

The dynamics of de-delegation: A principal–agent explanation of the reversal of private authority in international sport governance

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Abstract

What explains the reversal of transnational private rule-making authority? Embedding constructivist insights within a rational principal–agent model, this article advances a five-step sequential process that nuances the traditional explanation of delegitimation. It argues that entrepreneurs must first successfully promote the belief that the high costs of ineffective private policies follow from the private rule-setter's flawed institutional attributes. Subsequently, a de-delegation solution that minimizes transaction and uncertainty costs must be proposed. The examination of two cases in the field of international sport governance, namely the deliberate reversal of private authority in anti-doping governance and the lack thereof in anti-match-fixing governance, lends support to these propositions. It sheds new light on the creation of the World Anti-Doping Agency (WADA) and explains why there will probably be no counterpart to fight match-fixing.

1 | INTRODUCTION

Over the last 20 years, scholarly interest in transnational private governance has steadily increased (Isailovic and Pattberg 2016). While knowledge of this subject matter has undeniably grown and diversified, the question whether and how the state 'can ever take back regulatory authority once it has been surrendered' remains a blind spot (Hall and Biersteker 2002, p. 13). The literature correctly observes that the reversal of transnational private rule-making

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authority (hereafter, private authority), understood here as the authority of private actors to set collectively binding rules that are recognized as the global standard for a given issue (Büthe and Mattli 2011), is much more the exception rather than the rule (Mügge 2006). Nonetheless, it wears thin on explanation. The primary explanatory factor appears to be delegitimation: public actors are expected to reverse private authority in 'bad times', when private failure delegitimizes private governance (Biersteker and Hall 2002, p. 213; Pauly 2002).

Empirical evidence from the field of international sport governance questions the conclusive nature of this explanation, though. As much as this field has been marred by legitimacy crises in the past two decades, so rarely has it seen the authority of the sport governing bodies (SGBs) reversed by public actors (Meier and García 2015). It is true that giving in to 'enhanced self-regulation' is the default public response to crises in transnational private governance more generally (Mügge 2006, p. 184). But it is also true that the likelihood of 'societal contestation' and, thus, the likelihood of any modification to the (global) governance structure, increases when institutions exercise 'intrusive authority' (Zürn 2018, p. 98). The latter is certainly the case in international sport governance, where, compared to other spheres, private actors enjoy a deeper form of authority, given their ability to enforce decisions (Zürn 2018, p. 128). It even goes to the extent that they have been 'modifying domestic policies against governments' will' (Meier and García 2015, p. 893). SGBs' lack of serious commitment to the fight against doping (i.e., the illegal use of performance-enhancing drugs in sport) and match-fixing (i.e., actions aimed at improperly altering the course and/or result of sport competitions) illustrates that these actors do not always act in the public interest. Indeed, private authority in these areas has a strong impact on not only the integrity and credibility of sport, but also on broader public issues like health and organized crime, even on nations' (soft) power (see Houlihan 2002; Hill 2016; European Commission 2017).

In fact, reversal of authority in international sport governance has occurred only once, when the World Anti-Doping Agency (WADA) was created in the aftermath of the 1998 Tour de France doping scandal. The establishment of this public-private hybrid organization has eroded SGBs' authority to set anti-doping rules and policies. A similar development has not been witnessed since, even despite WADA's reported success (Casini 2009) and the increasing public involvement in SGBs' affairs (Geeraert and Drieskens 2015). What has been witnessed is a preference for self-regulation with increased public oversight, leaving the authority to set collectively binding rules at the global level firmly in the hands of SGBs (Geeraert and Drieskens 2015; Meier and García 2015). The fight against match-fixing is a clear case in point here: reversal of authority did not occur despite repeated calls to establish a WADA-like organization (Council of the EU 2011; Hill 2016). The question thus remains: what explains the reversal of private authority?

The literature on WADA does not answer this question in a decisive way, even though it frames the organization's creation as a deliberate reversal of private authority, with appreciations ranging from 'a partial "nationalization" of a formerly fully private regime' (Casini 2009, p. 439) to 'the removal of anti-doping authority' from SGBs (Hoberman 2005, p. 262). The conclusion that emerges from this literature is that delegitimation was not sufficient in itself and that a seemingly accidental concurrence of events, personalities and ideas created a perfect storm, which touched down in Lausanne in early 1999 and resulted in the creation of an 'independent international anti-doping agency' (Houlihan 2002, p. 170; Hoberman 2005; Hanstad et al. 2008). Nonetheless, it does give an indication of how to proceed, suggesting that answers are most likely to be found in the interaction between public and private actors. This article demonstrates that this is indeed the case and argues that the principal-agent (PA) model is particularly well suited for understanding such interaction.

The model, an abstract construct that centres on delegation and representation, has already been used to conceptualize the public-private relationships in international sport governance more generally (Geeraert and Drieskens 2015). This is no surprise: with its broad range of representative relationships, this world forms the ideal field for application. At the global level, rule-making authority traditionally rests mostly with international sport federations (IFs) and the International Olympic Committee (IOC). Generally speaking, for each individual sport, an IF sets rules that subordinate organizations and individuals, such as athletes, must abide by. The IOC's authority in international sport governance is cemented in its role as the focal organization regulating the Olympic Games (Casini 2009).

Both qualify as 'global rule-setters': they are 'focal regulatory institutions—uncontested in their respective areas' (Büthe and Mattli 2011, p. 9) because they 'enjoy the privilege of tacit or explicit endorsements by governments' (Büthe and Mattli 2011, p. 31; Geeraert and Drieskens 2015; Meier and García 2015).

