

Olympics and International Sports Law Research Guide

Abstract: The Olympic Games are the world's most recognised international sporting event alongside the FIFA World Cup. Started in ancient Greece, the Olympic Games were revived in modern times in 1896 and occur every four years. This article, by Esther Cho, discusses how to research the structure and legal aspects of the Olympic Movement. It also encompasses the general array of international sports law resources connected to the Olympic Movement.

Keywords: sports law; Olympic Games; legal sources

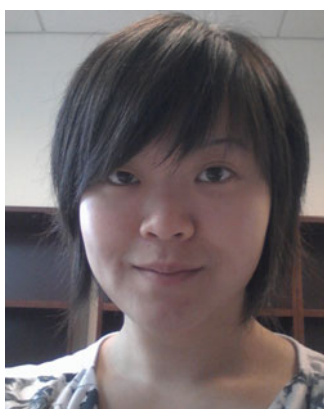
INTRODUCTION

The modern Olympic Movement was founded by Pierre de Coubertin in 1894 and the International Olympic Committee (IOC) was formed in the same year. The inaugural modern Olympic Games commenced in Athens, Greece in 1896.¹ Since then, there have been Summer Olympic Games every four years with the exception of the games scheduled during World War II.² The Winter Olympic Games, first held in Chamonix, France, began in 1924 and also continued every four years with the exception of the games scheduled during World War II.³ The Paralympics are a separate but related organization that governs sports for athletes with primary impairments.⁴

The IOC expanded the Olympic Movement in 2007 with the incorporation of the Youth Olympic Games (YOG),⁵ which is also governed by the IOC. The first Youth Olympic Summer Games was held in Singapore in 2010 and follows the traditional cycle of four years. The Youth Olympic Winter Games began in Innsbruck in early 2012 and also follows the traditional cycle of four years.⁶

ORGANIZATION & LEGAL STRUCTURE OF THE OLYMPIC GAMES

The Olympic Movement was founded by the Olympic Charter,⁷ which addressed the legal status of the International Olympic Committee (IOC); the role and responsibilities of the International Federations (IFs) as well as the National Olympic Committees (NOCs); the World Anti-Doping Code; and the proper uses and permissions of the Olympic flag, emblems, motto and flame.



Esther Cho

Furthermore, the Olympic Charter requires all disputes that arise in connection with the Olympic Games to be submitted exclusively to the Court of Arbitration for Sport (CAS).⁸ The current edition of the Olympic Charter was in force since July 2011.

The three main constituents of the Olympic Movement are the IOC, International Federations (IFs), and the National Olympic Committees (NOCs).

International Olympic Committee (IOC)

In 1892, Baron Pierre de Coubertin announced the forthcoming establishment of the modern Olympic Games. On 23 June 1894, the International Olympic Committee (IOC)⁹ was created to govern the Olympic Movement. The IOC thus became the supreme authority on the Olympic Movement and is comprised of members, a President, and the Executive Board. Members are volunteers who represent the IOC and the Olympic Movement in their country and are not representatives of their countries to the IOC. There are currently 106 members, 32 honorary members, and one honorary member in the IOC.¹⁰ The President represents the IOC and presides over all its activities. The Executive Board¹¹ assumes management of IOC issues as well as the many legislative functions including the responsibility of enacting all regulations to ensure proper implementation of the Olympic Charter. The Executive Board also oversees a series of administrative commissions, including ethics and decisions¹² law commissions,¹³ TV rights and new media.¹⁴ The IOC owns the rights to the Olympic symbols, flag, motto and anthem.

International Federations (IFs)

Each sport is governed internationally by an International Federation (IF) which is a non-governmental organization

responsible for the administration of one or more sports at the international level. For example, the International Skating Union and the Federation Internationale de Football Association (FIFA) are examples of IFs. International Federations often set the rules and procedures for international competitions. They are recognized by the IOC and cooperate with it by ensuring that their activities comply with the Olympic Charter. IFs are responsible for the technical control of their sport at the Olympic Games. IFs and their respective sports can be located on the Olympic website. Athletes and individual sports are also governed by national bodies in their home country. These national bodies are members of their respective international federations as well.

