Olympic State of Exception

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Every other year the Olympic machine lands at a different city, where it nonetheless encounters a familiar scenario: by the night of the opening ceremony all the necessary infrastructures will have been built, free of charge, by the host; all of the city’s advertising space will have been occupied by the official sponsors of the event; state of the art security and military measures will have been deployed to protect the event; high-speed lanes connecting the venues with certain hotels will have been made exclusively available to the convenience of the members of the International Olympic Committee (IOC); and, if everything has gone according to plan, tickets will be long gone and an army of eager volunteers will be at the disposal of the organisers.

The Summer and Winter Olympics, like the FIFA World Cup or the Formula 1, are travelling mega-events which far exceed the realm of organised sports. They are global multi-billion businesses, as well as powerful instruments of local urban policy, usually linked to vast regeneration schemes. Cities compete for hosting these events, offering favourable fiscal conditions and large infrastructure investments, as a unique opportunity for place marketing and international attention. They are also increasingly legitimised on the basis of their positive legacy for the city. This chapter explores some of the tensions these arrangements have generated in the case of the London 2012 Olympics. More specifically, I will discuss how the smooth (and profitable) operation of the Games requires a “state of exception”, regulated by exceptional laws and protected by extraordinary measures. My goal in this text is to analyse the interface between the exceptionality of the “legal architecture” of the Olympics (the laws and contracts that regulate the mega-event) and its spatial manifestation in the form of a military urbanism.

Drawing from Giorgio Agamben’s work, I will argue that the colossal transformation of the legal and spatial landscape brought about by the 2012 Games effectively relies on the unofficial declaration of a state of exception, that is, the suspension of the ordinary juridical order. Agamben’s study of the deployment of the state of exception shows how rather than a provisional and exceptional measure it has become a technique of government, increasingly used in a range of non-war situations, such as financial crises, general strikes or, more recently and infamously, the USA Patriot Act and Guantánamo. Defined as the suspension of law by law, the state of exception produces an empty
space, a zone of indeterminacy in which bare life (the human being stripped of political and legal attributes) is encompassed by naked power (a limitless power, which is not tied to the legal system). However void, this legal no-man’s-land has proved to be highly effective, to the extent that “the voluntary creation of a permanent state of emergency (though perhaps not declared in the technical sense) has become one of the essential practices of contemporary states, including so-called ‘democratic’ ones.” The state of exception is legitimised on the grounds of exceptional necessity, and sustained through military metaphors: “a vocabulary of war is maintained metaphorically to justify recourse to extensive government powers”.¹

The state of exception, as a legal phenomenon, is linked in Agamben’s theory to the “camp”, “the space that is opened when the state of exception begins to become the rule”. Although concentration camps or detainee centres would be clear examples, the concept of the “camp” refers to any space in which the normal order is de facto suspended: “To an order without localization (the state of exception, in which law is suspended) there now corresponds a localization without order (the camp as permanent space of exception).” My goal in this text is to establish a series of analogies between Agamben’s concepts and the legal and physical architecture of London 2012.

The legal architecture of the Games

The IOC is the supreme authority of the Olympic Movement, responsible among other things for promoting Olympism worldwide and ensuring the regular celebration of Olympic Games. The Games are the IOC’s exclusive property; they own “all rights and data relating thereto, in particular, and without limitation, all rights relating to their organisation, exploitation, broadcasting, recording, representation, reproduction, access and dissemination in any form and by any means or mechanism whatsoever, whether now existing or developed in the future”. This includes control over all the “Olympic properties”: the Olympic symbol, the flag, the motto, the anthem, the emblems, the flame, the torches, and so on. The exploitation of these rights and properties allowed the IOC – a not-for-profit international non-governmental organisation with circa 300 employees – to make an estimated $2,300 million between 2001 and 2004 and a profit of $383 million on the Beijing 2008 Summer Olympics alone. Based in Lausanne, the IOC is not subject to income or wealth tax by virtue of an agreement with the Swiss Government.

When London won the right to organise the 2012 Olympics in July 2005, the city signed the Host City Contract with the IOC. Following the agreement, a limited company, the London Organising Committee of the Olympic and Paralympic Games (LOCOG), was established in order to organise the Games with “maximum benefit and efficiency”. Shortly after, the London Olympic and Paralympic Games Act 2006 (LOPGA) was passed. Among other things, the Act established the creation of a public body responsible for building the infrastructures needed for the Games, the Olympic Delivery Agency (ODA).

