

**AN ANALYSIS OF THE EFFECTIVENESS OF THE LEGAL AND POLICY
FRAMEWORK IN PROMOTING TALENT DEVELOPMENT IN THE SPORTS
INDUSTRY OF UGANDA: A CASE STUDY OF ATHLETIC SPORTS IN THE
NATIONAL HIGH ALTITUDE TRAINING CENTER TERYET, KAPCHORWA**

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AS21B11/157

**A DISSERTATION SUBMITTED TO THE SCHOOL OF LAW IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS OF
UGANDA CHRISTIAN UNIVERSITY**

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This mini-dissertation by **Kwemboi Isaac** under the title 'An analysis of the effectiveness of the legal and policy framework in promoting talent development in the sports industry of Uganda: A case study of athletic sports in the National High Altitude Training Center Teryet, Kapchorwa' has been under my supervision and is approved for submission to the examining authority.

Signature: _____

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Supervisor/Lecturer of Laws,

School of Law – Uganda Christian University

Date: 14th May 2025

DEDICATION.

This research paper is dedicated to the Athletic Community of Kapchorwa and to my Family Kamatei especially my mother Sange Alice Flora et al for their kind support and prayers.

“Champions aren’t made in the gyms. Champions are made from something they have deep inside them-- – a desire, a dream, a vision.” – Muhammad Ali

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First and foremost am grateful to my supervisor Owor Kennedy, Esq for the invaluable academic guidance, his kind encouragement and involvement in my research has seen it to its success.

“MAY THE ALMIGHTY GOD REWARD YOU ABUNDANTLY”

TO GOD BE THE GLORY.

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ABSTRACT

The study has been carried out using secondary source review of various statutes, articles, policies and journals about the topic under analysis. The study is aimed at analyzing the effectiveness of the legal and policy framework in promoting Talent Development for the success of elite sports. It is specifically aimed at; identifying and explaining in brief the legal and policy framework that govern talent development in sports in so far as it constitutes a national sport¹ and an “economic activity” and lastly to recommend legal and Policy reforms for the sporting success.

CHAPTER ONE: GENERAL INTRODUCTIONS

1.0 Introduction.

Kapchorwa District lies along the Eastern region of Uganda on the slopes of Mountain Elgon with a remarkable community of talent in Athletic Sports. In Uganda, the first events of middle- and long-distance Athletic Sports was first organized in the year 1995 in Kapchorwa district² which opened the gates of the current stream of middle and long distance.

The World Athletics defines now Athletics as track and field (sprints, running, jumps and throws) road, cross country and mountain running.³ In Uganda, Athletics is practiced in schools, community and club level in every district as well as in international competitions, regional events, commonwealth games, all Africa Games⁴ and World Athletics.⁵ According to the World Athletics website, Athletics carries the mantle of being the Olympics Games' leading sport.

1.2 Background to the study.

On 14 January 2023 World Athletics formally known as the international Association of Athletics Federations (IAAF) officially Certified Uganda National High-Altitude Training Center NHATC Teryet⁶ and commissioned on 11th December 2024 by the Government of the republic of Uganda marking it a major milestone in Uganda's sports development highlighting the government's commitment to nurturing Talent in athletics.

The National Council for Sports⁷ is mandated to Promote Sportsmanship through Searching, identification and development of talent in sports. The mandate enforces the Council to collaborate with national sports associations, federations, local governments, educational institutions, communities and the private sector and to make provisions for sports facilities, equipment and training for the preparation of Ugandan athletes for elite competition, as well as attracting international runners, boosting sports tourism and the country's economy and to an end promote amateur and

²

³ World Athletics Constitution as amended and approved by Congress on 18 November 2021.

⁴ Tumusiime, James (1997). *Uganda 30 years: 1962-1992*. Kampala: Fountain Publishers. p. 115.

⁵ World Athletics Entry List 10 August 2023 pg. 39.

⁶ World Athletics Certified Facilities as at 1 July 2024, Pg.19

⁷ National Sports Act Cap 151, sec. 27

professional sports and the participation of schools and institutions of higher learning in sports.⁸

In so far as sports as an industry is concerned, Article 40⁹ provides for the right of every person in Uganda to practice his or her profession and to carry on any lawful occupation, trade or business. Article 8¹⁰ in effect with Objective XVII of the National Objectives and Directive Principles of State Policy Objectives provides for the State's obligation in promoting sports in Uganda. Objective x also provides for the Role of the people in development and tasks the state to take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them.

1.2 Problem Statement.

Despite Uganda's significant progress in Athletics, there is still a notable gap in the National Legal and Policy Framework in enhancing talent identification and development in the National Athletic sport which of its nature requires a robust elite pathway so that potential athletes have a clear avenue to fulfil their untapped potential and boosting the country's global reputation in athletics.

The limitation of the law in enhancing talent development through talent identification and naturing primarily underscores the national council of sports' mandate to nature Athletic sports in the High-Altitude Training Centre expected to become a hub for athletic excellence so as to position Uganda as a destination for high-performance sports training and development, boosting the country's global reputation in athletics.

In respect of the majority of sports, a player must be employed by a club in order to participate professionally. Thus, a player's freedom to join a club is closely connected with his ability to play in sporting competition and, therefore, to work.¹¹

Whilst traditional sports Law dictates the autonomy of sports as apex, public law accounts greatly on the ways in which the law creates rights and obligations which impacts on Athletes in sports. Law guides and constrains international sports activity, that should not be surprising, if significant role in helping to meet people's expectations

⁸National Sports Act Cap 151

⁹ 1995 Constitution of the Republic of Uganda

¹⁰ 1995 Constitution of the Republic of Uganda

¹¹ Michael Beloff, _Tim Kerr, _Marie_Demetriou_Sports_Law_1999 pg. 67

about an activity as there is law where there is society, the legal process can be expected to play a prominent and universal as athletics. The public appreciates the need for legal intervention into the sports arena whenever the dream of pure competition degenerates into a nightmare of politics, corruption, Health care concerns, athletes doping or spectator violence and other gender dynamics that creates biases that could affect fair competition that is the core in sporting.

