

## INCLUSIVITY OR SPECIALIZATION? LEGAL FRAMEWORKS, GOVERNANCE MODELS, AND ESG-DRIVEN OPPORTUNITIES FOR PARA AND ABLE-BODIED FEDERATIONS AND CLUBS

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**ABSTRACT:** The governance of para-sports presents a complex legal challenge, requiring a balance between inclusivity and specialization. This article examines comparative legal frameworks, including constitutional and statutory provisions in Italy, Brazil, the United Kingdom, and Australia, alongside supranational regulations such as the Treaty on the Functioning of the European Union (TFEU) and the European Sports Charter, to assess their impact on sports governance structures. The study analyses integrated, specialized, and hybrid governance models across different federations. Some adopt fully integrated approaches, where para-athletes and able-bodied athletes compete under a unified framework with shared resources and oversight. In contrast, rugby maintains a specialized model, with World Rugby and World Wheelchair Rugby (WWR) operating independently, ensuring regulatory autonomy while coordinating for Paralympic events. The United Kingdom's hybrid model, where professional rugby clubs collaborate with wheelchair rugby teams, fosters resource-sharing and branding opportunities while maintaining institutional independence for para-athletes. The article further explores how Environmental, Social, and Governance (ESG) and Corporate Social Responsibility (CSR) commitments offer new funding pathways for inclusive sports. It proposes positioning sports federations as ESG projects incubators, enabling corporate sponsors to integrate para and able-bodies sports' initiatives into corporate sustainability and compliance frameworks as well as reporting. This model enhances financial sustainability while promoting accessibility, offering a viable roadmap for equitable governance in para and able-bodied sports.

**Keywords:** Sports Governance; Para-Sports Regulation; Inclusivity and Specialization; ESG and Sports Funding.

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## 1. THE “RIGHT TO SPORT” AND INCLUSIVITY: FUNDAMENTAL RIGHTS IN COMPARED LEGAL SYSTEMS

The recognition of the right to participate in sports as a fundamental component of human dignity and equality has gained traction across jurisdictions, underpinned by its classification as a human right in key international legal instruments. This right is embedded in universal human rights frameworks, regional charters, and international sports governance documents, shaping a variety of constitutional, statutory, and policy-based approaches across national legal systems.<sup>2</sup> These legal frameworks influence the governance and funding of sports, shaping the accessibility and inclusivity of athletic opportunities for para-athletes. An examination of selected jurisdictions - Italy, Brazil, the United Kingdom, Australia, and the European Union - reveals the interplay between legal obligations and the operational structures of sports federations, highlighting the diverse pathways to achieving equity and inclusivity.

In Italy, the constitutional recognition of sports as a public good was significantly reinforced by the 2023 amendment to Article 33 of the Italian Constitution, which “acknowledges the educational, social, and health benefits of sports activities in all forms.”<sup>3</sup> While this provision does not explicitly mandate inclusivity for para-athletes, Italy’s ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2009 obliges the state to ensure equal access to sports for persons with disabilities.<sup>4</sup> CRPD provides a detailed framework for States Parties to achieve this goal, emphasizing the need to promote the participation of persons with disabilities in mainstream sporting activities, ensure access to venues and services, and support the development of disability-specific sports.<sup>5</sup> Furthermore, it mandates equal access for children with disabilities to participate in

<sup>2</sup> The right to participate in sport is recognized as a human right under Article 27(1) of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which legally binds signatory states to promote access to cultural, artistic, and sporting activities. The Council of Europe’s Sport for All Charter (1975, revised 1992) and the UNESCO International Charter of Physical Education, Physical Activity and Sport (1978, revised 2015) reaffirm sport as an essential right, requiring legislative measures to eliminate participation barriers. The Olympic Charter, in Fundamental Principle 4, further guarantees sport as a human right, ensuring universal and non-discriminatory access. UN member states ratifying the ICESCR and other treaties must report on their compliance.

<sup>3</sup> The original Italian version reads: “*La Repubblica riconosce il valore educativo, sociale e di promozione del benessere psicofisico dell’attività sportiva in tutte le sue forme*”.

<sup>4</sup> Italy ratified the CRPD through Law No. 18 of 3 March 2009, published in the Official Gazette No. 61 of 14 March 2009. The Optional Protocol was ratified on 15 May 2009. Full text: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2009-03-03:18>.

<sup>5</sup> Cf. art. 30.5 of the United Nations, Convention on the Rights of Persons with Disabilities, adopted 13 December 2006, entered into force 3 May 2008, 2515 UNTS 3 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> and WESTON, Maureen A. The International Right to Sport for People with Disabilities, 28 Marq. Sports L. Rev. 1 (2017), available at: <https://scholarship.law.marquette.edu/sportslaw/vol28/iss1/2>.

school-based sporting and recreational activities, reflecting a commitment to fostering inclusion from an early age.

