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## THE POLITICS OF SPANISH PUBLIC SPORT WITHIN THE MAIN LAW

Good morning everybody, thanks for coming to this POLIS Workshop here in Papendal, Holland. My name is Catalina Lecumberri, I'm from Barcelona, Catalonia, and I'm glad to be here to share with you knowledge about sports politics in different countries.

I have a degree in Pedagogy, and a doctorate in Physical Activity and Sports Studies, both from the University of Barcelona. After ten years working as a teacher at Vic University – one hour away from Barcelona – At the moment I'm working at the Catalan Physical Education National Institute in Barcelona. My speciality is sport education, but nowadays I'm learning about legislation in sport.

The main objective of my talk is to explain the state of affairs in the politics of public sport in Spain and its autonomous regions. I will introduce the theme with a short history of the normative and legal context.

When the Spanish Constitution was written, in 1978, some articles were designed to set and define the new territorial organisation, the main citizen's rights in the Spanish State, the functions of the King, the Government's tasks, and also those of the judiciary.

In these articles, two were included to regulate the sport and physical education area. Previously, a General Assembly of Sport had been held in Madrid, to ask for the legal regulation of sport as part of the Main General Law or *Constitution* for the first time.

The 3rd chapter regulates the principles of social and economical policy. In it, article 43.3 recognises that *"the public powers will promote health education, physical and sports education, and will watch over the correct use of leisure time"*.

The 8th chapter of the Spanish Constitution is about the territorial organisation of the Country. There, we find article 148.1.18, which states: *"The Autonomous Communities have the right to assume some power to promote sport and the correct use of leisure"*.

In order to formalise these two articles, some more legal rules have been created throughout the democratic period. These new laws and decrees were written to give sense and real meaning to the Main Law. The *Physical Culture and Sports General Law* of 1980, allows the Autonomous Regions the right to make rules on some different sports questions inside their own territory.

In addition, the *State's Sport Law* in the 1990s regulated the legal framework where the practice of sport has to be developed within the national scope (Echeverry, 2015:81). However, this law

recognises that the Autonomous Regions have assumed full authority in sports organisation inside their own territorial area.

Moreover, in 1978, an international sports law was approved. Called the *International Physical Education and Sport Chart*, it was announced at the 20th General Conference of the *United Nations Education Science and Culture Organisation (UNESCO)*.

These two documents –the Spanish Constitution and the International Physical Education and Sport Chart-, showed us that sport was, finally, legally recognised as a main part of Human Rights (Castilla, 2015). More and more, the practice of sport is well-appreciated as a social and cultural phenomenon, and now it's been included in most of the national Constitutions around the world. (Landaberea, 2006:45, *cfr.* Blanco, 2006). Step by step, sport has been associated with health, economics, and with a modern idea of development. (Rivero, 2004:33)

Although the legal authority to regulate the practice of sport has been transferred to the Autonomous Regions, the State still exclusively controls some questions, such as these:

- International relations
- Private sporting corporations
- Scientific and technical investigation
- Public safety
- Some academic and professional degrees

This legal and cultural context helps us to understand that sport, as cultural and social heritage, has been deeply related to the public sector. Burriel & Puig (1999) find that, from the 80's, with the rise of Felipe González's Government (PSOE), "*Sport is accepted not only as a right, but also as a public service*" (*Op. Cit.*, p.29). Since the first democratic election in Spain, there has been an enormous increase in public investment in sport. Local Authorities, for instance, have promoted more and more policies to improve sports facilities and activities in every small town (Puig. 1998).

As we can see, Spain and its Autonomous Communities are territories where sport has a close relationship with public powers.

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