

REPORT ON THE COURT OF ARBITRATION FOR SPORT

On the occasion of their last congresses three large International Sports Federations (IFs) introduced into their statutes a clause making provision for the recognition of the Court of Arbitration or Sport (CAS) as the sole competent juridical body of appeal outside the federation's own internal bodies. The national federations must extend this recognition to their affiliated clubs which have to do likewise to their members in all matters relating to the authority of the federation.

By Mr. Gilbert Schwaar
Secretary General of CAS



A CAS working session at the Olympic Villa. On the right, Mr. Gilbert Schwaar.

Under the terms of these provisions, the national federations, affiliated clubs and their members are thus statutorily bound to having resort to the competent bodies of the IFs concerned in the settling of any dispute arising from the application of all the statutes and rules of the federation, and in the event of differences of opinion with there may be between themselves or with their members and which they cannot settle amicably. When the competent internal bodies of the federation (jury of appeal, appeals committee, federation tribunal) have been exhausted, an appeal may be submitted to the CAS — and to it alone — to settle definitively and in the last resort the dispute between them. The CAS thus represents the sole and final judicial body and a legitimate substitute for

a civil court judge. The verdict it may be called upon to give will have the value of an executory verdict binding the parties.

The introduction of these new statutory provisions of appeal to the CAS means that the parties concerned, answerable to these IFs, refrain from having recourse to any ordinary civil court whatsoever. Depending on the circumstances, the non-observance of these provisions may entail the exclusion of the party which does not conform.

One can only be delighted that the CAS — a body of independent judgement — has been chosen by the International Federations of Rowing (FISA), Wrestling (FILA), and Swimming (FINA) as the body of appeal against decisions taken by their internal juridical bodies. Through its organization, the speed with which it can reach decisions and its extremely modest procedural costs, the CAS is in a position to enable athletes to settle their disputes outside the civil courts. Given that it satisfies the requirements of statutory law in its organization, the verdicts pronounced by the CAS are definitive and executory and have the same effects as those given by a civil judge.

Over the years, the CAS has shown itself to be a valuable tool in rapidly resolving disputes relating to the practice of sport. The family of world sport now has a jurisdiction adapted to its own needs. There is no doubt that other sports organizations will follow the example of the three Federations mentioned above in turning to the CAS.

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