This dual legal foundation, rooted in both domestic constitutional principles and binding international obligations, may entail profound implications for national sports governance. It compels sports federations to implement inclusive practices, such as integrating para-athletes into governance structures, ensuring proportional resource allocation, and adapting facilities to meet accessibility standards. The alignment of constitutional and international legal frameworks exemplifies a cohesive approach to embedding equity in sports governance, influencing the policies and institutional behaviour of federations. This model offers valuable insights into how legal obligations can drive systemic inclusivity, serving as a point of comparison for other jurisdictions that have similarly ratified the CRPD, such as the United Kingdom<sup>6</sup>, Australia<sup>7</sup> and Brazil.<sup>8</sup>

Brazil offers a robust constitutional model that explicitly enshrines the right to sports in Article 217 of its Federal Constitution.<sup>9</sup> The provision mandates the state to promote sports development, prioritizing educational and participatory sports while ensuring proportional support for high-performance activities. Furthermore, it emphasizes differentiated treatment for athletes with disabilities, reflecting a commitment to equity. Practical measures such as the Bolsa Atleta program operationalize this constitutional mandate, providing financial support to para-athletes alongside their able-bodied counterparts. This constitutional embedding ensures that para-sports are integrated into Brazil's broader sports ecosystem, reducing the risk of marginalization and fostering sustainable development.

The United Kingdom and Australia rely on statutory mechanisms rather than explicit constitutional provisions to promote inclusivity in sports, reflecting the flexibility and adaptability of their respective legal frameworks. In the UK, the Equality Act 2010 establishes a legal obligation for non-discrimination and equal access to sporting opportunities, with public bodies such as UK Sport

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<sup>6</sup> The United Kingdom ratified the CRPD on 8 June 2009 and the Optional Protocol on 7 August 2009. Cf. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/238084/7905.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/238084/7905.pdf).

<sup>7</sup> Australia ratified the CRPD on 17 July 2008 and the Optional Protocol on 21 August 2009. Cf. <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/un-convention-on-the-rights-of-persons-with-disabilities>.

<sup>8</sup> Brazil ratified the CRPD through Legislative Decree No. 186 of 9 July 2008, promulgated by Decree No. 6,949 of 25 August 2009. The Optional Protocol was ratified on 1 August 2008. Full text: [http://www.planalto.gov.br/ccivil\\_03/ato2007-2010/2009/decreto/d6949.htm](http://www.planalto.gov.br/ccivil_03/ato2007-2010/2009/decreto/d6949.htm).

<sup>9</sup> Constitution of the Federative Republic of Brazil, 1988. Available at: [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm).

and Sport England conditioning funding on compliance with inclusivity standards.<sup>10</sup> This system, while lacking direct constitutional guarantees, operates effectively through legislative enforcement and strategic funding mechanisms. Similarly, Australia's Disability Discrimination Act 1992 mandates equitable access to sports for individuals with disabilities, reinforcing a rights-based approach that aligns with its commitments under the CRPD.<sup>11</sup> Institutional implementation is supported by the Australian Sports Commission, which integrates para-athlete development within high-performance structures, and initiatives such as the Sporting Schools program, promoting para-sports at the grassroots level. These frameworks illustrate how statutory and policy-based approaches, when supported by robust enforcement mechanisms and targeted funding, can achieve substantive inclusivity in sports governance.

The supranational framework for inclusivity in sports governance is shaped by multiple legal and policy instruments, among which Article 165 of the Treaty on the Functioning of the European Union (TFEU) holds a central position.<sup>12</sup> This provision mandates that the European Union contribute to the promotion of sporting issues while respecting the autonomy of Member States. It recognizes the social, educational, and cultural role of sport, emphasizing the need for a European dimension in sports policy. Although Article 165 TFEU does not establish an enforceable right to sport, it serves as a foundation for EU actions supporting inclusivity and non-discrimination in sports governance. The EU's involvement in sports policy is largely facilitative, focusing on cross-border cooperation, the exchange of best practices, and financial support for initiatives that align with the broader objectives of social cohesion and equality. The Charter of Fundamental Rights of the European Union,<sup>13</sup> particularly Articles 21 and 26, further reinforces these principles by prohibiting discrimination, including on the grounds of disability, and recognizing the rights of persons with disabilities to

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<sup>10</sup> The Equality Act 2010, mandates non-discrimination and equal access to sports in the UK, requiring service providers to accommodate persons with disabilities. Compliance is reinforced through UK Sport and Sport England funding conditions. Full text: <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

<sup>11</sup> The Disability Discrimination Act 1992 provides the statutory foundation for disability rights in Australia, including equal access to sports and recreation. Section 28 explicitly prohibits discrimination in sporting activities, ensuring that individuals with disabilities receive fair and equitable treatment in participation, coaching, and facility access. The Act aligns with Australia's commitments under the CRPD, reinforcing institutional implementation through the Australian Sports Commission and initiatives such as Sporting Schools, which promote para-sports at the grassroots level. Full text available at: <https://www.legislation.gov.au/Details/C2004A04426>.

<sup>12</sup> Cf. art. 165 TFEU §2. "Union action shall be aimed at: [...] - developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen."

