cooperation between UN Climate Change and the IOC regarding the S4CA framework stands on a different footing. At first, we can detect parallels: The IOC cooperates with a UN institution to develop a framework to improve environmental protection in the sports sector. The IOC then enforces these rules within its own regulatory

[117] Trail blazers, livegreener committed to making a big difference, with a small footprint, available at: www.nba.com/blazers/livegreener/.

[118] However, we must also note that the IOC itself was inspired by the work done in host cities, in particular Lillehammer, see R. Schmidt, 'Local Practices: Transnational Solutions? The Role of Host Cities in the Cyclic Process of Environmental Regulation in the Context of Sports', in S. Wood et al. (eds.), *Transnational Business Governance Interactions* (Edward Elgar, 2019), 77.

[119] Schmidt, *Regulatory Integration across Borders*, 180–189.

[120] Ibid., 194–197.

framework, for example, requiring adoption by host cities. On the other hand, cooperation with the UN Climate Change displays a number of crucial differences. First, this time, it was not the IOC alone but a broader set of representatives from the sports sector both from within the Olympic orbit (federations and host cities) and beyond (Forest Green Rovers Football Club, World Surfing League) that were involved.[121] With regard to the R2Z campaign, the IOC even states to have 'joined it', thus taking on a role as a mere participant rather than one of a developer.[122] Second, from the UN Climate Change's perspective, involving the private sector has become a common process. Thus, the Climate Action Portal lists 43,152 actors active in climate initiatives, of which a majority are non-state or sub-state actors.[123] The S4CA only lists 280 participants on the Portal, thus only a small number of the overall commitments; it is also only one of many other cooperative initiatives.[124] UN Climate Change has become a facilitator for a significant variety of private actor commitments and cooperation. Its role has also received backing from decisions of the CoP and individual state practice, which have again emphasized the role of private actors.[125] Thus, the role of UN Climate Change's is one of nuances. It partners (collaborates) with private actors to develop specific regulatory frameworks. Even though it would probably go too far to characterize its relationships with the private sector as one of delegation, we can see hierarchical features at play. Thus, UN Climate Change sets targets for private engagement, which are ultimately based on the Paris Agreement's goals. Finally, we can also detect elements of orchestration. This becomes particularly visible in the example of the DFL. By joining the S4CA, the DFL has made commitments that are now becoming mandatory through its sustainability directive. These requirements affect the current Bundesliga clubs, but also prospective ones moving up from lower leagues. Similarly, the IOC requires alignment with the S4CA goals of the host cities and other actors in the Olympic orbit. Though none of those interactions fit neatly into a specific category of Hale and Roger's table, they form an intricate web of interactions which are based on international treaty law, then transmitted through a combination of soft law

[121] UNFCCC; 'Sports for Climate Action Framework, 2.0', available at: https://unfccc.int/sites/default/files/resource/Sports_for_Climate_Action_Declaration_and_Framework_0.pdf, para 13; World Athletics, 'UN Sports for Climate Action Initiative Launched at COP24 in Katowice', 11 December 2018, available at: www.worldathletics.org/news/news/un-sports-for-climate-action-initiative-launc.

[122] https://olympics.com/ioc/news/sport-sets-pace-for-climate-action-as-ioc-and-other-sports-organisations-join-race-to-zero-campaign.

[123] https://climateaction.unfccc.int/Actors.

[124] https://climateaction.unfccc.int/Initiatives.

[125] Decision 1/CP.21.

commitments and private contractual stipulations. Together, these give UN Climate Change a much wider and more direct reach than it would have as a simple facilitator of state action.

Regarding the substance of the requirements, we can observe a harmonization of what climate change measures and carbon reduction mean in the private (sport) sector. This is facilitated through a complex multilevel (soft) law and contractual framework in which the commitments in the Paris Agreement provide the benchmark. UN Climate Change then facilitates non-state commitments towards the same goals. As we can see, with the implementation of the R2Z campaign, original obligations might be adapted over time to achieve more coherence or commitment. Cooperative initiatives such as the S4CA provide a framework for serious commitments by non-state actors and provide an easily accessible framework for actors from this specific sector. Up to this point, we are dealing with soft law commitments that are not legally enforceable in themselves. However, they might overlap with the legal requirements in the countries in which they are located. Furthermore, enforceability might also change once we go one level down and look at the implementation at the signatory level. Here, we can in particular point to the IOC and the DFL. As outlined in Section 6.4.1, the IOC's own framework is very advanced and, on paper, fulfils the requirements of the S4CA and the Race2Zero framework. In its own regulatory domain, it acts as an intermediary by fostering its own commitments through contractual measures (host city contracts) and laws of association (wider Olympic family). Similarly, the DFL uses its licensing procedures to require Bundesliga clubs to implement sustainability actions that are clearly measurable. In the context of climate change, this involves measures that are in line with the S4CA and R2Z frameworks. Thus, we can observe a stringent and serious commitment by both actors, which also includes their wider orbit of actors. The DFL is acting in a leadership role here. The EPL has now published its sustainability policies and it will be interesting to see how far the commitments therein are also extended directly to EPL clubs. Several clubs have already committed to the S4CA framework themselves. There are expectations that the trend of going green will continue as demands from the general public are rising.[126] On the other hand, we are also observing that professional clubs are struggling to find meaningful ways of reducing emissions, especially when those emissions are linked to their

[126] B. Weston, 'Football Must Do More to Tackle Climate Change: This Is How Clubs and Fans Can Help', *The Guardian*, 6 May 2022.

main operations, for example, travelling to matches.[127] From here, there is also only a small step towards accusations of tokenism and even greenwashing.[128] Given that most of the clubs' actors analysed here only recently signed up with the S4CA framework, it is too early for a final evaluation. Time will tell whether it is possible to implement the ambitious goals of the S4CA framework in the sports context more broadly.

6.6 CONCLUSION

This chapter provided an assessment of the sports sector's involvement in global climate action steered by UN Climate Change. It started with a description of the S4CA framework, which was developed by UN Climate Change, together with diverse sports actors, most notably the IOC. The framework now provides a backdrop for wider commitment from the sports sector. In the first step, the example of the S4CA was used to depict and entangle the intricate web of (public and) private interactions linked to its development and implementation. This showed how IOs can use direct and indirect engagement with the private sector to facilitate public goals, as defined in public international treaties. Importantly, the chapter also demonstrated that state support for these initiatives, whether directly through state action or through treaty mandates, facilitates these effects.

The chapter also analysed the role those different actors took within such an interactive framework. Here, the role of UN Climate Change was first characterized as being located between a hierarchical and a collaborative actor. UN Climate Change sometimes takes on the role of a delegator; it actively cooperates with private actors and engages in orchestration. The role of private actors is similarly heterogeneous. Some actors, such as the IOC or the DFL, take on a leadership and pioneering position that strongly affects their wider orbit. Contractual and statutory instruments are used here in particular. The commitments of other actors are still more at an infancy level, and we find rule-takers that orient themselves towards established paths of achieving climate goals.

[127] R. del Bello, 'The NBA Takes Action to Reduce Its Carbon Footprint', *Le Monde*, 24 August 2022.
[128] Ibid.