One cannot be a sports lawyer in isolation from other fields of law. To be a good sports lawyer one must also be a good non-sport, our own legal background in commercial law, constitutional, health, administrative, tort as well as employment law is as good as grounding as any for a sports law practice. In this research, I attempt to identify athletes' rights, challenging constrains and the need for reforms in Uganda's legal and policy frameworks so as to enhance talent development in Athletics.

1.3 Objectives of the study.

1.3.1 General Objective.

The general objective of the study is to assess the effectiveness of the legal and policy framework in promoting talent development leading to sporting success in the sports industry.

1.3.2 Specific Objectives.

The Specific objective of this research is aimed at **identifying and explaining in brief the legal and policy framework that govern talent development in sports in so far as it constitutes a national sport¹² and an “economic activity”** within the meaning of Article 2 of the Roman Statute ¹³ which Uganda is a Signatory.

To determine the effectiveness of the current legal and policy mechanisms in promoting Talent identification and development in Athletic Sports.

To recommend Policy measures and legal reforms aimed at enhancing talent identification and development in Athletic sports in so far as it constitutes to athletes' rights.

¹² National Sports Act, Cap 151 Section 29

¹³ Ibid

1.4 Research Questions.

What is the legal and policy framework governing Talent identification and development in Athletic sports?

What are the legal limitations that constrain the identification and development of Athletic sports?

What Policy Measures and legal reforms can be recommended to enhance talent development in Athletic sports in the National High Altitude Training center (NHATC)?

1.5 Significance of the study.

The Study will be significant in facilitating Athletic development in Uganda by providing an understanding of how the legal and policy framework can enhance talent identification and development in the National High Altitude Training Center Teryet. The identified gaps in the area of the law will facilitate policy reforms so as to enhance a sustainable environment for the identification and development of talent in Athletics. Additionally, the study's recommendations for legal reforms could lead to reforms for an enhanced firm ground for talent identification and development so as to

Finally, the study will be significant to Uganda's Policymakers and regulators by providing valuable data and recommendations for strengthening the legal framework that will enable sustainable talent identification and development in athletics. This can lead to the implementation of clearer legislations and guidelines, fostering a more professional sporting environment for the National Sport.

1.6 Justification of the Study.

The Justification of the study is pointed to the Athletes' need for a legal and policy framework that creates an enhanced sustainable environment essential for talent identification and development in Athletics in the National High Altitude Training Center. Ugandan Athletes are currently vulnerable due to lack of an enhanced legal and policy environment to enable talent nurturing in Athletics which requires a clear and a robust avenue for elite athletes. By examining the current legal and policy framework governing talent identification and nurturing, this study can contribute valuable scholarly knowledge to Uganda's Sports Law which seems to have presented a notable gap in Athletics nurturing hence undermining Athletic identification and development in the National High Altitude Training Center.

By assessing the Legal and policy frameworks governing talent development comprehensively, the study will fill the critical need for clear reforms in the aspects of Uganda's law and policy regarding talent identification and development in Athletics in the National High Altitude Training Center. Furthermore, it provides a foundation for future research, policy development and legal reforms aimed at enhancing talent nurturing and professionalism in Athletic Sports, thereby promoting Uganda as a hub for athletic excellence and a destination for high-performance sports training and development and in turn boosting the country's global reputation in athletics.

1.7.0 Scope of the study.

1.7.1 Geographical Scope.

The Researcher will focus on carrying out an empirical study in talent development and identification in the Notable Athletic Community of Kapchorwa where the National High Altitude training center of Ugandan Athletes is situated.

The researcher will also focus on reviewing articles, journals and the National Sports Act Cap. to assess how the legal aspects can enhance talent development identification in Athletics sports.

1.7.2 Thematic Scope.

The research will be limited to assessing how the legal and policy frameworks in Uganda influence talent identification and development with specific focus on athletic sports at the National High Altitude Training Centre in Teryet, Kapchorwa.

Furthermore, the thematic scope will be limited to identifying obstacles in the legal and policy frameworks that hinder talent identification and development and to propose policy reforms to enhance the effectiveness of the law in promoting talent identification and development in the National High Altitude Training Center Teryet.

1.7.3 Time Scope

The Research will be conducted for a period of three months from March to May 2025 the time stipulated for the researcher to have been completed.

1.8.0 Literature Review.

The World Athletics Constitution¹⁴ is established for the purposes of promoting, developing and delivering athletics through its areas and member federations. Uganda is an Honorary Member of Olympics with Honors Members.¹⁵ The National Sports Act makes provisions pertaining to the organization and management of National Sports Competitions in education institutions. The Act empowers the Ministry of Education and Sports in collaboration with the National Council Of sports to organize sports competitions for schools and institutions of higher learning.¹⁶

The organization of these sports competitions is meant to serve a number of objectives including: (a) enhancing of physical activity and sportsmanship within the wider body of students, teachers and the wider community; (b) talent identification and development; (c) sportsmen and other stakeholders; and, (d) facilitating participation in regional and international sports competitions for schools, among others. As a result, Government is duty-bound to promote talent development through organizing sports competitions at all levels of the education system, including primary, secondary, tertiary and higher education as provided under section 29.¹⁷

A sustainable sports industry in athletics therefore envisages the need of the state in guiding and facilitating development, consolidating and increasing stock and quality of productive infrastructure so as to enhance the productivity in the sports industry.

Sports Policy Leading to International Sporting Success (SPLISS)¹⁸ is an elite sports model policy adopted as the Canadian High-performance Sports Strategy in 2019 with an ambition to establish an international center of excellence that shares knowledge on innovative high performance sport policy research with different stakeholder groups, academics and sports scientists, sport managers, policy makers and governing bodies.