<sup>13</sup> Charter of Fundamental Rights of the European Union, 2012/C 326/02, Official Journal of the European Union, C 326, 26 October 2012, pp. 391–407.

independence, social and occupational integration, and participation in community life.<sup>14</sup> Within this legal framework, the EU promotes accessibility and equality in sports through targeted funding mechanisms, such as the Erasmus+ Programme, which ties financial support to compliance with inclusivity benchmarks. The European Pillar of Social Rights, proclaimed in 2017, complements these provisions by asserting the right to equal opportunities in all aspects of social participation, including sports, thereby reinforcing the EU's commitment to fostering an inclusive sporting environment.<sup>15</sup>

Beyond the EU's legal framework, the Council of Europe has played a pioneering role in shaping sports policy at a continental level. The European Sports Charter, originally adopted in 1975 and revised in 1992, 2001, and most recently in 2021, has provided a policy reference for national governments.<sup>16</sup> While the Charter is not a legally binding instrument, its successive iterations have profoundly influenced sports governance by establishing principles that guide legislative and policy developments across Europe. The 1992 revision emphasized sport for all as a guiding principle, encouraging governments to recognize the social and educational role of sports and ensure broad participation. The 2001 revision incorporated stronger commitments to ethical standards, good governance, and the fight against discrimination. The 2021 revision represents a significant evolution in this trajectory, reflecting contemporary challenges and reaffirming a rights-based approach to sport. It acknowledges access to sport as a fundamental right, reinforcing its connections to health, education, and social inclusion. The Charter further aligns with international human rights standards, particularly the UN Convention on the Rights of Persons with Disabilities, ensuring that sports policies reflect broader commitments to equality and non-discrimination.

The 2021 revision underscores the obligation to remove barriers to participation by ensuring equal access to facilities and adapted structures, reflecting an approach where accessibility is embedded across all levels of sport (Article 15). It further requires that sports federations adopt governance models that actively promote the inclusion of persons with disabilities, ensuring that they are represented within decision-making bodies and granted equitable access to training, resources, and competition opportunities (Article 16). These provisions collectively affirm that sports governance

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<sup>14</sup> Cf. art. 26 (Integration of persons with disabilities): "The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community."

<sup>15</sup> For an analysis of the performances of the states in this effort, cf. VEAL, A. J. *Sport and human rights: assessing the performance of nation states in assuring the right to sport participation* in *European Journal for Sport and Society*, 20(2), (2022), 140–160. <https://doi.org/10.1080/16138171.2022.2032920>

<sup>16</sup> Council of Europe, Recommendation CM/Rec(2021)5 of the Committee of Ministers to Member States on the Revised European Sports Charter, adopted on 13 October 2021.

must be designed to facilitate effective participation for all athletes, aligning the structural organization of sports federations with overarching human rights principles.

The Charter also addresses the pathways for para-athletes from grassroots to professional levels. While it does not impose a strict obligation to establish structured systems for para-athletes' progression, it provides guiding principles that encourage national authorities and sports federations to foster the development of high-performance sport. It stipulates that all athletes must be granted opportunities to improve their performance through adequate facilities, training programs, and scientific coaching, a provision that necessarily extends to para-athletes.<sup>17</sup> The Charter further emphasizes the importance of institutional support for elite athletes, explicitly recognizing the need for talent identification, dual careers, and mechanisms that facilitate long-term participation in competitive sport.<sup>18</sup> By advocating that such support be provided without discrimination, these provisions establish a framework that encourages federations to ensure that para-athletes benefit from performance development pathways equivalent to those available to able-bodied athletes. However, the extent of implementation remains within the discretion of national sports governance structures, allowing for variations in the degree of institutionalization of professional paralympic sport.

The 2021 revision also signifies a shift in the governance approach to disability sport, acknowledging the necessity of integrating para-athletes into broader sports governance frameworks while respecting existing specialized structures. It mandates that sports governance be structured to ensure equal participation opportunities, reinforcing the principle that disability sport should not remain an isolated system. National federations and governing bodies are also asked to integrate accessibility measures within their human resource development policies, ensuring that leadership, coaching, and athlete support structures include and reflect the needs of persons with disabilities. The European Sports Charter (2021) promotes a gradual alignment between able-bodied and disability sport governance, enhancing inclusivity and accessibility while preserving specialized organisations where necessary.<sup>19</sup> This flexible approach reflects the diversity of governance models across sports, with some, like taekwondo, adopting full integration, while others, like rugby, maintain specialized or

<sup>17</sup> Cf. art. 13 of the 2021 EU Sport Charter.

<sup>18</sup> *Ibid.* art. 14.

<sup>19</sup> The European Union Work Plan for Sport 2021-2024 reaffirms the principles set forth in the Revised European Sports Charter (2021), emphasizing the necessity of ensuring equal participation and accessibility in sports governance. It calls upon national federations to incorporate accessibility measures within governance structures, leadership development, and athlete support policies, while recognizing the diverse regulatory models across different sports. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A42021Y1213%2801%29>.

hybrid structures. These differing approaches raise critical questions about the effectiveness of inclusivity measures, the role of federations in balancing autonomy and integration, and the broader implications for sports governance, which the next section will explore.

