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		The Evolution of Sports Law and the Institutionalization of International Arbitration: Resolving Sports Disputes Through the Court of Arbitration for Sport (CAS) in the Framework of International Law	
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Abstract The increasing globalization of sports has created complex legal challenges that extend beyond the competence of traditional national courts. Legal disputes arising in the practice of sports—ranging from contract negotiations to doping cases—have highlighted the limitations of ordinary judicial mechanisms in delivering timely, specialized, and internationally consistent decisions. This article examines the development of sports law and the institutionalization of international arbitration as a response to these challenges, with a particular focus on the Court of Arbitration for Sport (CAS). Established in the 1980s with modest ambitions, CAS has since evolved into a globally recognized tribunal, offering both first-instance and appellate procedures that significantly shape international sports governance. Through the analysis of legal principles, regulatory frameworks, and case precedents, this study highlights the transformative role of CAS in enhancing fairness, predictability, and legitimacy in sports dispute resolution. Special attention is given to its contribution in resolving doping-related disputes, player transfer controversies, and contractual conflicts. The research argues that the consolidation of CAS as an international judicial body has not only strengthened the rule of law in sports but also harmonized dispute settlement processes in line with international legal standards.			
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Introduction

The development of sports law and the settlement of sports disputes under international law covers several aspects, including the evolution of legal rules governing sports at both the national and international levels, as

well as the emergence of mechanisms for settling sports disputes, with a focus on the principles of justice and fairness. Since legal relationships arising from the practice of sports often give rise to disputes, there was a need for a specialized judiciary, given the limitations of ordinary courts in resolving such disputes. With the expansion of sports disputes, which were once confined to the domestic sphere, the establishment of the Court of Arbitration for Sport (CAS) became a necessity, despite its modest beginnings. With the ongoing development of the sports sector, sports disputes arising from conflicts increased, requiring resolution mechanisms in line with international conventions. Such disputes must be settled in accordance with legally recognized rules and institutions empowered to issue binding decisions. These institutions and laws thus play a crucial role in removing obstacles that hinder sports and athletes in general.

From here, we raise the following problem: **How has sports law evolved, and how are disputes arising from sports competitions resolved?**

Chapter One: The Development of Sports Law

The establishment of sports arbitration has its justifications rooted in the unique nature of sports disputes, as well as in the initiatives undertaken by international sports organizations, particularly the International Olympic Committee (IOC). To understand the emergence and development of sports arbitration, this chapter is divided into two sections: the first addressing the historical development of sports arbitration, and the second discussing the reasons for its establishment.

Section One: The Historical Development of Sports Arbitration

Sports arbitration went through two phases: the first before the establishment of the Court of Arbitration for Sport, and the second with its creation. Accordingly, this section will address the historical development of sports arbitration through two subsections: the first focusing on the pre-CAS period, and the second on the creation of CAS.

Subsection One: Before the Establishment of the Court of Arbitration for Sport

In the past, sports did not require specific laws, let alone specialized sports courts. However, in the early 20th century—particularly after the reemergence of the Olympic Games, the rise of professionalism, and the transformation of sports from a mere hobby to a professional activity—sports witnessed tremendous growth at both the institutional and athlete levels. Football, in particular, experienced significant changes. With the shift from amateurism to professionalism, sports began generating millions of dollars through players' salaries, contracts, sponsorship deals, broadcasting, and viewership rights. Organizing sporting events and competitions thus became fertile ground for commercial exploitation, generating considerable financial profits. These financial interests directly or indirectly led to disputes in the sports sector, creating the need for specialized judicial bodies to resolve them.

In the absence of a dedicated sports judiciary, disputes were referred to ordinary courts. Athletes and institutions would seek justice in civil courts, whether the disputes concerned financial matters related to player contracts and salaries, contracts between sports organizations, or harmful acts such as sports injuries.

Subsection Two: The Establishment of the Court of Arbitration for Sport (CAS)

No specialized judicial body with the authority to issue binding decisions in sports disputes existed at either the national or international level until 1983, when the International Olympic Committee approved the Statute of the Court of Arbitration for Sport, which came into force on June 30, 1984.