The ODA has extraordinarily wide-ranging powers: the capacity to design and implement urban plans, the development of the sporting and transport infrastructure, the control of the advertising space and street trading licences around Olympic venues, and the power to investigate and prosecute breaches of Olympic brand related rights. As James and Osborn have observed: “No other public body combines the functions of a local council, planning authority, transport executive, trading standards office and police service, yet the ODA has been granted powers similar to those exercised by each of these bodies.” First measure of exception: the abolition of the distinction between legislative, executive and judicial powers.

According to the Host City Contract, any profit resulting from the organisation of the Games is to be divided between the British Olympic Association (20%), the promotion of sport in the host country (60%) and the IOC (20%). Were there to be losses, however, the public bodies are liable. In addition, all payments made by or to the IOC regarding revenues generated in relation to the Games are tax-exempt. Article 49 establishes that the city and/or LOCOG “shall bear all taxes, including direct and indirect taxes, whether they be withholding taxes, customs duties, value added taxes or any other indirect taxes, whether present or future, due in any jurisdiction”. The amounts involved are not insignificant. LOCOG’s budget, self-funded by ticket sales, a percentage of the IOC’s revenue, and its own exploitation of the Olympic brand, is £2,000 million; meanwhile, the ODA’s budget, 98.2% public-funded, is £9,325 million. In other words, £9 billion of public funds have been allocated to set the scene for a £2 billion privately owned and tax-free event, whose owner is also rendered non-liable for any hypothetical losses. Second measure of exception: the creation of a tax haven in East London.

These exceptionally generous fiscal conditions secured by the IOC rest on the generation of substantial surplus value in the first place. In relation to this, the city has to obtain “control over all city advertising opportunities: airport, train, bus, and other transport advertising, as well as billboard advertising” for the period of the Games and the previous month, and hand it over to the offi-
cial sponsors. Most of the Olympic revenue comes from exclusive broadcasting (47%) and sponsorships (45%) contracts. The IOC oversees all broadcasting contracts and the worldwide "The Olympic Partners" (TOP) sponsorship programme, while allowing local organising committees to manage ticket sales and sign local sponsorship deals. These contracts exploit the value of the exclusive association with the Olympic brand, which is the reason why the latter must be "adequately and permanently" protected.

In the case of London 2012, this protection is granted by the Olympic Symbol etc. (Protection) Act 1995 and the LOPGA 2006, cited above. As Julian Walker explains in more detail in this volume, words such as "Olympiad", "Olympian", "Olympic", “Summer”, ‘2012’, “Twenty-Twelve” or “Gold”, as well as all the iconography associated with the London Games, have their use restricted to official sponsors. In fact, "any representation (of any kind) in a manner likely to suggest to the public that there is an association between the London Olympics and (a) goods or services, or (b) a person who provides goods or services” will be deemed an instance of “ambush marketing” and hence subject to legal and police action:

Ambush marketing occurs when an unauthorised commercial entity implies an association with the Olympic Movement without a marketing agreement with an appropriate Olympic party... The value of the rights granted to the Olympic marketing partners is directly related to the Olympic Family's ability to protect that exclusivity. Ambush marketing occurs when this exclusivity is violated by any entity... It poses a serious potential threat to the Olympic Movement, because: (a) it could destroy the overall revenue base of the Olympic Movement, and (b) it undermines corporate confidence in Olympic partnership investments.

The notion of financial threat, or even catastrophe, becomes the legitimating force that justifies the draconian measures established by the LOPGA 2006, discussed below. Third instance of exceptionality: the use of the vocabulary of war to justify resort to exceptional forms of penalty.

Sections 19–31 of the Act regulate advertising and street trade in the vicinity of the events, as well as the powers of enforcement. Any form of unsanctioned advertising of goods or services or street trading is strictly forbidden, with fines up to £20,000 on conviction being established. The Act also grants the police the right to "enter land or premises on which they reasonably believe a

contravention of regulations" is occurring; “remove, destroy, conceal or erase any infringing article” and “use, or authorise the use of, reasonable force for the purpose of taking action under this subsection”. This framework grants the IOC an "extreme and unprecedented" protection over their properties. It is hard to exaggerate the extraordinariness of the situation: anti-terrorist-like powers have been approved by Parliament in order to "protect" a set of words, signs and symbols so they can be commercially exploited by the IOC and LOCOG. Moreover, the Act rests on the reversal of onus: it requires the accused to prove the elements of the defence as opposed to being presumed innocent.