The policy model ¹⁹ identifies nine benchmark National Elite sports policy factors that promote Talent development in Elite Athletic sports from physical education, organized

¹⁴ The 2019 Constitution as amended and approved by Congress on 18 November 2021, Article. 4

¹⁵ National Sports Act Cap. 151 Section 54,

¹⁶ National Sports Act Cap. 151 Section 46

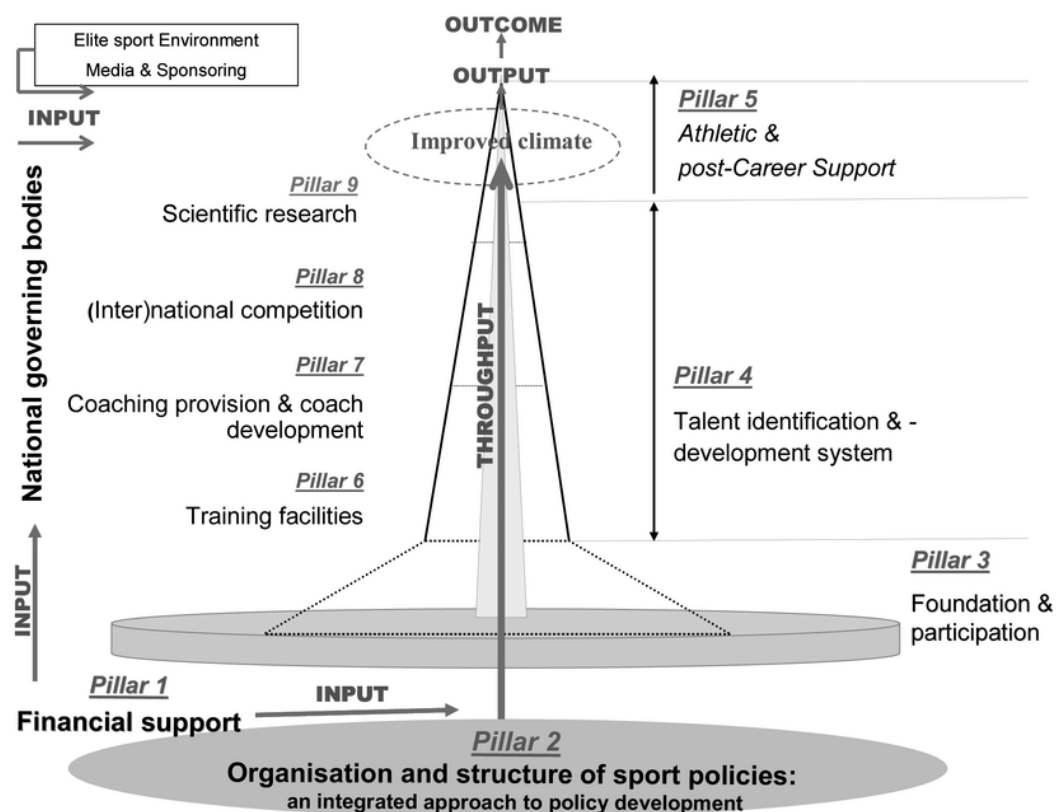
¹⁷ National Sports Act Cap 151

¹⁸ Veerle De Bosscher, Paul De Knop, Maarten van Bottenburg, Simon Shibli A Conceptual Framework for Analysing Sports Policy Factors Leading to International Sporting Success, June 2006

¹⁹Ibid

clubs, non-organized sports and physical education in schools²⁰ to Elite sport environment media and sponsoring outcome. The Model translates to an efficient organizational and structural policy as an integral approach to policy development in high performance elite Athletics.

The 9 pillars of sports policy factors influencing international success.



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The first pillar emphasises financial input through consolidating financial support. Financial Support is also concerned with measuring the funding made by nations in sport generally and in elite sport specifically. Financial resources provide the basis for the extent to which the remaining eight 'process' pillars can be implemented.

Policy Development for good governance and sport integrity is the second pillar of the model policy strategies and is concerned with the organization and structure of sport within nations. At a strategic level it is thought that for nations to have a realistic chance of elite sporting success, an appropriate lead needs to be given by governments. This

²⁰Ibid

²¹ Theoretical model of nine pillars of sports policy factors influencing international success (De Bosscher et al., 2006).

majorly focus on the need for an effective legal and policy framework in promoting talent development in Athletics.

The third pillar aims at the foundation that's initiation and participation of young talent.²² Sport Participation and competitive standards are linked by the desire to create a deep pool of athletic talent from which a core of elite competitors can develop. Although the relationship between sport for all and elite sport is often inconsistent, most top athletes have their roots in sport for all. The perspective is that a broad sport participation base is not always a condition for success, but it may influence success via the continuous supply of young talent and high quality of training.²³

Performance is the fourth pillar in talent development and identification system. Talent identification is concerned with two aspects of elite sport development: first talent identification, and second talent development.²⁴ Talent needs to be identified at a young age²⁵ so that it can be properly nurtured to develop top players. It is vital that athletes receive the best services in predicting their attributes and abilities, while some athletes arise by spontaneous generation others do not as a result of systematic research campaigns based on scientific and methodological criteria. There are four stages involved in the conversion of a talented athlete into an elite sportsman. These include detection, identification, development and selection. Despite the availability of scientific resources and expertise, many talent identification programs lack a strong scientific base.²⁶

Athletic and post career support examines individual lifestyle support available to athletes and the coaching provided to them. Athletic retirement has become a typical area of study and several nations have set up programs to support the transition out of sport.

Training Facilities is concerned with elite sport facilities and infrastructure. These factors were identified as being important. In addition to sport specific training facilities,

²² Veerle De Bosscher, Paul De Knop, Maarten van Bottenburg, Simon Shibli A Conceptual Framework for Analysing Sports Policy Factors Leading to International Sporting Success, June 2006

²³ ibid

²⁴ ibid

²⁵ ibid

²⁶ ibid

elite sport institutes also have administrative headquarters and close links with education and sports medicine/science facilities.

Coaching Provision and Coach Development focuses on the different areas of career development for coaches and the existence, or otherwise, of high-level opportunities for coaches to develop all aspects of their elite coaching career. Secondly the pillar addresses the employment status of coaches and the provisions made for coaches.

National and International Competitions is concerned with the organisation of competitions at the national and international level as both have been identified as important factors in athlete development. By organising competitions at home, a nation can enhance opportunities for its athletes as they strive to perform consistently at the elite level.