Initially, the CAS was created to resolve disputes arising during the Olympic Games. Article 74 of the Olympic Charter required that any dispute connected to or arising from the Olympic Games be submitted to the CAS. Over time, however, its jurisdiction expanded to include all disputes relating to sports competitions and events.

The CAS operates under a Code of Arbitration, first adopted in 1994 and later amended in 2003. This Code sets out detailed rules governing the resolution of disputes by arbitrators and mediators. Although the CAS was initially placed under the administrative and financial supervision of the IOC, the International Council of Arbitration for Sport (ICAS) was established in 1994 to strengthen its independence and ensure its management and financing.

Thus, the IOC created two mechanisms for resolving sports disputes through international arbitration:

1. **The International Council of Arbitration for Sport (ICAS):**

Its primary aim is to promote the resolution of sports disputes through arbitration and mediation, while safeguarding the independence of CAS and protecting the rights of the parties. ICAS is also responsible for the financial and administrative matters of the CAS.

Mediation is accepted only in disputes that qualify for ordinary arbitration. Certain cases, such as disciplinary sanctions and doping violations, are excluded from mediation.

2. **The Court of Arbitration for Sport (CAS):**

CAS is an independent body with judicial authority that provides services to facilitate the settlement of sports disputes through arbitration or mediation, in accordance with specific procedural rules and regulations. CAS applies two types of arbitration:

- **Ordinary Arbitration:** Applied to disputes brought before CAS that have not been previously adjudicated, based on a valid arbitration agreement between the parties.
- **Appeals Arbitration:** Applied to disputes arising from disciplinary decisions issued by sports federations, organizations, or affiliated bodies, when their statutes or regulations allow such decisions to be appealed before CAS.

Section Two: Reasons for the Emergence of Sports Arbitration

In this section, we address the main reasons and justifications that led to the establishment of sports arbitration for the settlement of sports disputes. Accordingly, we must first examine the concept of sports disputes in subsection one, followed by a discussion in subsection two of the reasons and justifications for creating a specialized judiciary for sports-related cases.

Subsection One: The Concept of a Sports Dispute

A sports dispute is any conflict that arises within the realm of sports. Such disputes may be either domestic or international. This subsection will therefore define domestic sports disputes first, followed by international sports disputes.

1. Domestic Sports Disputes. Many states support the sports movement by encouraging individuals to engage in sporting activities and by funding sports programs. National legislation often facilitates the establishment of sports bodies, particularly clubs and federations for each discipline. Furthermore, states generally ensure that their national sports activities are not isolated from those practiced at the international level.

National sports federations, for their part, work to create favorable conditions for the practice of the sport under their supervision—especially football, which frequently gives rise to disputes requiring recourse to competent bodies for resolution.

A domestic sports dispute is therefore defined as a conflict in which all elements—parties, source, and subject matter—are confined within the same national framework.

2. International Sports Disputes. With the shift of sport from amateurism to professionalism in modern times, disputes have become increasingly complex, particularly regarding the applicable law governing relationships and conflicts arising from sporting activity.

For a sports dispute to be classified as international, the underlying relationship must contain a foreign element. This could relate to the nationality of the parties, the source of the relationship (such as a contract or tort giving rise to the dispute), or its subject matter (such as participation in an international or continental competition).

Sports disputes have proliferated due to the variety of relationships within the sporting world—between clubs and amateur or professional players, for example, involving salaries, contractual disagreements, sanctions, or disciplinary actions. Such relationships can generate disputes when parties disagree or when the rights of a weaker party are undermined. These disputes may resemble civil disputes (governed by civil law), criminal disputes (governed by criminal law), or disputes of a special nature.

It should be noted that legislation regulating sports does not generally provide a precise definition of “sports disputes,” leaving the task to the judiciary. Legal scholarship has also only defined the concept in general terms, describing it as a legal situation that arises when a claim is filed before the courts—thus creating a relationship between plaintiff, defendant, and the court.

Sports disputes usually arise from interactions between individuals or between individuals and sports administrations. They differ from administrative disputes in important respects. While administrative disputes may result from lack of jurisdiction or procedural flaws in an administrative decision (making the decision subject to annulment), sports disputes can arise from misapplication or misinterpretation of laws and regulations. Sports disputes may also occur between players and clubs, or between clubs and federations, often due to unlawful conduct or breaches of the rules governing the sport. To qualify as international, the relationship underlying the dispute must include a foreign element, such as the nationality of the parties.