While drawing on these insights and defining governmental actors as (public) principals and the IOC and the IFs, that is, the main SGBs, as (private) agents, this article pushes the merger between the PA and private governance literatures one step further. It uses the PA model as a heuristic device to advance a dynamic causal model that conceptualizes the reversal of private authority (reframed in terms of 'de-delegation') by way of a five-step process, seeing the deliberate reversal of private authority as an extreme form of 'principal-induced' institutional change (Hanrieder 2014, p. 328). Indeed, while the PA model has yielded important insights on the stability and persistence of private authority as well as on the dynamics that condition institutional change in public–private relationships (Mattli and Büthe 2005; Hérítier and Lehmkuhl 2008; Büthe 2010), the conditions for the public reversal of private authority as the ultimate form of such change remain underexplored. To identify said conditions, this article enriches the PA model with constructivist insights, hereby answering calls for bridging the 'rationalist–constructivist divide' in order to enhance the explanatory power of middle-range frameworks such as the PA model (Tierney and Weaver 2004, p. 3; see also Jupille et al. 2013).

Both a positive and negative case are used to assess the plausibility and usefulness of the model's assumptions: the reversal of private authority in anti-doping governance and the lack thereof in anti-match-fixing governance. Following the theoretical background and development of the model, this article traces the process that led to the establishment of WADA. The subsequent examination of PA dynamics in anti-match-fixing governance provides additional proof for the explanatory power of the (missing) conditions advanced by the model, thus minimizing the liabilities of using a single positive case study (see Büthe 2002, p. 488; Pierson 2004, p. 140). The empirical parts rely on academic research and newspaper articles as well as new data drawn from policy documents and 19 semi-structured interviews with governmental and sport actors involved in the creation of WADA and public–private interactions in anti-match-fixing governance.

2 | THE REVERSAL OR DE-DELEGATION OF PRIVATE AUTHORITY

This section explains why the article proceeds from the PA model, yet enriches it with constructivist insights. The model, in its most basic form, conceptualizes and analyses interactions when one actor (i.e., the agent) acts on behalf of another actor (i.e., the principal) following an act of delegation, that is, 'a conditional grant of authority' (Hawkins et al. 2006, p. 7). This conditionality implies that 'the implicit or explicit grant of authority to the agent can be revised and revoked by the principal' (Mattli and Büthe 2005, p. 420). Building on bounded rationality, the model's core assumption is that delegation carries so-called agency costs for the principal, since conflicting interests and information asymmetries provide both motive and opportunity for the agent to engage in independent action that is undesired by the principal. Such undesired behaviour occurs when the agent minimizes its efforts on behalf of the principal or when it pursues its own interests at the principal's expense (Hawkins et al. 2006, p. 8). The principal can seek to remedy this costly behaviour through a range of control mechanisms, which are, however, in themselves costly to deploy and thus also constitute a source of agency costs. The reversal of the grant of authority, known in PA jargon and hereafter referred to as 'de-delegation', constitutes the most extreme form of control (Hawkins et al. 2006, p. 12). Less extreme control options consist of oversight procedures including monitoring and sanctioning. Both alter the agent's incentives and thus decrease its autonomy while exercising authority (Hawkins et al. 2006, p. 8). By contrast, de-delegation entails that the principal deliberately revokes (part of) this authority.

Although dyadic in essence, the PA model has yielded significant insight into representative relationships between complex actors (Hawkins et al. 2006), including situations in which governmental actors implicitly or explicitly grant rule-making authority to private actors (Mattli and Büthe 2005; Hérítier and Lehmkuhl 2008; Büthe 2010). Most important for the present purpose is that the model provides a useful theoretical language that helps define

the different types of costs that governmental actors can incur in the post-delegation phase and the mechanisms behind these costs. The remainder of this article builds on these insights by defining governmental actors as public principals and the main SGBs as private agents. This conceptualization follows prior research, which argues that, although SGBs were initially established by private actors, governmental actors delegate authority to the former by endorsing regulatory activities on their behalf (Geeraert and Drieskens 2015, pp. 1450–51; Meier and García 2015, pp. 893–94). Such endorsements qualify as delegation based on an 'implicit' or 'informal' agreement (Hawkins et al. 2006, p. 7; Héritier and Lehmkuhl 2008, p. 5). However, just as in more explicit and formal cases of delegation, the conditionality of the grant of authority rests on the basic premise that the public principals can reassume the regulatory authority delegated to the private agent because they hold 'ultimate regulatory power' as 'agents of legitimate public authority' (Pauly 2002, p. 87).

In what follows, SGBs are treated as a single complex agent because, given conditions of market stability, they share a strong common preference for limiting public interference (Houlihan 2001; Mügge 2006; Héritier and Lehmkuhl 2008). Governmental actors are conceptualized as multiple principals as they hold more complex preferences regarding control of SGBs in particular (Geeraert and Drieskens 2015) and private agents in general (Mügge 2006; Büthe and Mattli 2011). In other words, the model developed in the following section captures a strategic setting with multiple public principals and a single private agent.