The Act controversially considers non-commercial communication as advertising, too, effectively criminalising political demonstrations, religious manifestations, and so on. More recent regulations have however taken a step back in this regard, creating a specific exception for “advertising activity intended to: (a) demonstrate support for or opposition to the views or actions of any person or body of persons, (b) publicise a belief, cause or campaign, or (c) mark or commemorate an event”. While this “exception” in theory re-establishes the legality of protest in the vicinity of the Olympic venues, critics like Kevin Blowe are cautious, as other pieces of legislation such as the Public Order Act may be used to block protest – or new legislation introduced, like the recent ban on “encampment style protest” around Olympic venues. Needless to say, this is also the case inside the Olympic venues. Rule 61 of the Olympic Charter establishes that “no kind of demonstration or political, religious, or racial propaganda is permitted in the Olympic areas”.

Entering the Olympic “camp” implies surrendering the right to express oneself freely or, more exactly, accepting that it has been “suspended by law”.

Fourth instance of exceptionality: the creation of a no-man’s-land where exceptional measures are in place, and which are legitimised by the extraordinariness of the situation and its threats. The tautological nature of the argument is now apparent: the exceptionality of the Olympics is both its legal status and the alibi that justifies it.

Military urbanism and the architecture of fear
The legal structures described above are complemented by an equally exceptional security design. The legal engineering of the Games has indeed a spatial counterpart, the architecture of fear. Also drawing from Agamben’s work, Fussey et al. argue that “conceptions of terrorist threat have stimulated ‘total security’ Olympic spaces of exception.” After 9/11 in particular, the security of the Games has been tied inexorably to the fear of a terrorist attack, and a
the art of dissent

incursions

Giles Price, 
Amber Alert, 2010
concomitant security paradigm, legitimated on the basis of “necessity, atypicality and ephemerality”, has been produced and exported to the different sites:

These strategies... comprise “exceptional” (temporary, plural and refocused) policing models that draw heavily on zero-tolerance orthodoxies, the militarization of urban space, extensive private policing, architectural and environmental designs to harden targets and deter transgressive behaviour and heavy reliance on intensive technological surveillance measures.¹⁰

In the case of London 2012, the fact that the 7/7 bombings took place the day after the city won the right to host the Games further cemented the links between fear of terrorism and the Olympics. Not surprisingly, then, the security operation is closely linked to the Home Office counter-terrorism strategy, CONTEST. The operation has five main components: “protect”, “prepare”, “identify and disrupt”, “command, control, plan and resource” and “engage”. These principles of action have a number or ramifications, from intelligence work to border agency co-ordination. I will focus briefly on the three aspects more closely related to the militarisation of urban space: architecture, surveillance and policing.

The architecture of security (or fear) is the most visible aspect. A 16-kilometre electrified fence surrounds London's Olympic Park. Access to this “sterile zone” is strictly restricted to authorised personnel, controlled by airport-like checkpoints, and protected by “hostile vehicle mitigation” (HVM) devices. Immediately adjacent to it there is a “peripheral buffer” zone, in which large-scale access restrictions, including a traffic exclusion zone, operate. A wide array of technologies of surveillance is in place around this area: a dense network of CCTV and face recognition CCTV cameras; the use of existing automatic number plate recognition (ANPR) infrastructure; and unmanned aerial vehicles (UAVs) like the GA22, which being under 7 kilos is not subject to the Civil Aviation Authority oversight. Policing will obviously be a complementary element to these infrastructures of surveillance and control. The latest figures available at the time of writing¹¹ state that up to 12,000 police officers, 16,000 private security guards (from G4S) and 13,500 military personal will be deployed to secure the Games. It has also been made public that ground-to-air missiles will protect the event.¹²

Fussey et al. argue that these security operations and the bordered spaces they generate, once established, engender a particular vision of order, which tends to become permanent. There are numerous examples: ANPR, first installed in the City of London as a response to the IRA’s bombings, was then rolled out city-wide for its use in relation to the Congestion Charge, and later expanded again to cover the Greater London’s Low Emission Zone; “extraordinary” zero-tolerance municipal by-laws to regulate behaviour and assembly during Sydney 2000 were retained after the Olympics; a legacy of private policing followed both Tokyo 1964 and Seoul 1988.¹³