## 2. GOVERNANCE STRUCTURES: INCLUSIVITY AND SPECIALISATION THROUGH INTEGRATED AND SPECIALISED MODELS

The integrated governance model in sports administration represents a structural approach wherein para and able-bodied athletes are managed under a single institutional framework in direct connection with the Olympic and Paralympic movement.<sup>20</sup> This model eliminates structural separation in competition oversight, resource allocation, and institutional representation, ensuring that para-athletes benefit from equal access to funding, strategic development, and visibility within the broader sporting community. Several international federations have implemented some aspects of this model, with World Sailing, World Rowing, and World Taekwondo serving as prominent examples. While the degree of integration varies, these federations share a fundamental principle: governing para-sports and able-bodied disciplines within a unified regulatory, financial, and institutional system.

World Sailing (WS) has embedded para-athletes into its competition structure and governance framework. Para-sailing is not a separate discipline but is fully incorporated within WS' operations, with the Para World Sailing Committee functioning within the federation's broader decision-making structures. This ensures that para-athletes receive equal institutional representation and that their competitions are integrated into major international sailing events, preventing any marginalization of disability sport. Sponsorship models within World Sailing reflect this commitment to integration, as commercial partnerships with companies such as Rolex and Hempel fund both able-bodied and para-athlete programs through a unified financial model. The federation's regulatory structure also reflects its inclusivity mandate, ensuring that technical classifications and competition rules align with World Sailing's overarching governance principles while adapting to para-athletes' needs.<sup>21</sup>

Similarly, World Rowing (*Fédération Internationale des Sociétés d'Aviron* – FISA) governs both able-bodied rowing and para-rowing within a single legal and administrative framework. Para-rowing

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<sup>20</sup> For an analysis of the role of Paralympic games in relation to integration cf. GOH, Chui Ling, *To what extent does the Paralympic Games promote the integration of disabled persons into society?* (March 29, 2021). (2020) 20(1-2) in *The International Sports Law Journal* 36, Available at SSRN: <https://ssrn.com/abstract=3814570>

<sup>21</sup> Cf. World Sailing official website on About Para Inclusive Sailing, in particular the Para Inclusive Strategy memorandum and World Sailing Inclusive Program, that resulted also in the issue of the related Manual, online at: <https://www.sailing.org/our-sport/para/about-para-sailing> [last access on February 14, 2025].

athletes compete under the same regulatory system as their able-bodied counterparts, with classification adjustments made within World Rowing's existing event structure. This integration is reflected in the FISA Statutes, which explicitly mandates the development of rowing in "all its forms," ensuring that para-athletes are part of the sport's governance, strategic goals, and financial planning.<sup>22</sup> Unlike federations that maintain separate para-sport entities, World Rowing ensures that para-athletes participate in all major competitions, including the World Rowing Championships and the Paralympic Games, under the same federation oversight. The financial model also follows the principles of equitable integration, ensuring that sponsorship agreements and global partnerships extend to para-rowing.

Among these integrated governance models, World Taekwondo (WT) stands as one of the most developed examples of integrated model, demonstrating how a single governing body can oversee both Olympic and Paralympic disciplines. Unlike federations that operate distinct para-sport divisions, WT has formally embedded para-taekwondo within its constitutional framework, ensuring that para-athletes benefit from the same regulatory, financial, and strategic structures as able-bodied competitors.

The WT Statutes provide a detailed regulatory basis for this approach. Article 1.2 explicitly recognizes WT as the sole governing authority for taekwondo at both the Olympic and Paralympic Games, affirming its jurisdiction over all athletes, regardless of ability. This provision prevents the fragmentation of para-taekwondo governance, ensuring that disability sport remains structurally and administratively part of the federation's core operations. The inclusivity mandate is further reinforced in Article 2.3(e), which defines para-taekwondo as a core component of WT's global development strategy. Unlike federations where para-sports are recognized as secondary disciplines, the provision treats para-taekwondo not as a separate category but as an essential part of WT's long-term planning.<sup>23</sup>

The obligation for integration extends beyond global governance to national and continental oversight. Article 16.11 of the WT Statutes mandates that all Member National Associations (MNAs) incorporate para-taekwondo into their governance structures, compelling national federations to adopt

<sup>22</sup> We refer to the text *World Rowing Statutes And Related Bye-Laws 2021 (following the 2020 Extraordinary Congress)*, available online at: <https://worldrowing.com/document/world-rowing-statutes-and-related-bye-laws-2021/>. [last access on February 14, 2025]. Cf. in particular art. 2.6 ( Non-Discrimination) - World Rowing is committed to diversity, inclusion, accessibility and non-discrimination. The enjoyment of the rights and freedoms set forth in these Statutes shall be secured without discrimination of any kind, such as [...] disability, [...] or other status. World Rowing seeks gender equality in all aspects of the sport and art. 3.4 The objects of World Rowing are: [...] 4. To promote rowing in all its forms and encourage its universal development. To establish development programmes, organise training courses, stage events and develop public relations and media opportunities.

