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EDITORIAL

Special Section: The FIFA World Cup 2022 and the struggle for human rights in Qatar

How the FIFA World Cup 2022 Changed Qatar: Playing the Game of Transnational Law on a Global Pitch

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One year ago, all eyes were on Qatar, the 2022 World Cup was ongoing and the public scrutiny was intense. News outlets had dispatched their best reporters to the small emirate to offer all-around coverage of the competition and its controversies. Cities were debating whether or not to organize public showings of the World Cup,[1] while calls for a boycott of the competition were being heard.[2] The event had been controversial since the beginning and the subject of widespread criticisms, especially in Europe and North America. First came the accusations of corruption and bribery of FIFA officials, which marred the attribution of the 2022 World Cup to Qatar.[3] Second, the decision to hold the World Cup in a country with searing temperatures in the summer was mocked, leading to the competition being moved to November and December 2022.[4] Third, and most prominently, the systematic abuses of migrant workers in Qatar became a constant subject of critique.[5] Fourth, and finally, especially during the World Cup, the rights of the LGBTQ+ community in Qatar moved to the center of the discussion.[6] If there ever was a moment in which a transnational public coalesced to criticize a state and its governance, the 2022 World Cup

[1]Kim Willsher, *Paris Joins Other French Cities in World Cup TV Boycott*, THE GUARDIAN (Oct. 4, 2022), https://www.theguardian.com/world/2022/oct/04/paris-joins-other-french-cities-in-world-cup-tv-boycott-qatar.

[2]*See* Philipp Lahm, *Holding the World Cup in Qatar Has Damaged Football and I Will Not Be Going*, THE GUARDIAN (Nov. 15, 2022), https://www.theguardian.com/football/blog/2022/nov/15/world-cup-qatar-damaged-football-philipp-lahm; *and* Rohith Nair & Christian Radnedge, *Qatar Minister Slams Hypocrisy of People calling for World Cup Boycott*, REUTERS (Nov. 4, 2022), https://www.reuters.com/world/middle-east/qatar-minister-slams-hypocrisy-people-calling-world-cup-boycott-2022-11-04/.

[3]HEIDI BLAKE & JONATHAN CALVERT, THE UGLY GAME: THE CORRUPTION OF FIFA AND THE QATARI PLOT TO BUY THE WORLD CUP (Scribner, 2017); KEN BENSINGER, RED CARD: FIFA AND THE FALL OF THE MOST POWERFUL MEN IN SPORTS (Profile Book, 2018). *See also* Sahiba Gill, Edouard Adelus & Francisco de Abreu Duarte, *Whose Game? FIFA, Corruption and the Challenge of Global Governance*, 30 EUR. J. INT'L L. 1041 (2019).

[4]Owen Gibson, *World Cup 2022: The When, Why and What of a Winter Qatar Tournament,* THE GUARDIAN (Feb. 24, 2015), https://www.theguardian.com/football/blog/2015/feb/24/world-cup-2022-winter-qatar-fifa-task-force-temperature.

[5]*Accord*, Antoine Duval, *Spectacular International Labor Law: Ambush Counter-Marketing In the Spotlight of Qatar's 2022 FIFA World Cup*, in this issue; Zachary Calo, *Labor Rights and Dispute System Design: Assessing the Legal Legacy of the 2022 Qatar World Cup*, in this issue; Andy Spalding, *Forecasting Human Rights Legacies: On Practices and Principles*, in this issue; *and* Carl Emilio Lewis, *What Shaming Reveals: Examining Qatar's Response to Being Shamed as the Host of the 2022 FIFA Men's World Cup*, in this issue.

[6]*See* Shubham Jain, *Resistance and Reform as Responses to Human Rights Criticism: Relativism at FIFA World Cup Qatar 2022*, in this issue.

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might be it.[7] One year later, however, the show has moved on and the public interest in Qatar quickly rescinded. Nonetheless, our collection of articles aims to show that there are important insights for transnational legal scholarship to be gained from investigating this long decade in which Qatar stood in the public eye thanks to the spotlight provided by the World Cup.

What does the Qatar 2022 World Cup have to do with transnational law? In our view, a lot! A cursory glimpse at the arguments raised in the context of the 2022 World Cup will show that the many critiques of Qatar were mobilizing a range of rights-claim based in international treaties or conventions (such as ILO Conventions) and challenging Qatar for its failure to comply with them. Simultaneously, similar claims were being advanced against FIFA for failing to abide by its responsibility to respect human rights under the UNGPs.[8] These critiques were also translated in a variety of transnational legal processes, which included a formal investigation by the International Labor Organization,[9] instances before the Swiss National Contact Point for the OECD Guidelines for Multinationals, or a civil claim against FIFA before the Swiss courts.[10] Ultimately, this advocacy and public pressure triggered legislative and policy changes in Qatar and at FIFA,[11] illustrating the potential transformative effects of the transnational legal struggle enabled by the World Cup. In sum, during the long decade up to the 2022 World Cup, Qatar turned into a fascinating site of transnational legal experimentation, witnessing an intense but ephemeral 'translocal'[12] deployment of legal discourses and processes.