In the case of London 2012, many of the security infrastructures that are built into the design of the Olympic Park and its surroundings will most likely become part of the legacy of the Games; it is not for nothing that the ODA was given an award by the Association of Chief Police Officers for its implementation of “Secure by Design” (SBD). As the Association put it, “the application of the SBD project ensures that the general public, residents and retailers will enjoy the benefit of a prestigious and safe environment long after the Games have concluded.”¹⁴ Fifth measure of exceptionality: provisional and exceptional measures are transformed into techniques of government. These techniques, in turn, are incorporated into the design and management of these spaces, producing norms and practices of control that also become installed in a more permanent sense.

Necessity, temporality, atypicality or threat are some of the notions used to legitimise the extraordinary set of exceptions and exemptions that give form and make possible the London 2012 Games. The Olympic Park, isolated legally and physically from its urban surroundings, is the “camp” where the rule of law has been displaced by the power of exceptional regulation. Within this legal no-man’s-land, subjects are divested of their rights and power deprived of its habitual limitations – while a few corporate entities are allowed to operate freely. It should not be forgotten that the production of this space has required an unprecedented alignment of fiscal, planning, commercial and security public policies. The analysis here provided of the legal mechanisms, physical manifestations and legitimating devices that have made this possible may shed some light (or shadows!) on important dynamics of the contemporary neo-liberal city. In particular, it raises the question whether the “exceptional legacy” that London was promised when bidding for the Games will not instead be a legacy of exception.

Notes to Marrero-Guillamón & Powell, "Introduction"

1 Here we are paraphrasing Gilles Deleuze and Felix Guattari, What Is Philosophy? (New York: Columbia University Press, 1994).

In other words, this is a “distributive whole”, as opposed to a “collective whole”. See Deleuze, Gilles, The Field: Leibniz and the Baroque (London and New York: Continuum, 2006).

5 This is Mallarme’s formulation in his poem “The white water lily”, mentioned in Jacques Rancière, The Emancipated Spectator (London: Verso, 2011).

6 There has not been a “movement” against the Games in London, but a plethora of actions of different kinds instead. Without attempting to be in any way exhaustive: for instance, the arrival of the Olympic torch in 2008 was met by direct action by pro-Tibet activists; members of Games Monitor have used the Freedom of Information Act 2004 to make public key documents such as the Host City Contract; the East London Community Organisation (TELCO) led the Ethical Host City Contract; the East London Committee for the Games in London, but a plethora of actions by pro-Tibet activists; members of Games Monitor have used the Freedom of Information Act 2004 to make public key documents such as the Host City Contract; the East London Community Organisation (TELCO) led the Ethical Host City Contract; the East London Committee for the Games in London.


Notes to Walker, “The Implications of Linguistic and other associations...”

2 Radio Nederlands Wereldwijd, 15 August 2010.
3 Other cases of guerilla or ambush marketing include Linford Christie at the Atlanta Olympics 1996 (http://www.flick.com/photos/danzieg-roy/21428516379/) and Andy Murray drinking the “wrong” water at Wimbledon (http://londoners-day-standard.co.uk/2009/06/a-test-of-murrays-bottle.html).
5 LOCOG, Statutory Marketing Rights.
6 LOCOG, Statutory Marketing Rights.

Notes to pages 8-49

11 In the form of Squint Opera’s 2009 animation commissioned for the announcement of the design of the Olympic Stadium for the 2012 Olympics in London.

Notes to Marrero-Guillamón, “Olympic State of Exception”


Some of the examples Agamben provides are financial crises in Germany (1923) and France (1925, 1935 and 1937); the abolition of slavery (1862) and the approval of the New Deal in the USA (1933); or the Emergency Powers Act in the UK, passed in 1920 during a labour dispute.

4 IOc, Host City Contract: Games of the XXX Olympiads in 2012 (Lausanne: International Olympic Committee, 2005).
7 Agamben, Homo Sacer, 175.
8 IOc, Olympic Charter (Lausanne: International Olympic Committee, 2010), 20.

13 Fussey et al., Securing the Olympic City, 67–84.
16 Fussey et al., Securing the Olympic City, 61.