Scientific Research and Sport Medicine Support is concerned with the scientific input to elite sport, and seeks to examine the extent to which nations take a coordinated approach to the organization and dissemination of research and scientific information. Such an Improved climate climate gives an outcome of an Elite sport Environment Media & Sponsoring as an output which is one of the major objectives of the Olympic Movement in the delivery of athletics through its areas. to Elite sport environment media and sponsoring outcome to Elite sport environment media and sponsoring outcome.²⁷

1.9 Research Methodology.

This part of the research shall show the scope within which the data was collected and ways in which it was further analysed to achieve its intended objective for this study. It will also show the methods that were used during the research and the methods shall vary depending on the kind of information require, the sources of data among others. The research to be completed, the analytical methodology shall be purely qualitative entailing library and internet research. It also involved the analysis of journals, law reviews and policies, textbooks and articles.

²⁷ Veerle De Bosscher, Paul De Knop, Maarten van Bottenburg, Simon Shibli A Conceptual Framework for Analysing Sports Policy Factors Leading to International Sporting Success, June 2006.

1.10 Research design

The researcher will employ the use of a descriptive research design to investigate the legal aspects governing talent development in athletics. This design involves systematically collecting, analysing, and interpreting existing data from secondary sources such as scholarly articles, books, legal documents, and reports. By using secondary sources, the researcher will be able to access a wide range of literature and carry out an empirical study, providing comprehensive assessment of the study. Additionally, descriptive approach will also be used by the researcher to synthesis eexisting knowledge, identify trends and highlight gaps in the literature, and draw a meaningful conclusion. secondary sources will be essential for gaining a deeper understanding of the legal frameworks governing talent development in athletics and informing potential policy interventions and legal reforms.

1.10.1 Data source

The researcher will primarily use secondary sources of data for the research study, including scholarly articles, legal documents, books, reports and case studies. The study will focus on analysing how the National Sports Act of 2023 that informs the legal and policy framework governing the research problem. Regulations from Ugandan sports federations were examined to explore sport-specific practices. Additionally, publicly available anonymized athlete contracts were analysed to gain insights into real-world drafting practices. These secondary sources were chosen because they offer the most comprehensive approach given the data limitations and allow for examination of the legal framework, potential variations across sports, and practical considerations in Ugandan athlete contracts.

1.10.2 Data collection instrument

The data collection instrument for this research will be documentary checklist guide to gather relevant information from secondary sources such as scholarly articles, legal documents, books, reports, and case studies. Each item on the checklist will meticulously be reviewed to extract pertinent data points, legal provisions, case precedents. The checklist guide will help to create consistency, accuracy, and comprehensiveness in data collection, enabling the researcher to systematically document and analyse the information available in secondary sources

1.13 Ethical issues

Ethical issues are the moral justification of the investigation which includes minimal use, disregard, safety, social and psychological wellbeing of the person and the community.²⁸ The researcher will maintain honesty by being truthful to the respondents at all stages of the research and avoid any kind of manipulation and coercion. The researcher shall also acknowledge the authors of all published information to appreciate the contributor's work and honour copy right laws.

1.14 Chapter outlines.

Chapter one covers the introduction, back ground of the study, statement of the problem, objectives of the study, general objective, specific objective, Research Questions, Scope of the study (Geographical, Subject and time), Justification of the study, Literature Review and then Methodology and the chapter Synopsis.

Chapter Two is aimed at analyzing the legal and policy framework governing talent development in Athletics including Athletes rights in so far as athletics constitutes to an economic activity in the sports industry.

The Third Chapter Covers a comparative analysis of the literature review and how it can influence policies for international sporting success. At a strategic level it is thought that for nations to have a realistic chance of elite sporting success, an appropriate lead needs to be given by governments. This majorly focus on the need for an effective legal and policy framework in promoting talent development in Athletics.

The Fourth Chapter shall sum up the findings of the entire research and where applicable shall suggest necessary recommendations based on the findings. The primary objective of this research was to analyze the effectiveness of the legal and policy framework in promoting Talent Development leading to sporting success in the sports industry.

²⁸ Katamba, P., and T. Nsubuga. "Basic Research." (2014)

CHAPTER TWO.

THE LEGAL AND POLICY FRAMEWORK GOVERNING TALENT DEVELOPMENT IN ATHLETICS IN UGANDA.

2.0 Introduction

This Chapter is aimed at analyzing the legal and policy framework governing talent development in Athletics including an overview of Athletes rights in so far as athletics constitutes to an economic activity in the sports industry. Sports activity is a rapidly growing and evolving industry, offering numerous business opportunities from the manufacturing of sporting equipment and activity at gyms and sports centers to revenue from sporting events, sport tourism and employment opportunities.

2.1 Overview of the legal and policy framework governing talent development in Athletics.

The 1995 Constitution of The Republic of Uganda provides for the right of every person in Uganda to practice his or her profession and to carry on any lawful occupation, trade or business.²⁹ Article 8A read in effect with Objective XVII of the Constitution³⁰ provides for the State's obligation in promoting sports in Uganda.

The National Sports Act enacted for the purposes of giving effect to objective XVII³¹ as read together with Article 8A³² is the principal law of Uganda governing sports. The long title to the Act provides for the establishment of The National Recognition and Reward Scheme; declaration of national sports; registration of national sports associations and national sports federations; the establishment of the national council of sports, the administration and management of sports in Uganda, to provide for the establishment of the National Anti-Doping Organisation; the Uganda Olympic Committee and to provide for the settlement of sports Disputes and related matters in Uganda.

The National Council of Sports is mandated in collaboration with applicable Stakeholders such as National sports Associations, National Sports Federations, local governments, educational institutions, communities and the private sector to make

²⁹ Article 40 of the 1995 Constitution of The Republic of Uganda as Amended

³⁰ National Objectives and Directive Principles of State Policy

³¹ National Objectives and Directive Principles of State Policy, 1995 Constitution of The Republic of Uganda.

³² The 1995 Constitution of The Republic of Uganda as amended.

provisions for sports facilities, equipment and training.³³ This mandate translates into the Governments' and stakeholder's need to invest in sports through financial input.

Financial Input in sport and elite sport is the first Pillar of the policy model designed for the success of Elite Sports and provides that Countries that invest more in (elite) sport can create more opportunities for athletes to train under ideal circumstances³⁴. Funding of sports in Uganda is mainly done by the government, development partners and non-tax-revenue.³⁵ Whereas funding in sports in Uganda is steadily improving, the current funding strategies cannot generate significant opportunities to achieve long term benefits.