<sup>23</sup> Cf. World Taekwondo "Statutes, in force as of December 20, 2019, online at <http://www.worldtaekwondo.org/wp-content/uploads/2020/01/World-Taekwondo-Statutes-as-of-Dec-20-2019.pdf>

a unified approach to governance, training, and competition oversight. This ensures that national para-taekwondo programs receive equal institutional support, funding, and representation within their respective federations. At the continental level, Article 20.9 requires Continental Unions (CUs) to formally integrate para-taekwondo into their operational frameworks, ensuring that regional sports governance aligns with WT's broader commitment to full inclusion. The Para-Taekwondo Committee is a key body within WT's governance structure, tasked with expanding para-taekwondo globally while safeguarding para-athletes' rights and interests.<sup>24</sup> However, rather than operating independently, this committee functions within WT's overarching legal and administrative system, aligning classification rules, competition oversight, and athlete development programs with those of able-bodied competitors. This governance model ensures that para-athletes are directly represented within WT's decision-making processes, preventing any institutional marginalization.

World Taekwondo's competition structure also reflects its fully integrated model. Para-taekwondo athletes participate in major WT-sanctioned events, including the World Taekwondo Championships and the Paralympic Games, under the same federation oversight. Article 22.1 of the WT Statutes explicitly lists the World Taekwondo Para-Taekwondo Championships among its promoted events, ensuring equal institutional recognition, sponsorship opportunities, and competition exposure for para-athletes.<sup>25</sup> WT works to grant that para-taekwondo sponsorships, development programs, and global partnerships operate under a unified financial model, preventing the resource fragmentation often associated with separate entities.

The World Taekwondo model represents a comprehensive example of institutional integration within sports governance, demonstrating that para-athletes and able-bodied athletes can be managed within a single legal, financial, and competitive structure without compromising inclusivity. This model contrasts with sports which maintain specialized or hybrid governance structures, overseeing para-athletes through separate federations.

The governance of rugby balances specialization and inclusivity, reflecting the sport's distinct historical evolution and global structure. World Rugby, the international governing body responsible for overseeing the sport's global development, governs able-bodied rugby, while World Wheelchair Rugby (WWR) maintains autonomy over the governance of wheelchair rugby. This specialized structure allows WWR to address the specific regulatory, technical, and competitive needs of para-

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<sup>24</sup> Cf. art. 27 of the WT Statutes.

<sup>25</sup> See also the cross-referencing and available documentation in the Paralympic Committee official website online at: <https://www.paralympic.org/taekwondo>

athletes, including classification systems, equipment regulations, and safety protocols. However, collaboration between World Rugby and WWR is essential for bridging governance gaps, particularly in the organization of major international events such as the Paralympic Games, where both entities coordinate on matters of resource sharing, sponsorship, and strategic development.<sup>26</sup> The International Olympic Committee's (IOC) recognition of both rugby sevens and wheelchair rugby as Olympic and Paralympic sports reinforces their interconnectedness, providing increased visibility and funding opportunities that indirectly benefit para-athletes.

At the national level, countries have adopted differing approaches to implementing this specialized governance model, adapting international frameworks to their domestic legal, cultural, and organizational structures. Australia has embraced an approach that prioritizes institutional autonomy while fostering strategic collaboration. Wheelchair Rugby Australia (WRA) functions as an independent National Sporting Organization (NSO), responsible for developing the sport at all levels, from grassroots programs to elite international competitions. This autonomy allows WRA to focus on the technical, logistical, and athlete development aspects of wheelchair rugby while ensuring that the sport's unique demands are met. However, WRA collaborates closely with Rugby Australia, the governing body for able-bodied rugby, accessing shared resources such as training facilities, coaching infrastructure, and marketing platforms. This cooperation aligns with Australia's Disability Inclusion Framework, a national policy emphasizing equitable access to sporting opportunities, particularly for underrepresented groups.<sup>27</sup> By combining institutional specialization with structured collaboration, Australia's governance model promotes the sustainability of wheelchair rugby while maintaining a direct link to the broader rugby ecosystem.

In Italy, the governance of wheelchair rugby follows a tripartite model, involving the Italian National Olympic Committee (CONI), the *Federazione Italiana Sport Paralimpici e Sperimentali* (FISPES), and the *Federazione Italiana Rugby* (FIR), in coordination with the *Comitato Italiano Paralimpico* (CIP). CONI, as the highest authority in Italian sports governance, plays a supervisory role, ensuring compliance with national and international sports policies. FISPES serves as the primary governing body for wheelchair rugby, overseeing classification standards, competition management, and athlete

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<sup>26</sup> World Rugby is the international governing body for rugby union, while WWR oversees the governance of wheelchair rugby as an autonomous entity. Both organizations operate under distinct regulatory frameworks while maintaining cooperation in areas of international competition and development. Further information is available at World Rugby (<https://www.world.rugby/organisation/about-us/governance>) and WWR (<https://worldwheelchair.rugby/about-wwr>).

<sup>27</sup> Cf. <https://www.ndis.gov.au/understanding/australias-disability-strategy-2021-2031>

pathways, ensuring alignment with Paralympic regulations.<sup>28</sup> Its collaboration with FIR provides access to rugby-specific expertise, training programs, and competitive structures, fostering opportunities for cross-discipline integration. CIP, responsible for promoting Paralympic sports within the Italian framework, ensures that wheelchair rugby remains embedded in the broader national Paralympic movement. This collaborative model balances specialization with integration, allowing for tailored support for para-athletes while maintaining strong institutional connections with the broader Italian sports ecosystem. Additionally, grassroots initiatives - often led by regional rugby clubs and supported by FISPES and FIR - demonstrate the importance of local engagement in building a sustainable player base and expanding participation.