Said model builds on the assumption that delegation to the private agent comes with functional benefits as well as agency costs. PA analysis explains this delegation as a functional response to the transaction costs associated with transnational government regulation. Globalization has exposed the inadequacies of the latter, which is not only slow and marked by enforcement problems. It is also expensive, because complex transnational subject matters require the build-up and maintenance of specific expertise (Büthe and Mattli 2011). Consequently, delegation is particularly attractive when the private agent is expected to ensure functional gains by supplying pre-existing expertise, regulatory flexibility, resources and the ability to ensure credible commitments (Mattli and Büthe 2005; Héritier and Lehmkuhl 2008; Green 2014). Yet, delegation carries agency costs. On the one hand, the complexity of the delegated tasks complicates assessment of the private agent's performance, giving it the opportunity to pursue its own interests at the expense of its public principals (Mattli and Büthe 2005; Mügge 2006; Büthe 2010). On the other hand, the private agent has to answer to its sponsors or owners as well and, as a result, has an incentive to take the (industry) interests of its private principals into account over the public interest when exercising authority (Mattli and Büthe 2005; Büthe 2010).

Certainly, the more the private agent diverges from the public principal's preferences, the higher the latter's incentive to control the agent. As mentioned, however, agency control is a costly endeavour. Because de-delegation constitutes the most extreme alteration of the status quo, the transaction and uncertainty costs associated with it are generally higher than those of increased oversight (see Jupille et al. 2013, p. 39). In the case of a highly specialized (private) agent, moreover, there are at least three additional sources of costs that come with de-delegation. First, the impact of de-delegation is especially hard to anticipate for highly specialized agents because of the complexity of the de-delegated tasks involved (Büthe and Mattli 2011). However, and second, as an alternative agent with similar expertise is almost certainly not available, de-delegation implies the loss of expertise and efficiency (Büthe 2010, p. 16). Because it is highly costly, unilateral de-delegation is thus very unlikely. Therefore, and this is the third source, public principals need to invest the time and resources required for collective decision-making (Hawkins et al. 2006).

As it stands, the PA literature does not give a definitive answer to why principals choose this highly costly control option. It does show that excessive agency costs increase the potential benefits of de-delegation (Büthe 2010, p. 16). This is no surprise, because the PA model's bounded rationality assumption suggests that principals choose the available and known course of action that maximizes their net gains. The principals are therefore expected to de-delegate when the net benefits of de-delegation (here: the functional benefits minus the costs of de-delegation) outweigh the net benefits of continuing delegation (here: the functional benefits minus agency costs). Consequently, as long as increased oversight decreases the agency costs sufficiently, principals confronted with undesired agent behaviour will be inclined to opt for a reduction in the agent's autonomy rather than its authority. Private agents,

moreover, rationally anticipate control and alter their behaviour in order to decrease agency costs (Mügge 2006; Héritier and Lehmkuhl 2008; Geeraert and Drieskens 2015). The PA literature can thus explain the starting point of this article, namely the reversal of private authority as an unlikely scenario. Yet, it falls short of answering the research question.

At the same time, the PA literature does provide us with some guidance on how to proceed. Through its key premise of bounded rationality, it suggests that principals develop 'beliefs' about the costs and benefits of different courses of action, opening the door to ideational dynamics as causal elements for action (Lake and McCubbins 2006, p. 350). Indeed, and anticipating propositions that are developed at greater length below, de-delegation becomes more attractive relative to oversight, when limiting the agent's autonomy is not expected to decrease excessive agency costs. Building on the notion of institutional integrity (Buchanan and Keohane 2006), this article argues that the principals' pay-off matrix changes accordingly, when they come to believe that the agent's institutional attributes prevent the latter from effectively providing the functional benefits that originally resulted in delegation. Others have shown that beliefs must become firmly and widely accepted before they bring about collective action (Legro 2000; Blyth 2002). However, bringing the above (rationalist) ideas together, it is to be expected that these beliefs must also be resistant to the agent's strategic attempts to forestall control and that de-delegation is still unlikely unless a sufficiently large group of principals expects relatively higher net benefits. These considerations guide the development of the model presented in the following section.

3 | TOWARDS DE-DELEGATION OF PRIVATE AUTHORITY: A FIVE-STEP MODEL

The model developed below conceptualizes de-delegation by way of a five-step process. The steps are modelled as a sequential process and treated as conceptually and analytically distinct parts. All five steps have to be completed for de-delegation to occur. To summarize in highly simplified terms, they can be labelled as follows: (i) agent behaviour is excessively costly; (ii) these costs are attributed to the agent's flawed institutional attributes; (iii) the agent fails to remedy these institutional faults in a timely manner; (iv) a viable de-delegation is proposed; (v) all veto players accept the proposal.

Employing a problem-driven approach, this modelling embeds (actor-centred) constructivist insights within a rationalist (PA) model of strategic interaction (Tierney and Weaver 2004). The groundwork for this paradigmatic merger was laid by previous work that acknowledges ideational factors as shaping principals' preferences (Mattli and Büthe 2005; Lake and McCubbins 2006; Büthe 2010). The present article shows that such an integrated perspective is relevant for all five steps in the de-delegation process and, thus, for answering the research question formulated above.

3.1 | Step 1: The private agent's behaviour diverges strongly from the public principals' preferences

The starting point here is the above-mentioned observation that excessive agency costs can offset the high costs of de-delegation (Büthe 2010, p. 16). The literature shows that a stable PA relationship can be upset by excessive agency costs, (1) when highly undesired agent behaviour becomes visible or, (2) when agent behaviour becomes highly undesired. Regarding the former, the principals may become aware of the agent's strong divergence from their preferences when new knowledge or information decreases information asymmetries (Hawkins et al. 2006; Büthe 2010, p. 17). Regarding the latter, when the agent appears greatly 'out of sync with the public interest', societal pressure mounts for the principals as agents of the voting public, and as ultimate defenders of this interest (Büthe 2010, p. 18). This may occur when a dramatic event, like a scandal or crisis that can be traced to the agent,

changes the broader public attitude regarding the agent's behaviour (Mattli and Büthe 2005; Büthe 2010). Therefore, the principals are likely to alter their preferences regarding the agent's desired behaviour in accordance with the broader public attitude.

