

22nd Congress of the International
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INTERNATIONAL
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RUSSIAN
INTERNATIONAL
OLYMPIC
UNIVERSITY

FIELDS OF RESEARCH AND IMPLEMENTATION OF SPORTS LAW

Sports Law Categories

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Diagram

○ Introduction

1. Subjects of International Law
2. International law vs. domestic- national law
3. Enforcement of international law
4. International Sports Law, or “anethnic” Sports Law? Lex Sportiva-Olympica?
 - 4.1 Features
 - 4.2 A new species of internationalized sports law
 - 4.3 Lex Sportiva – Lex Olympica: an anethnic Law of International Practice

○ Conclusion





Introduction

- **Lex Sportiva / Olympica**
a different kind of rules of law in the international practice field of sports
- **I. S. F. and I. O. C.**
Are according to international law, international entities, i.e. bodies?
whose rules can be content of international sports law?





1. Subjects of International Law

- Traditional category - states
- International organizations
- Liberation movements
- Individuals
- Legal personality of international organizations:
 - Requirements
 - Rights and obligations under international law





Rights and obligations of International Organizations

- Right to enter into international agreements
- Right to immunity from national jurisdictions
- Right to protection for all agents of the organizations
- right to bring an international claim
 - Other subjects of international law
 - Individuals, citizens
 - Modest development, right of individual petition before the ICC





i. International vs. National Law

- Theories

1. Monistic Theory

Supremacy of national law vs. international law

2. Dualistic Theory

Equal but separate Differences:

- a) subjects

- b) their sources

- c) content

3. Supremacy of international law vs. national law





3. Enforcement of International Law

- Lack of effective enforcement mechanism**
- Jurisdiction based upon Consent**
- “Weak” international courts**





4. Lex Sportiva-Olympica: International? Or “*unethnic*” Sports Law?:

4.1 *Features*

- Basically most of the international Sports organizations were the product of private initiative and belonged to the category of Private international organizations.
- I. O. C. and the I.S.F., have acquired international legal personality through customary practice.
- In Sports Law as Lex Sportiva, law obligations and rights are imposed directly on the individual athletes.
- The direct effect of international sports law on individuals can be compared only with the vertical effect which exists in domestic national law systems and, in the case of regulations, in EU law.



Continuation

- A crucial difference between international law and Lex Sportiva: an effective enforcement mechanism is definitely not one of the characteristics of international law while the sophistication of sports law international as Lex Sportiva has in terms of enforcement is impressive.
- Another very important difference is the exclusive jurisdiction of the judicial organ of international system of sports law, as Lex Sportiva, that is the Court of Arbitration for Sport in Lausanne (CAS). **In international law there is no system of compulsory international adjudication.**



4.2 A new species of internationalized sports law

- The position that Lex Sportiva is merely a category or subspecies of international law does not appear to be true on closer examination.
- Between the system of Lex Sportiva and public international law there is no conflict because there is a law of private nature, internationally, which is the sports "anethnic», that regulates a field of relations that could regulate the public order to apply the provisions of this regulation.
- The rules of this new legal order are a new system of rules derived from the composition of rules in proportion to the Lex Mercatoria, international law and domestic legal systems.
- international Court for Sports of special procedural rules of state standing, in a statutory framework of international legitimacy for sport and sports activity.



4.3 Lex Sportiva/ Lex Olympica: an unethnic Law of International Practice

- Lex Sportiva-Lex Olympica, is actually private separation of powers
- It is necessarily regulates an area with no geographic boundaries the relationships of persons involved in international and Olympic sports and action, which are coming from more countries that require coordination in their activity within their States.
- The Lex Sportiva-Olympica, a really “unethnic” law internationally, to which, however, the theory does not give special power. Nevertheless, it constitutes a sui generis sports law legal order





Continuation

- Many of us claim, perhaps based on thoughts of CAS that is, through the jurisprudence of the abovementioned Court that has been formed a not-called Lex Sportiva but a Lex Ludica. With this distinction probably erroneously they want to give a sporting dimension to this law, but they forget that if it is Ludica it can not be Lex and vice versa.
- As an international sports law, subcategory of international law, can finally be described only the rules of international conventions on sports, the international sports conditions, and the international acts for sport governed in their application by the rules and practice of the international law.



CONCLUSION

- The rules of Lex Sportiva and Lex Olympica and the quality of the content of these norms demonstrate that sports law is not a subcategory of international law, as International Sports Law, but a different kind of law, Lex Sportiva /Olympica.
- Lex Sportiva / Olympica, is another kind of law resulting from the synthesis of characteristics of international law (subject, object and content regulations) and internal characteristics of domestic legal orders.





Conclusion II

- This new kind as an anethnic law is a sui generis sports international legal order, Lex Sportiva/Olympica
- International Sports Law is consisted by international treaties and acts on Sport, the rules of WADA Code and the International Charter for Sport, but not by the rules Lex Sportiva / Olympica.
- The need legality in international sports field a constitutional charter for sport and an international jurisdiction, an international Court for Sports.



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Thank you
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