



PRESENTAZIONE DEL VOLUME

Informazioni generali

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Informazioni sul volume

The whole international sports system is based on contractual autonomy and freedom of association, as all international sports organizations are non-governmental organizations established as private associations or corporations, with which those who wish to participate in organized sport must be registered. Athletes and clubs (as well as any other individual or entity registered with a sports organization) are thus contractually bound to comply with the rules and regulations adopted by sports organizations and to abide by their decisions. In particular, the members of the international sporting community have elected since the inception of organized sport to have disputes within that community settled through “justice mechanisms” of their own choice and design.

This book examines those private justice mechanisms, both those established within the various international sports federations or leagues (giving rise to in-house dispute settlement mechanisms) and those established outside those organizations by independent arbitration institutions (giving rise to arbitration mechanisms that are able to provide a legal alternative to the ordinary jurisdiction of sovereign States).

Of course, ordinary courts maintain a crucial role in supervising those private justice mechanisms. Indeed, international sports institutions sometimes abuse of their huge powers as

sector regulators and exploit their monopolistic position to the detriment of other actors of the sporting community. For this reason, State judiciaries, as well as the judicial bodies created by States at international or supranational level, play a very important role in ensuring that the sports institutions, and in particular their judicial bodies, stay on course and abide by mandatory rules and public policy principles, so as to guarantee individual or fundamental rights, both of national and supranational character.

This book looks closely at a multitude of international sports organizations to consider the prospects of international sports justice and its relationship with ordinary justice. The authors are all eminent scholars and practitioners with a vast experience in this field and are able to provide in-depth review and insight into this fascinating area of the law.

The volume has three sections. The first section covers the functioning, procedures and case law of the Court of Arbitration for Sport, based in Switzerland, and of Sport Resolutions, based in the UK. The second section focuses on the internal justice mechanisms of major sports organizations in several sports. Particular attention is given to the structure and rules of sports internal judicial bodies, the relevant proceedings, the eligibility, employment, economic and technical disputes, by also taking into due account the relevant case law. The third section deals with international sports leagues and their peculiarities. Finally, the concluding remarks offer a brief comparative review of the examined sports justice systems in order to identify the critical issues, but also the best practices, of international sports justice.