In other words, changes in the PA model's core parameters (i.e., information and preferences) may increase agency costs and thus increase the relative benefits of de-delegation. However, the next step shows that the principals must believe that the excessive agency costs result from the agent's institutional shortcomings. Only then will de-delegation become more attractive than a mere restriction of the agent's autonomy.

3.2 | Step 2: The public principals believe that excessive agency costs are a consequence of the private agent's flawed institutional attributes

Buchanan and Keohane (2006, pp. 422–23) argue that an institution lacks institutional integrity when its key institutional actors are either untrustworthy or incompetent or its institutional practices or procedures are predictably ineffective. Accordingly, when the private agent lacks institutional integrity, it is unlikely to be effective in providing the functional gains that underlie delegation (Buchanan and Keohane 2006, p. 424). Limiting the agent's autonomy will not decrease undesired behaviour because it does not remedy the source of the high agency costs, namely its institutional deficiencies. Only constant overseeing of the agent might compensate for flawed institutional attributes, but this eliminates the functional benefits of delegation (Lake and McCubbins 2006, p. 348). Consequently, the high agency costs (i.e., the costs of undesired behaviour plus the costs of control) and the potential relative benefits of de-delegation remain constant.

Before de-delegation becomes more attractive than restriction of autonomy, the principals must thus believe that the agent's flawed institutional attributes (i.e., incompetent or untrustworthy key institutional actors and/or predictably ineffective institutional practices or procedures) render it ineffective. Their default belief, however, is that the agent is able to effectively provide functional benefits—otherwise, delegation would not have occurred in the first place. De-delegation therefore requires the consolidation of a new consensus (see Legro 2000). Such a collective ideation process can be triggered by an exogenous shock like an ethical scandal or a longer period of substantially suboptimal representation despite clear opportunities to move closer to the principals' utility peak (Buchanan and Keohane 2006, p. 422).

Importantly, however, collective ideation is complicated by information asymmetries between the principals and the agent, which results in uncertainty about the sources of agency costs and in heterogeneous beliefs about the agent's institutional properties (see Hawkins et al. 2006, p. 24; Zürn 2018, p. 67). Accordingly, the dominant (actor-centred) constructivist view is that collective ideation requires cause–effect beliefs to be strategically promoted by influential (political) entrepreneurs (Blyth 2002; Saurugger 2013; see Zürn 2018, p. 68). Those principals with an interest in de-delegation are incentivized to construct excessive agency costs as emanating from inadequate institutional attributes. The literature shows, however, that neither does the agent sit still.

3.3 | Step 3: The private agent does not remedy its institutional faults in a visible and timely manner

Three particular strategies employed by private agents to forestall control emerge from the literature. First, both the PA literature and the constructivist literature show that private actors exploit uncertainty to promote (broad) ideas about the benefits of limited public intervention in private authority (Blyth 2002; Geeraert and Drieskens 2015). Second, the PA literature also demonstrates that private agents respond to imminent control by visibly changing their regulations and policies to act more in line with public principals' preferences (Héritier and Lehmkuhl 2008; Geeraert and Drieskens 2015). Even when they are sub-optimal, new private regulations and policies often satisfice

governmental actors, who are uncertain about their utility peak in technical issues (Mügge 2006, p. 183). Although these two strategies may work well to prevent (the perception of) high agency costs, they are unlikely to be effective once the public principals believe that excessive agency costs are a consequence of the agent's institutional faults. On the one hand, actors that are perceived as untrustworthy or incompetent will have great difficulty influencing other actors' preferences through discourse (Suchman 1995; Lake and McCubbins 2006). On the other hand, it takes time for any positive effects of new private policies and regulations to become apparent and to refute the consolidated belief that the private agent is inadequate (see Legro 2000).

The third strategy employed by private agents to forestall control is more likely to be effective than the former two: it entails changing organizational structures or key institutional actors (Büthe 2010, p. 18). Suchman (1995, p. 598) argues that actors with institutional faults can regain trust by acknowledging that (limited) aspects of their operation are indeed flawed before engaging in decisive and visible acts to remedy those faults. Relevant actions include installing institutional safeguards that prevent future inappropriate behaviour and distancing oneself from 'bad influences' such as corrupted staff or flawed institutional procedures and bureaucratic practices (Suchman 1995, pp. 598–99). Accordingly, when the agent addresses its (perceived) institutional faults in a similar way, the principals will expect decreasing agency costs.

However, the private agent's bounded rationality as well as bureaucratic delays and internal opposition to institutional reform may prevent the timely deployment of appropriate strategies (Pierson 2004, pp. 142ff.; Mattli and Büthe 2005, p. 407). When this occurs and policies have not yet had demonstrable positive effects, it is to be expected that the principals' belief in the inadequate agent is sustainable—at least in the short run. In other words, the high agency costs are expected to remain constant for some time, which provides a window of opportunity for de-delegation. Still, this window of opportunity must also be seized.

3.4 | Step 4: A viable de-delegation solution is proposed before the high agency costs decrease

De-delegation requires an alternative with higher net benefits than those of continuing delegation. The lower the transaction and uncertainty costs, the more compelling and viable the de-delegation solution. In the absence of such a solution, the window of opportunity for de-delegation will eventually close when agent strategies and/or decreasing political salience decrease the high agency costs and, thus, increase the net benefits of continuing delegation.