Category	International Federations Examples	National Association Examples
Summer Olympic Sports	Badminton World Federation, Association Internationale de Boxe, Federation Internationale de Gymnastiques	Badminton Association of India, Botswana Boxing Association, Japan Gymnastic Association, Swimming Australia
Winter Olympic Sports	World Curling Federation, International Ice Hockey Federation, International Ski Association	Finnish Curling Association, Ice Hockey Federation of Russia, Federazione Italiana Sport Invernali

There is a category known as Recognized Sports that also have IFs and national associations. According to the Association of IOC Recognized International Sports Federations, there are currently 32 recognized sports, including chess, rugby and bowling.¹⁵ These disciplines are recognized by the IOC, but are not events in the Olympic Games. Occasionally, these sports may be added to the Olympic Games. For example, curling was added to the Olympic Games in 1998. Sporting events may also be dropped from the Games. Softball, water skiing, and tug of war used to be official sporting events in the Olympic Games.

National Olympic Committees (NOCs)

Each country that belongs to the International Olympic Committee, has in turn, its own National Olympic

Committee (NOC).¹⁶ These national committees promote the development of their respective national athletes and select which ones will attend the Olympic Games. The NOCs also nominate host cities for selection by the International Olympic Committee. There are currently 204 NOCs organized into five regional associations.

- ANOCA (Association of National Olympic Committees of Africa)¹⁷
- PASO (Pan American Sports Organization)¹⁸
- OCA (Olympic Council of Asia)¹⁹
- EOC (European Olympic Committees)²⁰
- ONOC (Oceania National Olympic Committees)²¹

ORGANIZING COMMITTEES FOR THE OLYMPIC GAMES (OCOGS)

The NOC of the host country and the host city are entrusted with the organization of the Olympic Games. For that purpose, the NOC forms an Organizing Committee for the Olympic Games (OCOG)²² to fulfill this task. The OCOG must comply with the Olympic Charter, the contract entered between the IOC, the NOC and the host city (Host City Contract), as well as the instructions of the IOC Executive Board.

The OCOG executive body generally consists of the IOC member or members within the country, the President or Secretary General of the NOC, and at least one member representing and designated by the host city.

The Winter and Summer Games alternate every two years. The three OCOGs in current operation are London 2012 (Summer Games),²³ Sochi 2014 (Winter Games),²⁴ and Rio 2016 (Summer Games).²⁵

COURT OF ARBITRATION FOR SPORTS (CAS) – OVERVIEW

As the Olympic Movement grew economically and commercially, the increase in the number of international sports-related disputes led to the creation of an independent organization for sport dispute resolution. In 1983, the IOC officially ratified the statutes of the Court of Arbitration for Sport (CAS)²⁶ that created a specialized court that would be devoted to resolving disputes directly or indirectly related to sport. CAS is also known as the Tribunal Arbitral du Sport (TAS).

Originally, CAS was financed by the IOC except for financial disputes, where the parties would be required to pay a share of the costs of arbitration. In 1993, the Swiss Federal Tribunal ruled that CAS was not a proper impartial and independent arbitration court and in response, CAS underwent a major reform that modified the structure and statutes of the CAS. From this reform, the International Council of Arbitration for Sport (ICAS) was created to replace the IOC's role in the CAS. ICAS ensured the financial and administrative independence of CAS.

Another major change from the 1994 reform was the creation of two arbitration divisions, the Ordinary Arbitration Division and the Appeals Arbitration Division. The Code of Sports-Related Arbitration²⁷ details the functions of these divisions. The Ordinary Arbitration Division serves as the court of first instance. The Appeals Arbitration Division hears cases brought on appeal from various IFs and other sports organizations. For these cases, CAS generally operates as the court of last instance though on rare occasions CAS decisions are appealed to the Swiss Federal Tribunal. Additionally, CAS has the authority to issue advisory opinions.