The United Kingdom presents a hybrid governance model that integrates wheelchair rugby within the infrastructure of professional rugby clubs while maintaining institutional autonomy. Great Britain Wheelchair Rugby (GBWR) operates as an independent entity responsible for overseeing classification, competition structures, and athlete development pathways. However, it maintains significant collaborations with professional able-bodied rugby clubs, particularly within the Premiership Rugby and Rugby League frameworks. These partnerships provide wheelchair rugby teams with branding, access to high-performance facilities, and expanded fan engagement, fostering visibility and financial sustainability. GBWR also collaborates with UK Sport and Sport England, securing funding allocations tied to inclusivity standards, ensuring that wheelchair rugby remains financially viable within the broader sports funding ecosystem.

Although the UK hybrid governance model offers unique advantages in terms of financial integration and visibility, it also highlights the complexities of aligning para-sports with professional structures. In many cases, para-athletes do not experience full integration within club environments but benefit from partnerships that provide indirect institutional and commercial support. While collaboration with professional teams enhances wheelchair rugby's reach and economic sustainability, these partnerships often retain a degree of structural separation, reinforcing the distinction between specialized and integrated governance models. This aspect becomes particularly relevant when considering the potential for hybrid governance models to function as vehicles for corporate investment.

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<sup>28</sup> Several teams participate in Italy's wheelchair rugby competitions, contributing to the sport's development and competitive structure. Notable teams include ASD Rugby Padova, H81 Vicenza, Mastini Cangrandi Verona, Polisportiva Milanese, Ares Roma Wheelchair Rugby, Sardegna Sport(sa.spo) Cagliari which compete in national tournaments sanctioned by FISPES and FIR.

### 3. HYBRID MODELS: PARTNERSHIPS WITH PROFESSIONAL TEAMS AND ROLE OF FOUNDATIONS

The integration of wheelchair rugby into professional rugby clubs in the United Kingdom represents a significant evolution in sports governance, advancing inclusivity while leveraging the institutional and commercial strength of the organizations involved. Unlike fully integrated governance models, the UK follows a hybrid structure, where wheelchair rugby teams operate independently but establish strategic partnerships with professional clubs, national governing bodies, and charitable foundations. These relationships create synergies between able-bodied and wheelchair rugby, providing access to elite training facilities, sponsorship opportunities, and increased media visibility. The structured league systems managed by Great Britain Wheelchair Rugby (GBWR), the Rugby Football League (RFL), and the Rugby Football Union (RFU) ensure that wheelchair rugby teams affiliated with Premiership Rugby, the United Rugby Championship (URC), and Rugby League clubs can compete at the highest levels while benefiting from professional rugby's infrastructure.<sup>29</sup>

The governance of wheelchair rugby in the UK is structured through a network of national federations, professional clubs, and community-driven initiatives. GBWR, as the national governing body, oversees the competition and development pathways for both the Paralympic Quad variant and Wheelchair Rugby 5s (WR5). The WR5 Premiership, designed to accommodate a broader range of athletes, has enabled professional clubs such as Northampton Saints, Leicester Tigers, Bristol Bears, and Ospreys to establish wheelchair rugby teams, demonstrating their commitment to inclusivity and community engagement. At the elite level, GBWR organizes national leagues for the Quad variant, aligning with Paralympic standards and serving as a pathway for international competition. Similarly, the RFL governs the Wheelchair Super League, the wheelchair rugby league competition in England, Scotland, and Wales. Established in 2019, this league includes some of the most recognized professional rugby teams, such as Leeds Rhinos, Wigan Warriors, and Halifax Panthers, reinforcing the connection between professional rugby and para-sports development.<sup>30</sup>

A fundamental component of wheelchair rugby's expansion within UK professional rugby is the role of charitable foundations affiliated with professional clubs. Organizations such as the Saracens Sports Foundation, Northampton Saints Foundation, and Bristol Bears Community Foundation have been instrumental in launching and sustaining wheelchair rugby teams, serving as intermediaries

<sup>29</sup> Analogous policies are operated by the Federation of Wales and Scotland and, outside the UK, in Ireland.

<sup>30</sup> Please cf. the Wheelchair Super League official website hosted in partnership with the Rugby League: <https://www.rugby-league.com/competitions/pro-national/wheelchair-rugby-league>

between grassroots development and professional sports infrastructure. These foundations provide essential resources, including funding, training facilities, and sponsorship opportunities, ensuring that wheelchair rugby remains financially viable within the professional sports ecosystem. The Saracens Sports Foundation, for instance, was crucial in transforming the Hatfield Comets into Saracens Wheelchair Rugby Club, aligning the team with a prominent professional rugby brand while integrating it into the club's wider community outreach programs. Similarly, the Bristol Bears Community Foundation has implemented initiatives fostering inclusivity, enabling more individuals to engage in wheelchair rugby while benefiting from the club's established infrastructure and promotional networks.