A clear and simple de-delegation solution minimizes uncertainty, as its impact is easier to anticipate. When functional benefits are expected, the limited uncertainties inherent to a clear and simple de-delegation solution are outweighed by the anticipated (i.e., certain) costs of continued delegation. Transaction costs are minimized when a fleshed out de-delegation solution is proposed, as it avoids searching costs and minimizes bargaining costs (Kingdon 1984). Since multiple principals must make a collective decision about delegating tasks to a new agent, some bargaining is inevitable. Those principals with a vested interest in the de-delegation proposal are incentivized to invest resources to facilitate bargaining and to minimize other principals' transaction costs (Tallberg 2006). Ultimately, however, a sufficiently large group of principals must accept the de-delegation solution.

3.5 | Step 5: A group of public principals that includes all veto players accepts the de-delegation proposal

The more influential principals support the de-delegation solution, the higher the likelihood that others will be persuaded (Saurugger 2013). Crucially, the group that explicitly or tacitly accepts the de-delegation proposal must include all principals that hold veto power. Veto player status depends on informal factors such as status and capacity, as well as formal decision-making procedures. Veto players that anticipate the net costs of the proposed solution

to be higher than the status quo are expected to impede de-delegation (see Hawkins et al. 2006, p. 21; Jupille et al. 2013, p. 47). Principals with a vested interest in the de-delegation proposal are therefore incentivized to employ resources to increase the benefits of de-delegation for veto players that prefer the status quo.

4 | DE-DELEGATING PRIVATE AUTHORITY IN INTERNATIONAL SPORT GOVERNANCE

SGBs responded to doping and match-fixing scandals in sport by implementing rules and policies aimed at addressing these problems (Houlihan 2002; Chappelet 2015). The literature and our interviews show that governmental actors explicitly endorsed, even encouraged, private regulation in these domains because they anticipated that it would reduce their workload and provide regulatory flexibility as well as credible commitments to anti-doping and match-fixing rules (Houlihan 2001; European Commission 2017, pp. 128–29; Interviews 2, 6, 7, 8, 9, 13, 14, 15). However, a PA problem arises as SGBs have both the motive and opportunity not to investigate allegations of doping or match-fixing too seriously. On the one hand, gathering evidence is costly and reporting about positive cases damages sport as a commercial product, which in turn hurts the interests of SGBs' private constituents and sponsors. On the other hand, the complexities and specialized nature of the policies involved results in information asymmetries, providing the opportunity for SGBs to shirk their responsibilities (Houlihan 2002; Hill 2016; Tak et al. 2016). Yet, only in the case of anti-doping governance were dynamics set in motion that eventually led to a partial de-delegation of private authority, namely through the equal representation of governmental and sport actors in WADA's decision-making bodies. By contrast, the authority to implement transnational private rules in the fight against match-fixing remains firmly with the SGBs.

In what follows, the plausibility of the five-step model is assessed by examining both these positive and negative de-delegation cases. More specifically, the model is used to structure the narratives in both cases (see Büthe 2002).

4.1 | The de-delegation of private authority in anti-doping governance

4.1.1 | Step 1: SGBs' ineffective anti-doping policies become both visible and highly undesired

Although public attention to doping abuse increased in the 1960s and 1970s, it was not until the late 1980s that the SGBs' 'complacency and myopia towards doping' became very costly for a growing group of countries (Houlihan 2002, p. 170). Two mutually enforcing dynamics seem responsible for this shift. First, a number of major sport nations developed a strong preference for effective private anti-doping policies. Most notably, government-initiated inquiries into major doping scandals and the resulting societal pressure prompted the United Kingdom (UK), Canada and Australia to adopt more effective public anti-doping policies. This, in turn, increased their demand for effective private policies (Houlihan 2001, 2002). Second, there was a growing awareness of the shortcomings of the SGBs' anti-doping policies. Multiple allegations of cover-ups of doping revealed the SGBs' lack of interest in catching doped athletes (Houlihan 2002, p. 54; Hoberman 2005, p. 242). Moreover, increased international interaction between domestic anti-doping experts in fora such as the Council of Europe resulted in greater expertise about appropriate (private) anti-doping policies (Houlihan 2001, p. 133; Interview 1).

This dual dynamic reached a climax in July 1998 when the French police uncovered systemic doping abuse in the Tour de France. While global media coverage resulted in societal demand for change, the scandal also showed to public authorities that the scope of the ineffectiveness of private anti-doping policies was much larger than they had imagined (Houlihan 2001, p. 133; Hoberman 2005, p. 260). The respondents confirm that, because the SGBs'

behaviour was so obviously out-of-sync with the broader public attitude, the demand for public control was high: 'No action was not an option' (Interview 2).

4.1.2 | Step 2: Governmental actors believe that SGBs' undesired behaviour emanates from their flawed institutional attributes

Three dynamics propelled a collective ideation process that ultimately consolidated the belief that the SGBs' institutional attributes rendered them unable to implement effective global anti-doping policies. First, the WADA literature stresses the importance of two major ethical scandals. The 1998 Tour de France scandal and IOC president Juan Antonio Samaranch's subsequent compromising attitude towards doping raised serious questions about the competence and trustworthiness of senior sport officials (Houlihan 2001, p. 133; Hoberman 2005, p. 262). This suspicion was reinforced when, in November 1998, several IOC members were caught taking bribes from members of the Salt Lake City Bid Committee to secure the 2002 Salt Lake City Winter Olympic Games (Houlihan 2001, p. 133; Hanstad et al. 2008, p. 231; Hunt 2011, p. 106).