These reforms were finalized in the Paris Agreement.²⁸ With the signing of the agreement, the jurisdiction of the CAS was recognized by all the IFs and many NOCs which incorporated arbitration clauses that required all disputes to be referred to the CAS. After the Paris Agreement, disputes concerning game rules, disqualifications, and other technical questions related to sport are settled by the relevant sport body as first instance authorities, such as the IF, IOC, or the national sport organization. Appeals of these decisions would be directed to CAS. Non-technical issues such as sponsorships and suspensions are also settled by the CAS.

Additionally, since 1996, ad hoc divisions created for speedy arbitration decisions, would resolve disputes within a 24-hour time limit during the Olympic Games. For all participants in the Olympic Games, the ad hoc divisions provided an arbitration procedure that was designed to be simple, flexible, and free of charge.

CAS ARBITRAL AWARDS

There are two types of disputes that may be submitted to the CAS: commercial issues and disciplinary issues. These issues encompass a variety of subjects including but not limited to, doping, issues of nationality, advertising sponsorship, and judging matters.

CAS arbitral awards are published on the CAS case law page²⁹ and are divided into recent decisions and archived decisions. Not all older awards are published, but awards with significant impact on CAS case law and on sports law in general are selected for publication. Those awards are available in the following titles in English and French, the two official languages of CAS.

- *Recueil des sentences du TAS: Digest of CAS Awards: 1986–1998*
- *Recueil des sentences du TAS: Digest of CAS Awards II : 1998–2000*
- *Recueil des sentences du TAS: Digest of CAS Awards III: 2001–2003*
- *CAS awards – Sydney 2000: the decisions delivered by the ad hoc Division of the Court of Arbitration for Sport during the 2000 Olympic Games in Sydney*

For the Sydney games, CAS published a separate volume to document the fifteen cases.

ANTI-DOPING

Much of the controversy surrounding the Olympics and sports in general, is related to doping. Doping is the use of prohibited substances to enhance performance in sports. This section provides an overview of the legal responses to this issue.

World Anti-Doping Agency (WADA)

The Lausanne Declaration established the World Anti-Doping Agency (WADA) in 1999 and “its key activities include scientific research, education, development of anti-doping capacities, and monitoring of the World Anti-Doping Code (Code) – the document harmonizing anti-doping policies in all sports and all countries.”³⁰ WADA cooperates in this endeavor with the IOC, the NOCs, the IFs and national anti-doping organizations.

WADA monitors compliance with the World Anti-Doping Code,³¹ the worldwide standard for anti-doping regulations. More than 630 sport organizations and national anti-doping agencies have adopted the Code. The Copenhagen Declaration on Anti-Doping in Sport³² is a non-binding political document through which governments signal their intention to formally recognize and implement the World Anti-Doping Code. Neither the Code nor the Declaration are formal treaties.

The World Anti-Doping Code works with five international standards. These standards attempt to harmonize “among anti-doping organizations in various technical areas, namely, the Prohibited List, testing, laboratories, Therapeutic Use Exemptions (TUEs), and protection of privacy and personal information.”³³ The annually updated Prohibited List³⁴ is one of these standards and it precisely details which substances are banned from use by athletes in sporting events. Enforcement under the Code is accomplished through various sanctions (see articles 10–12 of the code).

National & Supranational Anti-Doping Agencies

The following is a selective list of national anti-doping agencies. The full list of national anti-doping agencies is available on the WADA website.³⁵ WADA provides a useful list of national organizations³⁶ that adopted the World Anti-Doping code, as well as some foreign legislation³⁷ that regulates anti-doping. Each of the sport federations also has regulations regarding doping.