The 2022 World Cup was also an occasion to witness the intimate connection between the transnational struggle for rights and the attention marshalled by mega-sporting events as global spectacle. Indeed, the competition's public appeal was systematically leveraged as a magnet to attract attention to human rights issues in Qatar. While Qatar was actively craving for global recognition when it decided to bid for hosting the World Cup, it probably did not have this type of attention in mind. Unfortunately, from the Qatari authorities' point of view, with great publicity came also calls for greater accountability. State branding was met with "ambush counter-marketing"[13] and a massive communication struggle ensued between Qatar and the loose transnational coalition of CSOs primarily focused on improving the living and working conditions of Qatar's migrant workers, who make up 95% of the local workforce. Whether this campaign succeeded or not in transforming Qatar is a major question for scholars interested in the intersection between human rights, transnational mobilizations, marketing and local transformations.[14] Furthermore, as pointed out by some of our contributors, this spectacular enforcement of international—human rights and labor—law mainly through naming and shaming raises

[7]It's certainly not the only example of the transnationalization of public opinion; for a critical reflection on the implications of the transnationalization of the public sphere, see NANCY FRASER, TRANSNATIONALIZING THE PUBLIC SPHERE: ON THE LEGITIMACY AND EFFICACY OF PUBLIC OPINION IN A POST-WESTPHALIAN WORLD, 8–42 (in Kate Nash ed. Transnationalizing the Public Sphere, Polity, 2014).

[8]Antoine Duval, *How Qatar's Migrant Workers Became FIFA's Problem: A Transnational Struggle for Responsibility*, 12 TRANSNAT'L LEGAL THEORY 473, 473–500, (2022).

[9]*See* Antoine Duval, *Spectacular International Labor Law: Ambush Counter-Marketing In the Spotlight of Qatar's 2022 FIFA World Cup*, in this issue.

[10]*See* Antoine Duval, *How Qatar's Migrant Workers Became FIFA's Problem: A Transnational Struggle for Responsibility*, 12 TRANSNAT'L LEGAL THEORY 473, 473–500, (2022).

[11]*See* Andy Spalding, *Forecasting Human Rights Legacies: On Practices and Principles*, in this issue; Zachary Calo, *Labor Rights and Dispute System Design: Assessing the Legal Legacy of the 2022 Qatar World Cup*, in this issue; *and* Daniela Heerdt, *"Games-Time Human Rights Due Diligence": A Case Study of FIFA's Human Rights Volunteers Program at the FIFA World Cup Qatar 2022*, in this issue.

[12]With reference to the special issue on 'translocal legalities' published in 2021 in *Transnat'l Legal Theory*. *See* Matthew C. Canfield, Julia Dehm & Marisa Fassi, *Translocal Legalities: Local Encounters with Transnational Law*, 12 TRANSNAT'L LEGAL THEORY 335, 335–59, (2021).

[13]For an explanation of the concept, see Antoine Duval, *Spectacular International Labor Law: Ambush Counter-Marketing In the Spotlight of Qatar's 2022 FIFA World Cup*, in this issue.

[14]The authors in this issue disagree on the legacy and depth of the labor reforms triggered by the Qatar 2022 World Cup.

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fundamental questions linked to the universalist versus relativist debate around human rights,[15] and to the role of honor in international law.[16] In sum, the World Cup in Qatar highlighted a host of difficult questions, which are at the heart of the articles included in this issue: How are mega-sporting events leveraged to achieve change through naming and shaming in the host countries? In Qatar's case, was this strategy effective in transforming the reality on the ground? What are the pitfalls when engaging in such a communicative strategy? How is the tension between the global and the local reflected in the mobilizations surrounding the 2022 World Cup? What does the Qatar 2022 World Cup tell us about the current function and operation of international law?

Finally, this collection of short articles aims to remedy the fact that the intense public debates which accompanied Qatar's 2022 World Cup were barely noted in transnational legal scholarship, at least when compared to their widespread resonance in the media. While a small number of academic articles[17] (and blogs[18]) were published on the subject, few were featured in prominent international law or transnational law outlets. Moreover, neither did the 2022 World Cup give way to separate monographs or edited volumes and special issues by legal scholars.[19] For some reasons, few established legal scholars considered the issue as a subject worthy of academic attention. This might be due to the professional inclinations of the field to focus on more traditional issues — international courts, international organizations, or international crimes—or due to the complexity of navigating a transnational legal assemblage of norms and processes stemming from a wide range of actors and sites. In any event, the limited scholarly engagement with a subject which mobilized so much social energy and attention is a want that we hope to redress with this symposium. Finally, the timing of our contributions aims also to counter the ephemerality of this issue. In 2023, the intensity of the critical scrutiny of Qatar in the media withered quickly and the country has been conspicuously absent from international law blogs or journals. It is as if the issues raised before and during the World Cup vanished with the removeable stadiums. Hence, this symposium is also a mode of resistance against the tyranny of short-term —but newsworthy— scholarly practices. Instead, we propose to engage, after the dust settled and the spotlight of the World Cup was switched