Second, these scandals confirmed and reinforced already existing concerns about the sincerity of sport leaders' commitment to the fight against doping. During the 1990s, IOC and IF officials' continuing inertia and their optimistic rhetoric had frustrated especially those countries that were part of the International Anti-Doping Arrangement (IADA). This leading alliance established in 1991 by Australia, Canada and the UK and later joined by New Zealand, Norway, Sweden and the Netherlands lobbied for more effective policies (Houlihan 2001, p. 133; Interviews 3, 4, 5). Government-induced inquiries in the three founding nations had unequivocally found that sport organizations were either unwilling or unable to effectively run doping testing programmes, leading to the establishment of national anti-doping agencies independent from sport (Houlihan 2002, pp. 162–66).

Third, influential entrepreneurs sought to prevent the continuation of private authority and exploited the scandals and the extended period of ineffective private policies. They focused their actions on the IOC. Indeed, following the Tour de France scandal, the IOC announced in August 1998 that it would host a World Conference on Doping in Sport in Lausanne in February 1999. There, it would seek broad support for the establishment of an IOC-led agency tasked with coordinating the global fight against doping. As shown below, the interviews confirm that actions by entrepreneurs with an interest in de-delegation before and during the Lausanne conference resulted in the rejection of this proposal.

Before the Lausanne conference, the United States (US), France and Germany played key entrepreneurial roles. First, the director of the US White House drug policy, General Barry McCaffrey, lobbied for establishing public control over the proposed agency (Interview 6). In an explicit effort to 'kill' the IOC, he particularly reached out to the recently appointed French minister of sport, the Communist Marie-George Buffet, who was determined to control sport organizations (Buffet, in Deroubaix 2003; Brissonneau and Ohl 2010). McCaffrey's actions were as much motivated by the embarrassment of the Salt Lake City scandal as they were by strong domestic commercial interests that sought to limit the IOC's authority on the US market (Houlihan 2002, p. 147; Wenn et al. 2011, p. 96). Second, in early November 1998, France used its position as chair of the Council of Europe Anti-doping Convention Monitoring Group to convince the members that the sport movement was unable to effectively lead the new agency, which should therefore be independent and transparent (Interview 6). After difficult deliberations, the coordinated position of the government delegations that would participate in the Lausanne conference stated just that: the proposed agency should be both independent and transparent (Council of Europe 1998). However, there was no consensus about the inadequacy of the IOC and also a general reluctance to openly confront the IOC (Houlihan 2001, p. 133; Interviews 6, 7, 8). Third, France requested that Germany use its European Union (EU) Presidency to organize an informal meeting of EU sport ministers to coordinate strategies for the Lausanne conference (Interview 6). At the behest of a very active German interior minister Otto Schily, and with the support of the US, the ministers adopted a joint position in December 1998 stating that the international anti-doping agency had to be independent and transparent (European Commission 1999a; Interviews 2, 6, 9).

During the Lausanne conference, the UK stepped to the forefront, together with the US and Germany. Representatives from European governments, the IADA countries, the Council of Europe, the European Commission and the US rejected the IOC's proposal and requested an independent and transparent anti-doping agency. While virtually all representatives criticized the IOC's failed anti-doping policies, when taking the floor McCaffrey, Schily and the UK minister of sport, Tony Banks, strongly questioned the IOC's ability to effectively operate the anti-doping agency (Houlihan 2001, p. 135). Banks argued that the IOC's internal working lacked 'democracy, accountability and honesty' (Montgomery 1999). Schily criticized the institution's lack of 'transparency' and 'democracy' and called for Samaranch's resignation. Finally, McCaffrey underscored the IOC's 'corruption, lack of accountability, and ... failure of leadership' (Montgomery 1999). These highly influential statements were extensively reported on in the global news media (Hanstad et al. 2008, p. 238; Interviews 2, 4, 8, 9). Tony Banks furthermore organized an informal gathering urging government representatives not to give in to the IOC's proposals. His message, according to one interviewee, was 'We got to stand together against the IOC. This can't go on' (Interview 4). Another interviewee described Banks' influence: 'I was talking to Tony Banks one evening. That's when we decided not to [agree with the IOC's proposal]. ... Banks was the senior person. He had a lot of influence because in the end, most people at the Lausanne conference were not ministers' (Interview 9). As a result of these actions, the impression by the end of the conference was that 'everybody hated the IOC' (Interview 10). Another interviewee elaborated: 'The IOC had a very bad reputation. ... If we had said we sign the declaration, we would have given the IOC assurances without knowing whether they would have their system in place' (Interview 9).