- Australian Sports Drug Agency³⁸
- European Commission – Sport³⁹

The European Commission works with Member States, the Council of Europe, WADA, and United Nations Educational, Scientific, and Cultural Organization (UNESCO) to regulate and address the problem of doping among athletes. The navigation menu on the right of the website provides white

papers, documents, working group meetings and a library dedicated to doping.

- Nationale Anti-Doping Agentur⁴⁰
The Nationale Anti-Doping Agentur is the anti-doping agency of Germany. The agency website provides a variety of information such as news and a drugs database for reference. The website is only available in German.
- UK Sport⁴¹
UK Sport is the national anti-doping agency for the United Kingdom.
- United States Anti-Doping Agency⁴²

Anti-Doping Treaties and Declarations

- Anti-Doping Convention⁴³
This regional anti-doping treaty was concluded by the Council of Europe⁴⁴ and has been ratified by 50 countries. The Council of Europe has a website with many resources including foreign doping legislation, national policies and recommendations.
- Cape Town Declaration on Anti-Doping in Sport⁴⁵
On 30 May 2001, governments re-affirmed their moral and financial support of the World Anti-Doping Code.
- Copenhagen Declaration on Anti-Doping in Sport⁴⁶
193 countries signed this Declaration which is a political declaration where governments signaled their intent to formally recognize and implement the World Anti-Doping Code.
- International Convention Against Doping in Sport⁴⁷
This treaty is the formal UNESCO treaty on anti-doping. Parties to the treaty are listed on the UNESCO website.⁴⁸
- Lausanne Declaration on Doping in Sport⁴⁹
WADA was established pursuant to the terms of this 1999 declaration from the first World Conference on Doping in Sport.

SELECTED BOOKS AND RESOURCES ON THE OLYMPICS & INTERNATIONAL SPORTS LAW

The following brief bibliography lists select titles discussing the Olympic Movement. A more extensive bibliography can be found in the Peace Palace Library.⁵⁰

- Blackshaw, Ian S, et al (eds.). (2006) *Court of Arbitration for Sport 1984–2004*. Hague, TMC Asser Press.
A collection of essays examining various aspects of the court upon its twentieth anniversary.

- Blackshaw, Ian S. (2002) *Mediating Sports Disputes: National and International Perspectives*. Hague, TMC Asser Press.
A useful introduction to the issues of arbitration and mediation within sports. Some discussion of foreign jurisdictions.
- Kaufmann-Kohler, Gabrielle. (2001). *Arbitration at the Olympics: Issues of Fast-Track Dispute Resolution and Sports Law*. Hague, Kluwer Law International.
Specifically discusses the CAS ad hoc divisions which are set up to quickly settle disputes within 24 hours at the Olympics.
- Mester, Alexandre Miguel. (2009) *The Law of the Olympic Games*. Hague, TMC Asser Press.
Provides an historical overview of the rules and institutions of the Games. Some basic documents are also included.
- Nafziger, James A.R. (2004) *International Sports Law*. Ardsley, NY, Transnational Publishers.
Great introduction to this topic and provides information on all the various elements and organizations. Also discusses doping, violence, and boycotts.
- Siekmann, Robert & Soek, Janwillem (eds.). (2001) *Arbitral and Disciplinary Rules of International Sports Organisations*. Hague, TMC Asser Press.
Handy collection of rules from various organizations; however, we suggest checking the website for each sport organization for updated rules information.
- Soek, Janwillem. (2006) *Strict Liability Principle and the Human Rights of Athletes in Doping Cases*. Hague, TMC Asser Press.
This publication specifically addresses the legal position of the athlete when accused of doping. Definitions, sanctions, and due process are a few of the areas discussed.