While foundations have played a crucial role in supporting wheelchair rugby's growth, they also highlight structural vulnerabilities within the hybrid governance model. Many wheelchair rugby teams remain highly dependent on foundation support and external sponsorships, making them susceptible to economic fluctuations and shifts in club priorities. This issue was particularly evident when the Saracens Sports Foundation lost financial backing from Allianz Insurance following the Saracens Premiership team's salary cap breach, forcing Saracens Wheelchair Rugby Club to transition to a self-funded model.<sup>31</sup> Such disruptions underscore the risks of reliance on external funding and raise broader concerns about the long-term viability of para-sports programs within professional rugby clubs.

The level of integration between wheelchair rugby teams and professional clubs varies across the UK, with some teams benefiting from direct institutional support, while others maintain semi-autonomous operations. Leicester Tigers Wheelchair Rugby, for instance, enjoys a closer connection to the club's core operations, receiving branding, shared facilities, and strategic backing, ensuring long-term sustainability. In contrast, other teams operate more independently, limiting their access to funding, infrastructure, and media coverage. While this semi-autonomous model grants flexibility, it also creates disparities in resources and institutional support. Addressing these inconsistencies would require a more structured approach, ensuring that wheelchair rugby teams receive consistent backing from their professional counterparts while maintaining operational independence.

Beyond private foundations, public policy incentives in the UK also support para-sports development. Various legislative measures and financial incentives encourage professional rugby clubs

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<sup>31</sup> In relation to the case please cf. the decision of the independent Disciplinary Panel nominated by Premiership, that resulted also in the relegation of Saracens, available online <https://media-cdn.incrowdsports.com/fa097ce0-fc01-4b01-bbb0-e147ffa67de6.pdf> and the official communication issued in that occasion by Premiership, online: <https://premiershiprugby.com/content/publication-of-independent-panels-decision-on-saracens>

to engage in wheelchair rugby programs. One such mechanism is tax relief available to Community Amateur Sports Clubs (CASCs), which allows clubs to claim exemptions on income and capital gains tax, provided that funds are allocated to promoting sporting participation.<sup>32</sup> Clubs registered under the CASCs framework also receive business rate relief and access to tax-free donations through Gift Aid, reducing financial burdens and creating opportunities for inclusive sports programs. Following ParalympicsGB's success in Tokyo, the government issued a policy directive encouraging increased investment in disability sports, signalling a strategic effort to embed inclusivity within professional rugby governance.<sup>33</sup>

Additionally, UK Sport, the agency responsible for investing in Olympic and Paralympic sports, allocates substantial resources to elite para-athletes, ensuring that national teams remain competitive at the highest levels while reinforcing the sustainability of wheelchair rugby at both grassroots and professional tiers.

While no explicit legal mandate compels professional clubs to invest in wheelchair rugby, the combined effect of public policy incentives, financial relief programs, and foundation-led initiatives creates a supportive environment for para-sports development. By aligning with national funding strategies and inclusivity commitments, professional rugby clubs, governing bodies, and their associated foundations are well-positioned to contribute meaningfully to the promotion of inclusive sport programs. The hybrid governance model in the UK demonstrates the interplay between specialization and integration, offering a framework that capitalizes on professional rugby's institutional reach while preserving the autonomy of para-sports programs. However, this model also reveals challenges related to financial sustainability, resource allocation, and long-term governance strategies. These considerations are particularly relevant in the broader discussion of how corporate ESG (Environmental, Social, and Governance) and CSR (Corporate Social Responsibility) obligations can be leveraged to enhance the financial stability of paralympic and inclusive sport programs, a topic that the next section will explore in greater depth.

#### **4. FEW CONCLUSIVE REMARKS FOR A STRATEGIC PROPOSAL: SPORTS FEDERATIONS AS INCUBATORS**

The increasing relevance of ESG obligations in corporate governance has opened new pathways for sports financing, particularly for inclusive sports initiatives. Undertakings operating under

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<sup>32</sup> Cf. <https://www.gov.uk/tax-relief-casc>.

<sup>33</sup> Please cf. <https://www.bbc.com/sport/disability-sport/58414496> and for an outline of the financing mechanisms available for athletes <https://www.uksport.gov.uk/our-work/investing-in-sport/how-uk-sport-funding-works>

mandatory or voluntary ESG frameworks are required to implement and disclose sustainability-related projects, often through CSR policies or non-financial reporting obligations. This dynamic creates an opportunity to funnel resources into inclusive sports projects, aligning private sector sustainability commitments with governance strategies that promote accessibility, social inclusion, and equity in sports. However, for sports associations and federations to attract and absorb these investments, they must align their governance structures, transparency standards, and long-term project viability with ESG-driven corporate priorities.