Subsection Two: Reasons and Justifications for the Creation of a Specialized Judiciary

The emergence of sports arbitration is attributable to several factors—some relating to the nature of sporting activity itself, others to the status of athletes, and still others to the structural organization of sports bodies at the international and national levels. Additional reasons are also directly linked to the disputes themselves. The most important justifications are as follows:

1. The Nature of Sporting Activities. An activity cannot be called “sport” unless it is inherently connected to athletics. Sport is a multifaceted activity, defined by some experts as: “Any physical activity imbued with the spirit of play, voluntarily and genuinely practiced by an individual, involving competitive struggle against others, against oneself, or against elements of nature.”

Such activity must therefore possess certain characteristics, some arising from the nature of sport itself, others from the way it is organized. A key feature is that sports activities often entail potential legal liability, except to the extent that participants consent to the risk of harm. This tacit acceptance may exempt certain acts from criminal liability, even though they would otherwise constitute crimes—given the high degree of physical contact in many sports, some of which (e.g., wrestling or ice hockey) almost inevitably involve injury to a competitor.

In addition, sports activities are organized and regulated by sports bodies, whether international organizations such as the IOC or FIFA, or national associations, all of which exercise authority pursuant to laws and regulations.

2. The Status of Athletes. The situation of athletes has changed dramatically with the advent of professionalism. Players’ legal status today no longer resembles that of ordinary contractors or employees. While legal scholars debate whether professional players should be classified as independent contractors or as employees, the reality is that their position falls somewhere in between. A professional player bound by a contract with a club cannot be described simply as a “worker” nor as a “contractor,” since he lacks the freedom of the latter and is not subject to the full restrictions of the former. Instead, his status is governed by a complex framework of special rules, general legal principles, and specific sports regulations.

The position of foreign professional players further complicates matters. When a player signs a professional contract with a club affiliated to a sports federation outside his home country, his legal status differs from that of

local players as well as from that of other foreign players. These differences manifest in terms of residency rights, access to public services, the application of state-imposed restrictions, and other legal considerations

3. The Specific Administrative Structure of Sports Organizations. It is unusual to find legal rules devoted to regulating organizations with a special administrative structure such as that which characterizes sports bodies at both international and national levels. This structure involves private legal entities, some subordinated to others, in a hierarchical chain that often extends beyond national borders. Such administrative layering is evident in the network of international sports legal relations.

For example, clubs in Iraq are subject to the authority of their respective national federation, which itself is subject to the international federation governing the same sport. These international federations issue instructions, impose disciplinary and administrative sanctions, and exercise control over national federations—an arrangement not commonly found within ordinary private law relations. It should be noted that international sports organizations, such as the International Olympic Committee (IOC) and the Fédération Internationale de Football Association (FIFA), are non-governmental international organizations. They are private legal persons whose legal personality is recognized under the domestic legislation of the state where they are established.

4. The Specific Nature of Sports Disputes. Sports disputes can be summarized in the following points:

1. Sports disputes often arise from violations of the rules of the game itself. In such cases, disputes are resolved immediately by referees through the imposition of appropriate penalties on the offending player. However, sports disputes may also extend beyond the field of play to issues of management, supervision, and organization of sporting activities, as well as to relationships between administrators and participants. This includes, for instance, sanctions imposed by clubs and federations on players, coaches, or referees.
2. A sports dispute may also extend beyond the domestic sphere, acquiring an international dimension. As noted earlier, the internationalization of such disputes calls for the application of multiple legal rules. For this reason, specialized bodies are necessary to resolve such disputes, ensuring expertise in sports matters and the capacity to issue binding and appropriate decisions.
3. Sports disputes cannot tolerate lengthy and complex procedures because they often involve urgent rights and decisive outcomes. The career of a player, the standing of a club, or the validity of a contract may hinge on the timely resolution of a dispute. This urgency demands swift adjudication through simplified procedures, which in turn requires the existence of special legal rules tailored to sports activities, as well as specialized judicial bodies.
4. Today, judges face an increasing number of disputes requiring in-depth expertise. The prevailing trend toward judicial specialization in civil, commercial, criminal, and administrative matters highlights the necessity of having judges specialized in sports law—particularly in light of the rapid global expansion of sports in all its forms.