4.1.3 | Step 3: The IOC fails to timely address its institutional deficits

After the Tour de France scandal had broken, the IOC and the major IFs were very aware of the threat of public intervention (Houlihan 2001, p. 132). The literature shows that, as predicted by the PA model, strategies were deployed to mitigate this threat. First, as mentioned, the IOC used the Lausanne conference to gain (public) support for an IOC-led anti-doping agency (Hanstad et al. 2008, p. 235). This attempt failed since a consensus emerged about the IOC's inadequacy to lead an international anti-doping agency. Second, at the Lausanne conference, IF and IOC representatives stressed that governments could not be trusted to run effective anti-doping programmes, implicitly referring to (state sponsored) doping abuse in East Germany, China and Russia (Montgomery 1999; Interviews 3, 4). Their message, according to an interviewee, was 'We should be looking after sport, government interference is totally unacceptable' (Interview 4; original emphasis). This rhetoric was not deemed credible and merely fuelled the already existing tensions (Montgomery 1999). Third, the IOC (reluctantly) investigated the Salt Lake City corruption allegations and a number of implicated IOC members were forced to step down. Yet IOC president Samaranch, who was supposed to lead the anti-doping agency proposed at the Lausanne conference, refused to resign. He was assumed to have been aware of bribery for years and thus became the centre of global media criticism. Furthermore, the IOC established a governance reform commission comprising high-profile figures to restore trust in its operations. The resultant reforms would prove very successful in decreasing criticism about the IOC's institutional properties (Wenn et al. 2011). However, because the commission was established in March 1999 and reforms were not proposed until October 1999, the process came too late to have an impact on the Lausanne conference held in February and its immediate aftermath.

4.1.4 | Step 4: A viable de-delegation solution is proposed

At the Lausanne conference, it had become clear that governments did not so much disagree with the creation of a global anti-doping agency, but had issues with the SGBs' control of this organization (Houlihan 2001, p. 137). To avoid this control, different proposals were made to de-delegate private authority. At the conference, Banks had

proposed to place the new agency in the hands of the United Nations. As mentioned, McCaffrey had proposed a similar public takeover. France later proposed that the agency be composed of government representatives and legal and scientific experts (European Commission 1999c, p. 3). These proposals were not viable for three reasons. First, even committed governments were unwilling to bear the full costs of funding the agency (European Commission 1999c; Interview 2). Second, there was uncertainty about the jurisdiction of public authorities over national sport organizations in some domestic contexts and also over IFs (Interviews 6, 8). More generally, and third, politicians were very reluctant to invest time and resources in developing an agency alternative to the one proposed by the IOC. European governments consequently concluded that the IOC would have to be involved in and committed to the agency (European Commission 1999c; Interviews 2, 6, 7, 8, 9).

At an EU-level working group in March 1999, France built on the IOC's worked-out proposal yet proposed that the decision-making bodies of the agency would be designated equally by sport organizations on the one hand and governments and international organizations on the other (European Commission 1999d; Interview 6). Several interviewees considered this partial de-delegation as the only viable option for establishing some form of independence, describing it as 'logical' (Interviews 6, 8) and 'a very natural thing' (Interview 2). One interviewee elaborated: 'We thought if we had an independent board, there cannot be a majority of sport' (Interview 9).

4.1.5 | Step 5: The de-delegation solution is accepted by all veto players

France's proposal was formally adopted as the joint position of the EU member states and the Monitoring Group of the Council of Europe Convention on Doping, which included the IADA countries (Council of Europe 1999; European Commission 1999b). It was accepted and promoted by the US as well as by the European Commission and the Council of Europe, who saw an opportunity to raise their profile in international sport governance (Houlihan 2001, p. 138; Interviews 5, 6). The IOC reluctantly accepted the equal representation proposal on condition that the agency would also be funded equally by public authorities and the sport movement (Interviews 1, 10). It reasoned that this strategy allowed minimizing operating costs and the loss of authority of 'a full government takeover' (Hunt 2011, p. 106). The solution was thus promptly accepted in June 1999 at a meeting of a working group chaired by the IOC and composed of representatives from the sport movement and public authorities (European Commission 1999b; Interviews 5, 11, 12).

Although WADA was formally established on 10 November 1999, the distribution of control and costs among governments and other operational issues were settled in the context of five intergovernmental conferences, which took place from November 1999 to December 2002. Both Australia, the host of the 2000 Olympic Games, and Canada, which sought to secure the WADA headquarters, played a major role in facilitating the bargaining process (Interviews 3, 8). European governments agreed to limit their influence on the agency in order to get the other continents on board (Interview 9). Governments from North America, Oceania and especially Europe agreed to pay a considerably higher proportion of WADA's government funding than Asian, South American and African governments, which saw fewer benefits in high anti-doping investments (Interviews 3, 9).

4.2 | The lack of de-delegation of private authority in anti-match-fixing governance

Unlike doping, match-fixing only recently became an issue of public concern when a growing number of match-fixing scandals and public investigations in the early to mid-2000s unveiled that match-fixing occurs in numerous sports at all levels. Scholars argue that the SGBs are not investigating alleged cases of match-fixing seriously and that the majority of the IFs have not taken significant action to address the issue (Chappelet 2015; Hill 2016). That these dynamics have not (yet) resulted in de-delegation can be explained first and foremost by the absence of excessively

costly agent behaviour, the first step of the model. In fact, the SGBs' behaviour does not diverge strongly from governmental actors' preferences for two reasons.

First, the IOC and a number of IFs have acted proactively, preventing the perception of undesired agent behaviour by making highly visible investments in the fight against match-fixing. An interviewee attributed this to the fact that 'The IOC has learned from [the anti-doping case]' (Interview 1). Similar to a number of large IFs, the IOC invests significant resources in monitoring sport betting activity and in preventive education programmes. It also engages in partnerships with Interpol and the United Nations Office on Drugs and Crime (UNODC) (Chappelet 2015). Although there is little evidence that these actions are very effective, the respondents generally acknowledge that the IOC and a small group of IFs are 'taking it very seriously' (Interview 17) and 'doing a lot' (Interviews 9, 13, 14).

