

SPORTS DISPUTE RESOLUTION: LEARNING FROM THE COURT OF ARBITRATION FOR SPORT

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Abstract: The court of arbitration for sport (abbreviated CAS) which was founded in 1984, and reformed in 1994 has become the most authoritative institution in solving sports related disputes in the world. The International Olympic Committee, most International Federations and the World Anti-Doping Agency have accepted its jurisdiction, and thus all disputes arising from Olympic Games and main disputes between sportsmen and sports federations will be decided by CAS. After over thirty years arbitration practice in solving sports related disputes, CAS has successfully resolved a lot of cases, and the CAS dispute resolving mechanism also gives us useful experiences which can help us to learn the characteristics and differences in solving sports disputes, and finally construct our own national sports disputes resolution system. The CAS experiences mainly include four aspects: (1) arbitration shall be the first way to solve sports related disputes, and the national court and other judicial institutions are not the best dispute solving body, therefore we'd better to construct independent sports arbitration system and restrict

intervention of judicial institutions; (2) sports related disputes can be divided into (i)disciplinary cases which mainly including doping cases and eligibility cases (ii)and ordinary commercial cases involving contract disputes, especially claims for compensation, however, the transfer disputes may both have disciplinary and ordinary commercial features at the same time, and the universal standard to divide disciplinary and ordinary commercial cases is whether there exists a decision made by sports federations; (3) we should respect the sports autonomy in solving sports related disputes, especially to these disciplinary cases, and apply rules of law stipulated by sports federations firstly; (4) it is necessary to formulate and complete national sports law, and emphasize the consistent of the arbitration awards to ensure sports dispute be resolved justly.

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