Chapter Two: Settlement of Sports Disputes under International Law

It has become necessary to develop a set of principles and legal rules specifically tailored to sports in order to resolve the growing number of disputes. Alongside these rules, there must exist an independent and specialized judicial authority capable of resolving sports disputes of all kinds, beyond the scope of ordinary courts. For this reason, sports arbitration has emerged as a primary mechanism for the settlement of such disputes.

Accordingly, this chapter will address, in the first section, the necessity of establishing sports arbitration tribunals, and in the second section, the procedures for settling disputes before the Court of Arbitration for Sport (CAS).

Section One: The Necessity of Establishing Sports Arbitration

Arbitration is understood as a mechanism for resolving disputes between parties outside the ordinary courts. It is commonly employed in commercial and civil cases, where a neutral third party (the arbitrator), selected by the disputing parties, examines the case and issues a binding decision. Arbitration thus functions as a private

judge chosen by the parties, providing a faster, more efficient, and less costly resolution than recourse to ordinary courts.

In this context, Article 1039 of the Algerian Code of Civil and Administrative Procedure states: “Arbitration shall be deemed international, within the meaning of this law, when it concerns disputes relating to the economic interests of at least two states.”

Therefore, this section will first define sports arbitration, and then address its legal nature.

Subsection One: Definition of Sports Arbitration

Before addressing arbitration in the field of sports, it is necessary to define arbitration more broadly. Arbitration is “an agreement between the parties to submit a dispute to arbitrators for resolution.” Arbitration cannot exist without such an agreement, as it is the agreement itself that removes jurisdiction from the competent national courts and transfers it to private arbitration. The mere willingness of the parties is insufficient without a formal agreement.

In Algeria, this requirement has been codified. Article 1011 of the Algerian Code of Civil and Administrative Procedure provides: “An arbitration agreement is an agreement by which the parties agree to submit an existing dispute to arbitration.” Similarly, Article 1040 states in its first paragraph: “Arbitration is an agreement between the parties to submit to arbitration all or part of the disputes that have arisen or may arise between them in connection with a specific legal relationship, whether contractual or non-contractual.”

Thus, Algerian legislation defines arbitration as a consensual judicial system in which the parties choose their own judges and entrust them, under a written agreement, with the task of resolving disputes arising from their contractual relationships that may be settled through arbitration.

Other states also legislate for arbitration. For example, the Egyptian Arbitration Law No. 24 of 1994 defines arbitration in Article 4(1) as follows: “Arbitration, under this law, shall mean arbitration agreed upon by the parties to a dispute of their own free will, whether the body conducting the arbitration is a permanent institution or not.”

Accordingly, **sports arbitration** can be defined as a means of settling disputes related to sports matters through one or more arbitrators, provided their number is sufficient.

Today, arbitration has become the traditional mechanism for peacefully and fairly resolving sports disputes. Much of this progress is owed to the Court of Arbitration for Sport (CAS), established in 1984 by the IOC, which revolutionized the resolution of sports disputes by providing a unique international mechanism—an alternative to state courts.

Subsection Two: The Legal Nature of Sports Arbitration

Arbitration is an effective legal mechanism for settling sports disputes. Determining the legal nature of arbitration and the applicable law is crucial, since arbitration lies outside the scope of ordinary judicial authority. Its legal character varies across jurisdictions, and this affects the enforcement of arbitral awards.

In the Anglo-American system, arbitration is subject to judicial oversight, which diminishes its autonomy. Courts share authority with arbitrators, and arbitrators are not required to provide reasons for their decisions unless ordered by a superior court. By contrast, in the Latin system, arbitrators must always provide reasons for their decisions, even when acting as conciliators.

- **Contractual theory:** Proponents argue that arbitration is contractual in nature, as it arises from a prior agreement between the parties. By this agreement, the parties consent to resolve their disputes through arbitra-

tion, subject to the terms of the arbitration agreement. The arbitral award is seen as an integral part of the process, enforceable from the moment it is issued.