Centres on Olympic Studies

- International Centre for Olympic Studies⁵¹
Based at the University of Western Ontario, the International Centre for Olympic Studies generates and disseminates academic scholarship focusing on the study of the Olympic Games and the Olympic Movement. The Centre is responsible for the publication of *Olympika: The International Journal of Olympic Studies*.
- The Olympic Studies Centre⁵²
The Olympic Studies Centre is the entry point for research, teaching or publications on Olympism. It is located in the Olympic Museum in Lausanne, Switzerland. Limited information on accessible documents and archives are available online.

JOURNALS ON SPORTS LAW

There are many sports law reviews. The titles below are a selection of sports law journals available in English.

- *The Entertainment and Sports Lawyer*
- *The International Sports Law Journal*
- *The International Sports Law Review*
- *Marquette Sports Law Review*
- *Seton Hall Journal of Sport Law and Seton Hall Journal of Sports and Entertainment Law*
- *Texas Review of Entertainment & Sports Law*
- *Villanova Sports & Entertainment Law Journal*
- *Virginia Sports and Entertainment Law Journal*
- *World Sports Law Report*

Footnotes

- ¹ The Olympic Charter, http://www.olympic.org/Documents/olympic_charter_en.pdf
- ² Factsheet, the Games of the Olympiad, http://www.olympic.org/Documents/Reference_documents_Factsheets/The_Olympic_Summer_Games.pdf
- ³ Factsheet, Olympic Winter Games: http://www.olympic.org/Documents/Reference_documents_Factsheets/The_Olympic_Winter_Games.pdf
- ⁴ Paralympics, <http://www.paralympic.org>
- ⁵ Youth Olympic Games, http://www.olympic.org/content/yog_/yog-2/#/News
- ⁶ YOG Facts, http://www.olympic.org/content/yog_/yog-2/page/its-a-high-level-sport-and-much-more/
- ⁷ Olympic Charter: http://www.olympic.org/Documents/olympic_charter_en.pdf
- ⁸ Court of Arbitration for Sport, <http://www.tas-cas.org/>
- ⁹ International Olympic Committee, <http://www.olympic.org/ioc>
- ¹⁰ IOC Members, <http://www.olympic.org/content/the-ioc/the-ioc-institution/ioc-members-list/>
- ¹¹ IOC Executive Board, <http://www.olympic.org/executive-board>
- ¹² IOC Ethics Commission, <http://www.olympic.org/ethics-commission>
- ¹³ IOC Sport and Law Commission, <http://www.olympic.org/sport-law-commission>
- ¹⁴ IOC TV Rights and New Media Commission, <http://www.olympic.org/tv-rights-new-media-commission>
- ¹⁵ IOC Recognised Sports, <http://arisf.wordpress.com/32-ioc-recognised-sports/>
- ¹⁶ National Olympic Committees, <http://www.olympic.org/national-olympic-committees>
- ¹⁷ ANOCA, <http://www.africaolympic.org/>
- ¹⁸ PASO, http://www.paso-odepa.org/default_en.aspx
- ¹⁹ OCA, <http://www.ocasia.org/>
- ²⁰ EOC, <http://www.eurolympic.org/>
- ²¹ ONOC, http://www.sportingpulse.com/assoc_page.cgi?assoc=4734&PID=2
- ²² Organizing Committee for the Olympic Games, <http://www.olympic.org/ioc-governance-organising-committees>
- ²³ London 2012 Olympic and Paralympic Games, <http://www.london2012.com/>
- ²⁴ Sochi 2014 Olympic and Paralympic Winter Games, <http://sochi2014.com/en/>
- ²⁵ Rio 2016 Olympic and Paralympic Games, <http://www.rio2016.com/en/home>
- ²⁶ Court of Arbitration for Sport, <http://www.tas-cas.org/>
- ²⁷ Code of Sports-Related Arbitration, <http://www.tas-cas.org/statutes>
- ²⁸ Paris Agreement, <http://www.tas-cas.org/en/arbitrage.asp/4-3-294-1023-4-1-1/>
- ²⁹ CAS Case Law, <http://www.tas-cas.org/recent-decision>
- ³⁰ World Anti-Doping Agency, <http://www.wada-ama.org/en/>; WADA Constitutive Instrument, http://www.wada-ama.org/rtecontent/document/constitutive_instrument_foundation.pdf
- ³¹ World Anti-Doping Code, http://www.wada-ama.org/rtecontent/document/code_v3.pdf
- ³² Copenhagen Declaration on Anti-Doping in Sport, http://www.wada-ama.org/Documents/World_Anti-Doping_Program/Governments/WADA_Copenhagen_Declaration_EN.pdf
- ³³ WADA International Standards, <http://www.wada-ama.org/en/World-Anti-Doping-Program/Sports-and-Anti-Doping-Organizations/International-Standards/>
- ³⁴ WADA Prohibited List, <http://www.wada-ama.org/en/World-Anti-Doping-Program/Sports-and-Anti-Doping-Organizations/International-Standards/Prohibited-List/>
- ³⁵ National Anti-Doping Agencies, <http://www.wada-ama.org/en/Anti-Doping-Community/NADOs/List-of-NADOs/>