The European Sports Charter (2021) explicitly recognizes the link between sports and sustainable development, reinforcing the role of sports organizations in fostering environmental, social, and economic sustainability.<sup>34</sup> The Charter's provisions on sustainable financing and the integration of socially responsible policies in sports governance provide an essential framework for aligning ESG-driven investments with inclusive sports initiatives. National and international sports federations, including those analysed in the previous sections, have also embedded sustainability principles into their statutes and strategic policies, further reinforcing the potential for cross-sectoral collaboration between sports entities and ESG-focused undertakings.<sup>35</sup>

In this context, CSR and ESG obligations present a compelling investment channel for private undertakings seeking to develop projects that enhance accessibility and inclusivity in sports. The EU's Corporate Sustainability Reporting Directive (CSRD), which expands disclosure requirements on ESG initiatives, obliges companies to demonstrate social and governance impact through measurable policies and financial commitments. These provisions create an incentive for undertakings to invest in para-sports and inclusive sports associations, positioning these projects as social impact strategies that contribute to corporate due diligence, sustainability reports, and stakeholder engagement. Furthermore, national laws across EU Member States increasingly require undertakings to implement diversity and inclusion measures within their operational and philanthropic commitments, making sports-based initiatives an effective vehicle for ESG-compliant investment.

In Italy, the *Riforma del Diritto Sportivo* has introduced significant compliance burdens on medium and small sports associations, requiring stricter governance standards, financial reporting, and

<sup>34</sup> Cf., as a compelling example, Article 1(d) of the EU Sport Charter which states that “sports activities are in line with the principles of sustainable development”.

<sup>35</sup> For instance, World Taekwondo at Article 2.2.5 of the Statutes has committed to “safeguarding the environment and managing resources in a sustainable way” through its practices. Similarly, World Rowing emphasizes environmental responsibility, stating that their community “is dedicated to the responsible and sustainable management of natural and physical resources.”, cf. art. 2.7 of its Statutes.

employment regulations.<sup>36</sup> While these changes present challenges for grassroots and amateur sports entities, they also increase transparency and financial accountability, making these associations more attractive to external investors and corporate sponsors. The third-sector framework (*Terzo Settore*) in Italy further enhances the opportunities for financing, as sports associations recognized as social enterprises (*enti del terzo settore*) can access tax benefits and corporate sponsorships under ESG/CSR schemes.<sup>37</sup> The reform, therefore, creates a dual impact: while compliance costs have increased, sports associations that align with good governance practices and sustainability commitments are now better positioned to attract private funding.

A strategic approach to enhancing the intersection between sports governance and ESG investments is to position sports federations as *incubators* or *accelerators* for projects that align with corporate sustainability objectives. Federations, given their regulatory expertise, institutional credibility, and operational infrastructure, are uniquely placed to connect CSR/ESG-driven undertakings with paralympic and grassroots sports associations, ensuring that corporate investments in sustainability translate into meaningful social and sporting impact. By acting as intermediaries, federations can create a structured mechanism for companies seeking to integrate sports-based inclusivity projects into their sustainability reporting and compliance frameworks, making sports organizations key partners in corporate ESG strategies.

A federation-led model would involve establishing certification mechanisms to identify sports associations that adhere to transparency, governance, and sustainability criteria, ensuring that they meet the standards required to be eligible for ESG funding and CSR partnerships. The development of standardized ESG compliance frameworks for sports projects would further enable undertakings to seamlessly incorporate their investments into sustainability reporting and due diligence obligations, as mandated by applicable laws. In addition, federations would play a crucial role in facilitating long-term financial instruments and sponsorships, ensuring that inclusive sports initiatives receive stable funding, with clearly defined impact assessment indicators aligned with ESG requirements. By embedding ESG investment opportunities within federations' existing structures, this model ensures that sports associations gain financial sustainability while enabling undertakings to fulfil their ESG obligations through tangible, socially beneficial investments that enhance inclusivity and accessibility in sports

<sup>36</sup> Cf. DAL CANTO, F., GIANFALDONI, S., NOTARO, D., PROCCHI, F. (Eds.), *Il diritto dello sport dopo la riforma. Istanze di regolazione e specializzazione delle competenze*, 2022, Pisa University Press.

<sup>37</sup> FUSARO, A. *Dalla frammentazione legislativa alla ri-codificazione? Traiettorie di una disciplina per gli enti non lucrativi* in *Rivista di diritto civile*, 2022, 68(6), pp. 910–929.

The role of federations as ESG-driven project incubators could be further reinforced through public-private partnerships (PPPs), leveraging national and EU-level funding mechanisms to amplify corporate investments. EU structural funds, such as the European Social Fund (ESF) and the European Regional Development Fund (ERDF), already finance sports-based initiatives that promote social inclusion and accessibility. By aligning private ESG investments with existing public funding schemes, federations can create a multi-stakeholder financing ecosystem, ensuring that inclusive sports initiatives receive long-term institutional backing.

A crucial factor in the success of this model is ensuring that ESG-driven sports projects meet corporate accountability and transparency standards. Sports federations and associations must establish clear governance structures, financial monitoring mechanisms, and measurable impact assessment frameworks to ensure that investments align with ESG disclosure obligations. The development of standardized reporting models, enabling corporations to demonstrate compliance with EU and national sustainability regulations, would further strengthen the attractiveness of inclusive sports initiatives as ESG investment vehicles.

Ultimately, the integration of ESG investments into sports governance represents a transformative opportunity to secure financial sustainability for para-sports and inclusive sports associations, aligning corporate sustainability objectives with the fundamental right to sport. By positioning federations as facilitators of ESG-driven investments, this model fosters long-term structural integration, reinforcing the role of inclusive sports in economic, social, and corporate governance frameworks.

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