- **Judicial theory:** Others contend that arbitration is judicial in nature, since arbitrators apply laws and regulations impartially and issue binding decisions. When parties agree to arbitration, it substitutes for compulsory state jurisdiction, and the arbitrator's role is inherently judicial, producing decisions with the same effect as court judgments.
- **Special nature theory:** A third view holds that sports arbitration is sui generis (of a special nature). It exists only through the will of the parties—even when arbitration is compulsory—because, unlike state courts, arbitration is grounded in the principle of party autonomy.

Thus, arbitration rests on three essential elements:

1. The existence of a dispute between the parties.
2. An agreement to submit the dispute to arbitration.
3. A final and binding decision by an arbitrator empowered to resolve the case.

Section Two: Procedures for Settling Disputes before the Court of Arbitration for Sport (CAS)

The CAS is entrusted with resolving disputes connected to the field of sport. Its jurisdiction arises when parties agree to submit their dispute to the court, either through an arbitration clause or a subsequent arbitration agreement. CAS proceedings may take the form of **ordinary arbitration** or **appeals arbitration**. The latter typically arises from decisions of sports federations and associations, referred to CAS either through a specific agreement or through statutes and regulations such as those of FIFA or the IOC.

Accordingly, this section will address, first, the procedures followed in the **Ordinary Division**, and second, the procedures before the **Appeals Division**.

Section One: Arbitration Procedures before the Ordinary Division

First: Composition of the Ordinary Arbitration Panel. According to Article 40, paragraph 1 of the International Sports Arbitration Code, the arbitrators of the Ordinary Division, which is competent to resolve disputes, may be composed of either a sole arbitrator or three arbitrators appointed by the President of the Division, if the parties do not agree on a panel of one arbitrator, or if the arbitration agreement does not specify the arbitrators.

Paragraphs 2 and 3 of the same article state that if the parties agree to appoint arbitrators by virtue of an arbitration clause or agreement, they must appoint one arbitrator within 15 days after receipt of the request. If no agreement is reached within this period, the President shall appoint the arbitrator. In the case of three arbitrators, the claimant and the respondent each appoint one arbitrator within the prescribed period, and the two appointed arbitrators then select the President of the arbitral panel. If they fail to comply within the set time limit, the arbitration request is considered withdrawn. In cases of multiple claimants or respondents, the court appoints the arbitrators and the arbitral panel based on the parties' agreement.

According to Article 40/3, none of the arbitrators selected by the parties or by the other arbitrators is deemed appointed until approved by the President of the Division, who ensures the arbitrator meets the conditions provided in Article 33 of the International Sports Arbitration Code.

Second: Conduct of Ordinary Arbitration Procedures. Under Article 44 of the International Sports Arbitration Code, the proceedings before the Ordinary Division may be conducted either orally or in writing. However, an arbitrator may dismiss the case if the written requirement is not fulfilled, pursuant to Article 44/5, which establishes the condition of writing during the proceedings.

The procedure begins with the claimant submitting a request under Article 38 of the Code to the Court Secretariat. This request must include:

- The full name and surname of the respondent
- A brief description of the facts and legal arguments, along with a summary of the case brought before the CAS
- The claims being made
- Copies of the contract containing the arbitration agreement or any document stipulating arbitration before the CAS
- Any information regarding the choice and number of arbitrators

If the arbitration agreement specifies the arbitrators, the claimant must select one from the official list. The claimant must also pay the fees stipulated in Article 64/1 of the International Sports Arbitration Code.

If the claimant fails to provide one of the required elements, the Court may grant a short extension. Otherwise, the request cannot proceed, and if arbitration proves invalid, the case must go to court. The Secretariat then takes all preparatory steps to initiate the arbitration, including forwarding the request to the respondent.

The parties are also summoned to agree on the applicable law governing the dispute. The respondent is given a deadline to submit information on the choice and number of arbitrators, as well as a reply to the claim, which must contain:

- A summary of the defense arguments
- Any plea challenging jurisdiction
- Any counterclaims

The respondent may also request an extension to file the reply, provided the claimant has paid the costs under Article 64/2.