[15]Linking up with the debate, see Shubham Jain, *Resistance and Reform as Responses to Human Rights Criticism: Relativism at FIFA World Cup Qatar 2022*, in this issue.

[16]*See* Carl Emilio Lewis, *What Shaming Reveals: Examining Qatar's Response to Being Shamed as the Host of the 2022 FIFA Men's World Cup*, in this issue.

[17]See Todd Carney, *Looking to International Law to Solve Human Rights Issues in Sports*, 28 WILLAMETTE J. INT'L L & DISP. RESOL. 65, 65–119 (2021); Beryl ter Haar, *FIFA, Qatar, Kafala: Can the World Cup Create a Better World of Work?*, 4 INT'L LAB. RTS. CASE L. 128, 128–132 (2018); Beryl ter Haar, *The FIFA 2022 World Cup and Labour Rights - Seizing the Moment for Labour Law Reforms in Qatar*, 5 KUTAFIN L. REV. 139, 139–64 (2018); Iram Ashraf, *Emerging Issues: FIFA World Cup 2022: Enjoying the Game at the Suffering of* World Cup: Lessons for Embedding Fundamental *Migrant Workers*, 4 UNIV. OF BALT. J. INT'L L. 7 (2016); Matthew Graham, *Qatar Labor Rights in Sport*, 4 INT'L LAB. RTS. CASE L. 205, 205–11 (2019); Daniela Heerdt & Lucas Roorda, *Lessons Learned in Qatar: The Role of the Netherlands and Its Businesses in Addressing Human Rights Abuses in Mega-Sporting Events*, 70 NETH. INT'L L. REV. 19, 19–64 (2023); Mustafa Qadri, *Qatar Labour Reforms Ahead of the FIFA 2022 World Cup*, 7 BUS. HUM. RTS. J. 319, 319–25 (2022); Raquel Regueiro, *Shared Responsibility and Human Rights Abuse: The 2022 World Cup in Qatar*, 25 TILBURG L. REV. 27, 27–39 (2020).

[18]*See e.g.*, Omar Kamel, *The Qatar World Cup: A Tale of Uncomfortable Contortions*, OPINIO JURIS (Dec. 16, 2022), https://opiniojuris.org/2022/12/16/the-qatar-world-cup-a-tale-of-uncomfortable-contortions/; Kamaxi Sambari & Priyanka Prasanth, *FIFA 2022: A Sea of Human Rights Violations*, OPINIO JURIS (July 16, 2021), https://opiniojuris.org/2021/07/16/fifa-2022-a-sea-of-human-rights-violations/; Leslie Johns & Margaret E. Peters, *The FIFA World Cup, Migrant Workers, and International Law's Dirty Secret*, OPINIO JURIS (Nov. 20, 2022), https://opiniojuris.org/2022/11/20/the-fifa-world-cup-migrant-workers-and-international-laws-dirty-secret/; Daniel Rietiker, *Migrant Workers and the 2022 FIFA World Cup in Qatar*, VERFASSUNGSBLOG (Nov. 25, 2022), https://verfassungsblog.de/migrant-workers-and-the-2022-fifa-world-cup-in-qatar/; Raquel Regueiro Dubra, *Shared International Responsibility for Human Rights Violations: The 2022 World Cup in Qatar*, VERFASSUNGSBLOG (July 5, 2019), https://verfassungsblog.de/shared-international-responsibility-for-human-rights-violations-the-2022-world-cup-in-qatar/; Grischa Jost & Jona Höni, *A Problem Bigger than Qatar*, VOELKERRECHTSBLOG (June 11, 2021), https://voelkerrechtsblog.org/a-problem-bigger-than-qatar/.

[19]*See e.g.*, PAUL MICHAEL BRANNAGAN & DANYEL REICHE, QATAR AND THE 2022 FIFA WORLD CUP: POLITICS, CONTROVERSY, CHANGE (Springer, 2022); *and* Paul Michael Brannagan & Richard Giulianotti, *The Soft Power-Soft Disempowerment Nexus: The Case of Qatar*, 94 INT'L AFFS. 1139, 1139–57 (Sept. 2018).

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off, with the long-term lessons that can be drawn from the past decade of transnational legal struggles and reforms which surrounded the 2022 World Cup.

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