In comparison to Kenya, aggressive funding strategies were adopted in 2019 under The Arts and Social Development Fund (SASDF) with the main goal to provide funding for the development and promotion of sports, arts, and social development and into sports federations, training and technical capacity building in sports. By 2021, the fund had collected Kshs 30.3bn and in FY 2022/23, Kenya increased allocation to sports by 38.8% for refurbishment of the regional sports stadiums³⁶. Therefore, enhancing the fiscal space for sports in Uganda, offers immense opportunity and critical pathway for achieving an efficient sports industry and to an Elite Athletic environment

In the recently concluded World Athletics Championships in Oregon, USA, Ugandan athletes earned a total of Ug shs 448 million. Joshua Cheptegei and Jacob Kiplimo received US\$70,000 (about Ug shs 263 million) and US\$22,000 (about Ug shs 83 million) in prize money as a result of their gold and bronze medal finishes in the 10,000m respectively, while Winnie Nanyondo got Ug shs 19 million despite finishing 8th in the women's 1500m.³⁷

2.2 The potential of sports tourism on development:

As Peruth Chemutai, prepared to collect her gold medal at the 2020 Olympic, Rob Walker, the commentator reminded billions of TV viewers worldwide about the beauty of Uganda. He said, "Uganda is one of the friendliest, most beautiful countries you can

³³ Section 29 d) e) of the National Sports Act Cap

³⁴ [Veerle De Bosscher, Paul De Knop, Maarten van Bottenburg, Simon Shibli A Conceptual Framework for Analysing Sports Policy Factors Leading to International Sporting Success, June 2006](#)

³⁵ The Budget Monitoring and Accountability Unit Annual Monitoring Reports FY 2023/2024

³⁶ Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018 (Legal Notice No. 194).

³⁷ The Budget Monitoring and Accountability Unit Briefing Paper (2/22)

ever wish to visit". At that moment, Walker unintentionally marketed Uganda through sports.³⁸

Tourism is one of Uganda's top foreign exchange earners bringing in more than US\$1.5 billion annually, and sports has a great potential to boost the tourism sector. The global sports tourism market was valued at US\$323.420 million in 2020 and projected to reach US\$ 1,863,704bn by 2030³⁹

In addition, the sports tourism industry in South Africa is set to reach USD 3,893.9 million in 2024. Forecasts suggest that it is set to thrive at a CAGR of 10.7%, attaining USD 10,745.5 million by 2034. The sports tourism industry in South Africa is set to reach USD 3,893.9 million in 2024. Forecasts suggest that it is set to thrive at a CAGR of 10.7%, attaining USD 10,745.5 million by 2034.⁴⁰ This is possible for South Africa because sporting events increase the country's visibility.

Furthermore, sports tourism is characterised by long stays in destinations and high disposable income. The travel and activities arising from such events generate huge tourism business in the form of transportation, accommodation, food, beverage and catering services, manufacture and sale of equipment, accessories, Uganda could tap into the lucrative global sports industry to further boost the economy, create jobs and improve the tourism sector through provision of the required legal and policy space to nurture talent, vigorous sports promotion and development.⁴¹

In research on how the Sports infrastructure impacts sports tourism in Uganda, the researcher noted that, the regulatory and policy landscape significantly impacts the growth of sports tourism in Uganda, presenting various challenges that stakeholders must navigate. The researcher noted Bureaucratic red tape as a major issue, with complex regulatory processes hindering efficient planning and execution of events.⁴²

Approximately 30% of stakeholder's identified navigating the regulatory environment as cumbersome and time-consuming, making it difficult to organize events effectively.

³⁸

³⁹ (Allied Market Research, 2021).

⁴⁰ <https://www.futuremarketinsights.com/reports/south-africa-sports-tourism-market>

⁴¹ <https://archive.finance.go.ug/sites/default/files/Publications/BMAU%20Briefing%20Paper%202-22-Management%20of%20Uganda%E2%80%99s%20Sports%20Economy%20-%20%20A%20passing%20opportunity.pdf>

⁴² <https://scholar.ucu.ac.ug/server/api/core/bitstreams/a0663f17-41f8-4026-a09e-79b13dd0e681/content>

A sports organizer noted, “Navigating the regulatory environment is often cumbersome and time-consuming, making it difficult to plan and execute events efficiently.” Varying interpretations of regulations across different governmental departments create uncertainty and can delay event approvals⁴³.

The absence of supportive policies is another significant barrier, with about 20% of stakeholders highlighting the lack of government backing or incentives for sports tourism initiatives. This absence limits the potential for growth and discourages international event organizers from selecting Uganda as a viable destination.⁴⁴

Several research studies to align this legal gap and create a consistent regulatory policy for an efficient and sustainable elite pathway have been carried out to be utilised by key stakeholders in sports such as administrators, coaches, parents, practitioners and organisational structures such as national governing bodies, professional clubs, recreational teams, youth sport associations so as to enhance talent development and sporting success.

Section 29(f) of the National sports Act⁴⁵ provides for the National Council of Sports’ mandate to search, identify and develop sporting talent and ensure its discipline. The role of identifying and developing talent in sports has long been crucial for elite player Pathway.

The Sport Participation and competitive standards are linked by the desire to create a deep pool of athletic talent from which a core of elite competitors can develop. Although the relationship between sport for all and elite sport is often inconsistent, most top athletes have their roots in sport for all. The perspective is that a broad sport participation base is not always a condition for success, but it may influence success via the continuous supply of young talent and high quality of training.⁴⁶

Talent identification systems and initiatives that include promotion and collaboration with schools to create active involvement from the educational environment in developing athletes' talents. Improving quality by involving curriculum, coach training

⁴³<https://scholar.ucu.ac.ug/server/api/core/bitstreams/a0663f17-41f8-4026-a09e-79b13dd0e681/content>

⁴⁴<https://scholar.ucu.ac.ug/server/api/core/bitstreams/a0663f17-41f8-4026-a09e-79b13dd0e681/content>

⁴⁵ The National Sports Act Cap 151

⁴⁶ <https://www.degruyterbrill.com/document/doi/10.1515/jqas-2017-0030/html>

and evaluation of existing programs creates a strong basis for improving athletes' skills.⁴⁷