The arbitral tribunal has authority to determine its jurisdiction. If the dispute is being simultaneously heard by another body (national court or arbitration), this does not affect the CAS proceedings, unless there are serious grounds to suspend the case, pursuant to Article 39/3 of the International Sports Arbitration Code.

Section Two: Arbitration Procedures before the Appeals Division

Appeals were introduced in 1991 due to arbitration clauses in the statutes of sports federations. Appeals may be brought before the Appeals Division of the CAS against decisions issued by sports federations, associations, or other bodies, in accordance with Article 47 of the International Sports Arbitration Code.

This procedure serves to review the legality of unilateral decisions taken by national or international sports bodies, including decisions relating to doping, disciplinary sanctions, or non-disciplinary issues such as licensing athletes or rejecting a club's eligibility to participate in competitions.

First: Composition of the Appeals Division Panel. Under Article 50 of the International Sports Arbitration Code, the parties may determine the number of arbitrators in the Appeals Division through the arbitration agreement or the governing rules of the sports bodies. If a three-member panel is chosen, each party (claimant and respondent) appoints one arbitrator, and the President of the Division appoints the third.

Each party may challenge the arbitrator chosen by the opposing party if legitimate reasons exist. All arbitrators must be selected from the list established by the International Council of Arbitration for Sport (ICAS).

The presence of arbitrators is mandatory for smooth proceedings. If the parties agree to appoint a sole arbitrator but he refuses, the President of the Appeals Division appoints one. If the arbitration agreement omits the number of arbitrators, the President decides based on the circumstances of the case.

Second: Conduct of Appeals Arbitration Procedures. According to Article 48 of the International Sports Arbitration Code, the appellant must submit a statement of appeal containing:

- The full name and address of the respondent(s)
- A copy of the contested decision
- The appellant's claims
- The name of the arbitrator selected by the appellant from the official list, unless requesting a sole arbitrator
- If necessary, a reasoned application for a stay of execution
- A copy of the legal provisions, regulations, or specific agreement allowing appeal before the CAS

Upon filing, the appellant must pay the fee of 1,000 Swiss francs as per Article 64/1. The statement of appeal must be submitted within the deadlines set by the sports bodies. If no such deadlines are provided, the CAS sets a default limit of 21 days from notification of the contested decision.

If the statement of appeal fails to meet the requirements, the President of the Division will not proceed. The arbitral panel must respect principles of fairness: both parties must be granted equal time to present their arguments, must be informed of each other's submissions, and must have the right to respond. Any violation of these procedural guarantees results in the invalidity of the arbitral award.

Conclusion

Sports arbitration has become the primary mechanism for resolving disputes in the sports field through specialized panels with sufficient expertise. This system emerged particularly in response to the professionalization of sports, which multiplied disputes and extended them to the international level.

The Court of Arbitration for Sport (CAS), established in Lausanne, Switzerland, plays this role by creating a specialized and independent judicial body. It established the International Council of Arbitration for Sport (ICAS), enacted binding legal rules, and distinguished between two categories of disputes:

- **Ordinary Arbitration Division:** handles disputes related to commercial contracts in sports
- **Appeals Arbitration Division:** reviews decisions of sports federations and associations

Findings

- Arbitration is an effective means of resolving international sports disputes
- Arbitration depends on the will of the parties
- Arbitration covers two types of disputes: commercial (contracts) and disciplinary (doping, hooliganism, etc.)
- The CAS was established in 1984 in Lausanne, Switzerland
- ICAS supervises the financial and administrative aspects of the CAS
- CAS decisions have the same binding force as court judgments, are final, and cannot be appealed
- CAS procedures are flexible, fast, simple, and relatively inexpensive

Recommendations

- Promote awareness of good sports governance through media to reduce violence and misconduct
- Include Arabic among CAS working languages
- Limit excessive freedom in choosing applicable law to prevent abuse or forum shopping
- Encourage the creation of national sports arbitration courts linked to CAS

Ethical Considerations

This study is based exclusively on secondary research, relying on publicly available legal documents, case law, and scholarly publications. No human or animal participants were involved in the research process. The authors adhered to academic integrity standards, ensuring accurate citation and avoidance of plagiarism.

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Conflict of Interest

The authors declare that there are no conflicts of interest regarding the research, authorship, or publication of this article.

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