- ³⁶ Government Funded Organizations (Anti-Doping), <http://www.wada-ama.org/en/World-Anti-Doping-Program/Sports-and-Anti-Doping-Organizations/The-Code/Code-Acceptance/Government-funded-Organizations/>
- ³⁷ National Legislation (Anti-Doping), <http://www.wada-ama.org/en/World-Anti-Doping-Program/Governments/Legal-articles-case-law-and-national-laws/>
- ³⁸ Australian Sports Drug Agency, <http://www.asada.gov.au/>
- ³⁹ European Commission – Sport, http://ec.europa.eu/sport/what-we-do/doping_en.htm
- ⁴⁰ Nationale Anti-Doping Agentur, <http://www.nada-bonn.de/>
- ⁴¹ UK Anti-Doping in Sport, <http://www.ukad.org.uk/>
- ⁴² United States Anti-Doping Agency, <http://www.usantidoping.org/>
- ⁴³ Anti-Doping Convention, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=135&CM=8&DF=12/12/2005&CL=ENG>
- ⁴⁴ Council of Europe, <http://www.coe.int/>
- ⁴⁵ Cape Town Declaration on Anti-Doping in Sport, <http://www.wada-ama.org/rtecontent/document/capetowndeclaration.pdf>
- ⁴⁶ Copenhagen Declaration on Anti-Doping in Sport, <http://www.wada-ama.org/en/Anti-Doping-Community/Governments/Copenhagen-Declaration-on-Anti-Doping-in-Sport/>
- ⁴⁷ International Convention Against Doping in Sport, <http://unesdoc.unesco.org/images/0014/001425/142594m.pdf#page=2>
- ⁴⁸ Parties to the International Convention Against Doping in Sport, <http://www.unesco.org/eri/la/convention.asp?KO=31037&language=E&order=alpha>
- ⁴⁹ Lausanne Declaration on Doping in Sport, <http://www.la84foundation.org/OlympicInformationCenter/OlympicReview/1999/OREXXVI25/OREXXVI25g.pdf>
- ⁵⁰ Peace Palace Bibliography on Sports Law, <http://www.peacepalacelibrary.nl/research-guides/public-international-law-special-topics/sports/#bibliography>
- ⁵¹ International Centre for Olympic Studies, <http://www.uwo.ca/olympic/>
- ⁵² The Olympic Studies Centre, <http://www.olympic.org/olympic-studies-centre>

Biography

Esther Cho is the International & Foreign Law Reference Librarian at the John Wolff Comparative & International Law Library at the Georgetown University Law Center in Washington, DC. She graduated from the University of California, Los Angeles with her MLIS degree. Esther is a member of AALL and chair of the LLSDC Foreign & International Special Interest Section.