In Uganda, The Education Sector Strategic Plan (ESSP) 2004-2015⁴⁸ was prepared in 2003 to provide a framework for policy analysis and budgeting. It was aimed at addressing three critical concerns for example Primary schools were not providing many Ugandan children with literacy, numeracy and basic life skills and Secondary schools were not producing graduates with the skills and knowledge required to enter the workforce or pursue tertiary education and finally for Universities and technical institutes which were neither affording students from disadvantaged backgrounds access to tertiary education nor responding adequately to the aspirations of a growing number of qualified secondary school graduates.⁴⁹

The National Council of Sports strategic plan for the period 2020/21 – 2024/25 is building on the progress made over the last five years in which National Council of Sports (NCS) implemented its strategic plan for the period 2015/16-2019/20. Over the last five years, there has been significant progress made both national and International Sports Scene. For instance, Ugandan athletes have collected over 160 medals, broken international world records, and many national teams qualifying for major global and continental championships. Indeed, Uganda is emerging as a sports powerhouse to reckon with regionally and internationally.⁵⁰

2.3 DECLARATION ON SAFEGUARDING THE RIGHTS OF CHILD ATHLETES.

Law and rights are not concepts that are traditionally associated with either sports or children. However, as the downsides of sports have become more and more evident, the debate surrounding the rights and legal protection of children in sports has become increasingly important

Many children engage in sports. Indeed, at the most fundamental level, children have a right to play sports. According to the United Nations Convention on the Rights of the Child (CRC) whose ultimate objective is to safeguard the overall wellbeing of the child,

⁴⁷ https://sportforlife.ca/wp-content/uploads/2020/03/04-NSO-Leads-Day_Jan-2020_SPLISS-HP-Strategy.pdf

⁴⁸ <https://www.unesco.org/en/right-education/observatory/education-sector-strategic-plan-essp-2004-2015>

⁴⁹ <https://www.education.go.ug/wp-content/uploads/2019/07/Policies-and-Regulations.pdf>

⁵⁰ <https://www.ncs.go.ug/files/NCS%20STRATEGIC%20PLAN%202020%202025.pdf>

children have a right to rest, leisure, play, recreational activities and to participate freely in cultural life and the arts.⁵¹ For the most part, this takes place in safe environments under the guidance of responsible adults. As such, sports can have multiple positive effects on children's wellbeing and development.⁵² However, this can only be achieved in a safe and healthy sports environment. However, research indicates that violence exists in all its forms in sports.

Article 19 of the Convention on the Rights of Child is the core provision that sets out strategies for addressing and eliminating violence against children.⁵³ It obliges states parties 'to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.'⁵⁴

Article 4 obliges member states to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention. In terms of legislation, it requires national law to be 'fully compatible with the contract as a whole'. It follows that states parties must comprehensively review domestic legislation and related administrative guidance and ensure the transposition of contractual obligations into all areas of substantive law, including the private sphere, such as the home (parents) and sports clubs (coaches).⁵⁵

In addition to legislation, information is an important tool in the fight against violence in sports. Indeed, the importance of information and education in changing people's attitudes and shaping sports sub-cultures cannot be over-emphasised.⁵⁶ To this end, Uganda must meet the requirements of article 42 and make the principles and provisions of the Convention widely known to adults and children via appropriate and active means.

Stakeholders in need of adequate education include, first of all, child athletes and their parents. As stated previously, children and their parents are often unable to recognise or understand all the acts that fall within the concept of violence, and their

⁵¹ The 1959 UN Declaration of the Rights of the Child (para 7)

⁵² <https://link.springer.com/article/10.1007/s40318-022-00217-2#Fn1>

⁵³ General Comment No 13 [2011](#), para 7

⁵⁴ Tobin and Cashmore [2019](#), p. 691

⁵⁵ ICCPR International Covenant on Civil and Political Rights

⁵⁶ Eliasson [2015](#), p. 1.

understanding and awareness of legal protection appear to be inadequate in the area of sports,⁵⁷ Adequate educational measures should empower athletes of all ages to recognise violence in sports, and parents should be able to have discussions with their children regarding related issues, such as coaches' behaviours and their appropriateness.⁵⁸

Second, coaches require education on violence and its effects on children, as well as on communication skills. Many instances of emotional violence by coaches are examples of poor communication skills. Traditionally, coaches have resorted to yelling and intimidation as pedagogical or motivational tools to build mental toughness and elicit peak performance in athletes.⁵⁹ Modern coach education should encourage the use of athlete-centred coaching methods and healthy communication skills,⁶⁰ which should reduce the use of abusive coaching methods.

In summary, according to the Convention on The Rights of Child, there can be no sector in society in which any form of violence against a child is permissible. States parties are therefore under obligation to protect children from violence, including in sports at all levels—national, provincial and municipal.⁶¹ Regarding implementation, article 19 is mainly classified as a civil and political right and is, therefore, in principle, subject to an absolute enforcement obligation. However, as the fulfilment of the article requires considerable resources, progressive implementation has been considered permissible to some extent in practice.⁶²

2.4 Conclusion

Under no circumstances is this a way out for the state parties; all appropriate measures to protect children from violence must be taken within the scope of available resources, and resource constraints cannot justify a state's failure to take sufficient measures to protect children against any form of violence in Athletic Sports in Uganda⁶³

⁵⁷ Geeraert [2018](#) and UNICEF [2018](#).

⁵⁸ David [2020](#).

⁵⁹ Owusu-Sekyere and Gervis [2016](#) and Parent and Fortier [2018](#).

⁶⁰ Parent and Fortier [2018](#).

⁶¹ Ellingsen and Danielsen [2017](#), p. 414.

⁶² Tobin and Cashmore [2019](#), pp. 705–706.

⁶³ General Comment 13 [2011](#), para 73.

CHAPTER THREE

CHAPTER ANALYSIS OF THE MODEL POLICY FACTORS LEADING TO THE SUCCESS OF ELITE ATHLETIC SPORTS.

