Preface

‘Citius, Altius, Fortius’ – faster, higher, stronger. To a great extent, this famous motto of the Olympic Movement expresses the aspirations that animate international sports law as well. For example, the ad hoc division of the Court of Arbitration for Sport (CAS) seeks to ensure faster resolution of disputes in the heated course of competition. Similarly, the CAS mediation facility provides a faster track for resolving out-of-competition disputes. CAS also aims for higher standards of dispute resolution and a higher level to review decisions of sports bodies bearing on such vital issues as the eligibility of athletes. As to the aspiration of ‘fortius’, the World Anti-Doping Code and the UNESCO Anti-Doping Convention provide a stronger regime for ensuring a more level playing field free of drugs and other performance-enhancing abuse. As well, new rules of video surveillance and scoring established by international sports federations are directed toward stronger measures of trust in field-of-play decisions and the outcome of competition.

Socio-economic issues loom large in the international sports arena. ‘This is how I fight’, explained a women’s soccer pioneer in Afghanistan, concisely referring to both gender equality and geopolitics. Whatever may be the role of sports as an instrument of global order, social issues such as discrimination and the protection of youth have been fundamental, as has the core principle of fairness.

Economic issues driven by globalization have also swept the sports arena. Transnational commercial issues bespeak the pervasive influence of the media and corporate sponsorship; the emergence of image, intellectual property, and other commercial rights; and the centrality of labour and anti-trust regulation. The application of competition law to commercial practices in the sports industry remains particularly controversial, hailed by some as essential to protect fans and players from monopolistic practices but criticized by others as unduly interfering in sporting decisions. It is clear, however, that the best practices and processes for addressing such fundamental issues are becoming more uniform across national boundaries. Moreover, open competition among amateur and professional athletes has led to a greater commonality of interests among all athletes and other stakeholders in sports. The two, historically separate tracks of the Olympic Movement and commercial activity are converging. This development is shaping an integrated process of international sports law, supported by more uniform national regulation and implementation.

This Handbook on International Sports Law presents a comprehensive collection of essays by leading scholars and practitioners in the burgeoning field of international sports law. From the World Cups in football/soccer and the Olympic Games to the rapidly expanding industry of sports management and promotion across national boundaries, it is apparent that international sports activity plays a central role in our daily lives. In addition, increased accessibility of reported cases and arbitral decisions facilitates a much
broader exchange of ideas, as sports continue to globalize. It therefore should not be surprising that the evolving law applicable to international competition is of major importance.

We have been fortunate to recruit a first-rate group of authors from nine countries for this book. They address significant legal issues along the two converging tracks: the commercial sports industry, focused on professional competition; and the established institutional framework of the law that includes the International Olympic Committee, international sports federations, regional and national sports bodies, the Court of Arbitration for Sport, and the World Anti-Doping Agency.

Topics in this book include the institutional framework; fundamental issues, legal principles and decisions within those institutions; mediation, arbitration and litigation of disputes; doping; gambling; the expanding use and abuse of cameras and electronic technology in judging competitions; athlete eligibility requirements; discrimination; and protections of young athletes. The book also covers a broad range of commercial issues related to competition law and labor markets; media, image, and intellectual property rights; event sponsorships; and players’ agents. Comparative analyses of sports models and practices in Europe, North America and elsewhere reinforce the general theme of international sports law.

The essays in this book comprehensively address the emerging process of international sports law. Comparative insights and analysis help define international custom and provide alternative solutions to problems. Laws and procedures in Europe, North America and South Africa receive particular attention. To be sure, the book does not include a few possible dimensions of the international process – taxation, for example – because of space limitations, relative unavailability of commentary, or the lack of pertinent processes of international law. Our hope, however, is that these essays will help expand both the geographical scope of commentary and the range of topics in this rapidly evolving field.

Our goal in producing this book is to offer up-to-date and accessible analysis of international sports law, broadly defined. We hope that these commentaries on some of the most controversial, cutting-edge issues will inform and inspire students of sports law, sports management, international law, comparative law and other subjects, as well as assist scholars, practicing lawyers and players’ agents in their work. We also hope that the book will be useful to other professionals (not to mention amateurs) in the sports industry. Let the reading begin!

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July 2011