The second factor explaining the lack of a strong divergence of preferences pertains to the complexity of match-fixing. Governmental actors have only recently started building relevant expertise. Tellingly, transnational cooperation between committed signatories of the 2014 Council of Europe convention on match-fixing was established in 2016 via the so-called Group of Copenhagen. The Group currently focuses on identifying appropriate public policies and improving transnational cooperation. By contrast, building expertise on appropriate private policies is not a priority, even though members of the Group generally agree that the SGBs can and should be more effective. Consequently, they do not share a clear view on appropriate private policies (Interviews 13, 14, 15, 16, 17, 18, 19). As one interviewee explained: 'We are currently looking at what everybody can do. How can we work together? That is the real question' (Interview 13).

Regarding the second step of the model, the interviews suggest that a series of high-profile corruption scandals enveloping IF officials, particularly officials from the international football and athletics federations, have seriously undermined trust in sport leaders' ability to place sport integrity before commercial interests (Interviews 15, 16, 18, 19). As one interviewee put it bluntly: 'Nobody trusts IFs' (Interview 15). However, because SGBs' actions regarding match-fixing are not perceived as highly undesired, this belief cannot be employed to explain excessive agency costs. In the absence of such costs, in fact, de-delegation is simply not an attractive option. Consequently, calls by academics and practitioners like the former CEO of WADA, David Howman, for an independent international match-fixing agency similar to, or within the framework of, WADA have not received any political support (Council of the EU 2011; Hill 2016; Interviews 1, 3, 10). Indeed, an interviewee explained: 'The proposal gets kicked out because I am the sole voice. ... You need a few champions, particularly politicians' (Interview 1). Another interviewee confirmed: 'there does not seem to be anyone pushing for it' (Interview 16). The interviews with government officials show that this lack of political support results from governmental actors' anticipation of high costs and their failure to discern clear benefits. The interviewees that pronounced this most vehemently remarked: 'I don't think it would have any value' (Interview 17), 'We don't need a WADA for match-fixing' (Interview 13) and 'I wonder what it could do' (Interview 14). Echoing the first steps of the model, however, one interviewee noted that 'It may happen maybe, when there were a few big scandals' and that 'The push may come, if sport organizations do not behave; if sport organizations cannot regulate themselves' (Interview 16).

5 | CONCLUSION

By embedding constructivist insights within a rational PA model, this article advances a five-step sequential process to explain the hitherto little understood public reversal of private authority. In doing so, it generates new insights for the PA literature and adds nuance to the consensus in the private governance literature that de-delegation occurs in response to major delegitimation of private authority. PA modelling suggests that shared beliefs about the private agent's flawed institutional attributes are of particular relevance for de-delegation. To establish collective action, however, such beliefs must be promoted by influential entrepreneurs. Moreover, even when shared among a dominant group of governmental actors, these beliefs appear to be a necessary, yet insufficient, condition for de-delegation. In the absence of excessively costly agent behaviour and a de-delegation solution that minimizes transaction

and uncertainty costs, the relative benefits that governmental actors can gain from de-delegation will remain low, which means that private authority is expected to continue.

The examination of two cases in the field of international sport governance lends support to these propositions. Specifically, this article shows that the process leading to equal representation of governmental and sport actors in WADA's decision-making bodies would have failed if any of the conditions outlined in each of the five steps had not been met. The present findings in the case of match-fixing provide additional support for the model's plausibility. Indeed, the absence of excessively costly agent behaviour explains why governmental actors do not support calls for de-delegation in spite of their undermined trust in sport leaders. In the present constellation, the establishment of a WADA-like hybrid organization to fight match-fixing is thus very unlikely. Nonetheless, should governmental actors develop a strong preference for effective private policies, for instance as a result of high-profile scandals, and become more aware of inadequate private policies, an opportunity for entrepreneurial action aimed at de-delegation would arise.

To be clear, de-delegation does not necessarily yield better outcomes, even if it is just because a viable de-delegation solution is often not the same as the optimal solution. WADA constitutes a clear case in point. Due to information asymmetries and heterogeneous governmental preferences, sport actors hold de facto control over the organization's decision-making in spite of equal representation and funding. These dynamics give them ample opportunity to pursue their private interests. However, even if de-delegation has proven to be a sub-optimal control strategy, the mere fact that it occurred only makes the point that private authority indeed relies on implicit or explicit public approval. Governmental actors could capitalize on this conditionality to ensure that private authority serves the public interest. In this regard, demanding appropriate institutional reforms and increasing oversight through target-setting and expert monitoring might be less drastic on one hand and more effective on the other than viable but sub-optimal de-delegation solutions. In other words, the promotion of such alternative control strategies might just be the better call for those who seek more effective private authority.

CONFLICTS OF INTEREST

No potential conflicts of interest are reported by the authors.

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INTERVIEWS

- 1 Sport official, Eindhoven, November 2017
- 2 Government official, phone, July 2018
- 3 Government official, phone, January 2019
- 4 Government official, phone, June 2018
- 5 Government official, email, July 2018
- 6 Government official, email, March 2019
- 7 Council of Europe official, phone, January 2019
- 8 Government official, phone, September 2018
- 9 Government official, phone, August 2018
- 10 Sport official, Eindhoven, November 2017
- 11 EU official, Brussels, June 2018
- 12 Sport official, phone, July 2018
- 13 Government official, phone, February 2019
- 14 Government official, phone, March 2019
- 15 Government official, phone, February 2019

- 16 Government official, phone, February 2019
- 17 Government official, phone, March 2019
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