3.0 Introduction

Based on both the literature overview and success factors according to a “consumer” and “expert” perspective, it has been concluded that the key success drivers for sporting success which can be influenced by policies, can be distilled down into nine key areas or “pillars” situated at two levels. Policy Development for good governance and sport integrity is the second pillar of the SPLISS policy strategies and is concerned with the organization and structure of sport within nations. At a strategic level it is thought that for nations to have a realistic chance of elite sporting success, an appropriate lead needs to be given by governments. This majorly focus on the need for an effective legal and policy framework in promoting talent development in Athletics.

3.1 Overview of the model policy factors leading to the success of Elite Athletic Sports.

The third pillar aims at the foundation that’s initiation and participation of young talent.⁶⁴ Sport Participation and competitive standards are linked by the desire to create a deep pool of athletic talent from which a core of elite competitors can develop. Although the relationship between sport for all and elite sport is often inconsistent, most top athletes have their roots in sport for all. The perspective is that a broad sport participation base is not always a condition for success, but it may influence success via the continuous supply of young talent and high quality of training.⁶⁵

Performance is the fourth pillar in talent development and identification system. Talent identification is concerned with two aspects of elite sport development: first talent identification, and second talent development.⁶⁶ Talent needs to be identified at a young age⁶⁷ so that it can be properly nurtured to develop top players. It is vital that athletes receive the best services in predicting their attributes and abilities, while some

⁶⁴[Veerle De Bosscher, Paul De Knop, Maarten van Bottenburg, Simon Shibli A Conceptual Framework for Analysing Sports Policy Factors Leading to International Sporting Success, June 2006](#)

⁶⁵ *ibid*

⁶⁶ *ibid*

⁶⁷<https://www.apunts.org/en-player-talent-identification-development-in-articulo-S1886658118300100#bib0235>

athletes arise by spontaneous generation others do not as a result of systematic research campaigns based on scientific and methodological criteria. There are four stages involved in the conversion of a talented athlete into an elite sportsman. These include detection, identification, development and selection. Despite the availability of scientific resources and expertise, many talent identification programs lack a strong scientific base.⁶⁸

Athletic and post career support examines individual lifestyle support available to athletes and the coaching provided to them. Athletic retirement has become a typical area of study and several nations have set up programs to support the transition out of sport. Training Facilities is concerned with elite sport facilities and infrastructure. These factors were identified as being important. In addition to sport specific training facilities, elite sport institutes also have administrative headquarters and close links with education and sports medicine/science facilities.

Coaching Provision and Coach Development focuses on the different areas of career development for coaches and the existence, or otherwise, of high-level opportunities for coaches to develop all aspects of their elite coaching career. Secondly the pillar addresses the employment status of coaches and the provisions made for coaches. National and International Competitions is concerned with the organisation of competitions at the national and international level as both have been identified as important factors in athlete development. By organising competitions at home, a nation can enhance opportunities for its athletes as they strive to perform consistently at the elite level.

Scientific Research and Sport Medicine Support is concerned with the scientific input to elite sport, and seeks to examine the extent to which nations take a coordinated approach to the organization and dissemination of research and scientific information. Such an Improved climate climate gives an outcome of an Elite sport Environment Media & Sponsoring as an output which is one of the major objectives of the Olympic Movement in the delivery of athletics through its areas. to Elite sport environment media and sponsoring outcome to Elite sport environment media and sponsoring outcome.

⁶⁸<https://www.apunts.org/en-player-talent-identification-development-in-articulo-S1886658118300100#bib0185>

3.2 Athletics as source of youth employment.

In Uganda, youth unemployment is estimated at about 12.3% according to UBOS, 2024,⁶⁹ and therefore their productivity is low. Sports can be an avenue for creating gainful employment both directly and indirectly. Directly by employing the athletes, coaches and support staff, and indirectly can include catering and transport services. Salary Explorer, 2024 indicates that on average a person working in sports sector in Uganda typically earns around Ug shs 25,700,000 annually.⁷⁰

In a Contextual study focused on contextual factors such as age, gender, nationality, sport popularity, sport type is presented as key factors in talent identification and development. The role of birthday and birthplace have been strongly associated with a greater likelihood of being selected into talent pathways and achieving professional status. In relation to ‘relative age effects’, relatively older athletes such as those born near the start of the selection cut-off date are generally considered to have greater potential and likelihood of being selected. This provides them with more exposure to organised activities such as practice, competition and resources that include facilities and specialist support which can facilitate their long-term performance towards adulthood in Sports⁷¹.

It is important that the impact of relative age and/or birthplace is not considered to be homogenous.⁷² Uganda sent 21 athletes and emerged 55th out of 206 countries that participated in Olympics wherein Joshua Cheptegei won a gold medal in the men’s 10, 000-meter race and Chemutai Peruth won a silver medal in the women’s 3000 steeplechase⁷³. understanding the connection between relative age and birthplace effects will support researchers and policy makers to design sports systems and policies that help nurture talent more accurately and equitably.

Practitioners should be cautious of these influences during talent development, whilst researchers should focus on advancing our understanding of the potential barriers and

⁶⁹ <https://www.ubos.org/wp-content/uploads/2024/12/National-Population-and-Housing-Census-2024-Final-Report-Volume-1-Main.pdf>

⁷⁰ <https://archive.finance.go.ug/sites/default/files/Publications/BMAU%20Briefing%20Paper%202-22-Management%20of%20Uganda%E2%80%99s%20Sports%20Economy%20-%20%20A%20passing%20opportunity.pdf>

⁷¹ Kelly, A.L.; Calvo, A.L.; dos Santos, S.D.L.; Jiménez Sáiz, S.L. Special Issue “Talent Identification and Development in Youth Sports”. Sports 2022, 10, 189. <https://doi.org/10.3390/sports10120189>

⁷² *ibid*

⁷³ <https://www.parliament.go.ug/news/3004/team-uganda-2024-olympics-lauded-parliament>

relationships,⁷⁴ Contextual factors such as the athletes birthday place place of birth contribute to the athletes' development through Proximity to sport facilities, Socioeconomic status of the living place and the Sport popularity.⁷⁵

The National High Altitude Training Center Teryet, Uganda offering a high-performance environment which has been defined as *a dynamic system comprising (a) at the micro level an elite athlete's immediate sport team and their non-sport daily surroundings, (b) the organisational culture and leadership of the sports team (c) at the macro-level, the larger context, including national sport policy and funding.*⁷⁶

*Elite athletes do not reach the top on their own. To realise their dreams of international sporting success, athletes rely on a network of key support structures including coaches, managers, technical experts, family, and friends. Moreover, the path to success is reliant upon key institutions, for example, various non-government organisations and national Olympic committees. which the team is embedded*⁷⁷. In 1996, Hardy and colleagues asserted that “elite athletes do not live in a vacuum; they function within a highly complex social and organisational environment, which exerts major influences on them and their performances.”⁷⁸

The national team environment is one in which athletes from the same sport have regular, ongoing commitments, and where the national team is the primary setup. These environments are designed to support athletes in their daily training, and therefore athletes have access to a range of support and coaching staff. Typically, sports that are organised within national team frameworks are those that lack sufficiently large national professional leagues. Such environments are funded predominantly by national sporting bodies and supported by sponsors

These national team environments face unique challenges, in that athletes are brought together for short periods where stakes are typically very high. This creates a context

⁷⁴ Kelly, A.L.; Calvo, A.L.; dos Santos, S.D.L.; Jiménez Sáiz, S.L. Special Issue “Talent Identification and Development in Youth Sports”. Sports 2022, 10, 189. <https://doi.org/10.3390/sports10120189>

⁷⁵Maayan, Z.; Lidor, R.; Arnon, M. The Birthplace Effect in 14–18-Year-Old Athletes Participating in Competitive Individual and Team Sports. Sports 2022, 10, 59. <https://doi.org/10.3390/sports10040059>

⁷⁶<https://www.frontiersin.org/journals/sports-and-active-living/articles/10.3389/fspor.2025.1503199/full#h19>

⁷⁷ <https://www.frontiersin.org/journals/sports-and-active-living/articles/10.3389/fspor.2025.1503199/full>

⁷⁸<https://books.google.com/books?hl=en&lr=&id=ltE3EAAQBAJ&oi=fnd&pg=PR13&ots=GKPzbfN9Me&sig=DiaDHeDcl2FuxJeqyrD6RgyHhOQ>

where environments exist for a specific purpose, where national pride is often the dominant driver over financial compensation.

3.3 Key aspects of high-performance sport environments.

Key aspects of High-performance sport environments and a holistic description of factors contributing to success in high-performance sport presents a span of psychological domains such as decision-making and mental skills, social dimensions such as leadership and group dynamics, physiological aspects such as nutrition and training methodologies, and technological innovations as Preconditions in an elite environment leading to sporting success.⁷⁹ Sport psychology has been defined as the proficiency that uses psychological knowledge and skills to address optimal performance and well-being of athletes, developmental and social aspects of sports participation, and systemic issues associated with sports settings and organizations.⁸⁰

The importance of key preconditions including: competent staff who have opportunities for personal and professional development; access to appropriate facilities; quality competition; sufficient funding to support athletes to train as needed. Coach and manager competence appear to be important preconditions for successful HPSE. Specifically, good managers and coaches have context specific expertise and a clear understanding of their role requirements.⁸¹

Elite athletes must also have access to appropriate facilities that are of a quality that can prepare them for competition and have access to any specialized equipment that is required at the elite level. Similarly, financial resources must be available to allow athletes to train as required.⁸²

3.4 Conclusion.

This empirical review presents an analysis of the policy factor models adopted by highly successful Countries in High Performance Athletics and presents key success drivers for sporting success which can be influenced by policies distilled down into nine key areas or “pillars” situated at two levels. At a strategic level it is thought that for

⁷⁹<https://www.frontiersin.org/journals/sports-and-active-living/articles/10.3389/fspor.2025.1503199/full#h19>

⁸⁰ <https://www.sciencedirect.com/topics/psychology/sport-psychology#chapters-articles>

⁸¹ <https://doi.org/10.1080/10413200.2011.559184>

⁸² <https://doi.org/10.1080/10413200.2011.559184>

nations to have a realistic chance of elite sporting success, an appropriate lead needs to be given by governments. This majorly focus on the need for an effective legal and policy framework in promoting talent development for the success of High-Performance Athletics.

CHAPTER FOUR SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS.

4.0 Introduction

The final chapter of this dissertation shall sum up the findings of this entire research and where applicable shall suggest necessary recommendations based on the findings. The primary objective of this research was to analyze the effectiveness of the legal and policy framework in promoting Talent Development leading to sporting success in the sports industry.

4.1 Summary of findings.

The analysis findings are that, while the legal and policy framework provides for talent development through identification and nurturing of talent in athletics, challenges persist in ensuring their effectiveness, lack of an enhancing legal support and cultural factors limit talent development and sporting success in Athletic sports. The study reviews the Policies and other effective success factors in Top-performing nation in track and field including Kenya, United States, Canada and South Africa among Other High-Performance Countries in Athletic Sports.

Developing countries like Uganda face resource constraints and limited enforcement capabilities. To address these issues, a multi-pronged approach is necessary: strengthening legal frameworks, raising athlete awareness and fostering a culture that is aimed at developing a pool of athletes through talent development for the success of the sports industry.

4.2 Conclusion

Despite Uganda's significant progress in Athletics, there is still a notable gap in the National Legal and Policy Framework in enhancing talent identification and development in the National Athletic sport which of its nature requires a robust elite pathway so that potential athletes have a clear avenue to fulfil their untapped potential.

The limitation in the legal and policy framework in providing a streamlined policy in talent development in Athletics primarily underscores the national council of sports' mandate to nature Athletic sports in the High-Altitude Training Centre expected to become a hub for athletic excellence so as to position Uganda as a destination for

high-performance sports training and development, boosting the country's global reputation in athletics.

4.3 Recommendations.

The Paper recommends that for the creation of a pool of athletes for the success of the sports industry, the legal and policy framework require to create a legally effective and enabling social cultural environment of elite sports. Empowering athletes involves creating an effective legal aid mechanisms and policies, educational program, and fostering a culture of creating a pool of athletes for the success of High-performance Athletics.

Developments in fields like coaching, sports science and sports medicine is high priority to applied scientific research and education. This can also be done through education of a pool of created athletes in clubs on information on sports science and medical support. This is aimed at creating an elite athletic environment.

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