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LEX SPORTIVA: INTERNATIONAL OR SUI GENERIS – «UNETHNIC» LAW?**Introduction**

Sporting life, the sports community and physical activity are governed by an entire corpus of rules of law¹², the rules of law regulating the nature of sports institutions, sporting and physical activity, participation in it, the sports relations between natural persons and legal entities and problems arising from sports events are dealt with. This system constitutes the applicable legal order for sport and sporting activity¹³. The question to be discussed in the present article is whether the entire system of rules of sports law may be considered a part of international law or a sui generis – «unethnic» law.

1. Subjects of International Law

What is international law? It is a body of rules and principles embodied in the legal instruments of agreements between states, in international customs binding for the subjects of international law, i.e. the states, international organizations, and, more recently, individuals. States are the primary subjects of international law¹⁴. Despite the fact that another category of subjects of international law has been emerging, namely international organizations, individuals, groups of people and liberation movements, the states remain the traditional category of international legal subjects which hold the authority in the international legal community¹⁵.

When states are interested in realizing and carrying out tasks of mutual interest, they establish international machinery. They institute distinct centers of action for the furtherance of common goals which are designed to perform only those activities which states delegate to them. The International Court of Justice in its advisory opinion on Legality on the Use by a State of Nuclear Weapons in Armed Conflict¹⁶ stated that the object of the constituent instruments of international organizations «is to create new subjects of law endowed with a certain autonomy, to which the parties entrust the task of

¹² See L. Silance (1977), «Sports Law», IOA. 16th Congress, Athens, p.76.

¹³ See I. Drosos (1992), «Constitution and Sports», In the Proceedings of the Hellenic Centre for Research on Sports Law (H.C.R.S.L) Conference 17.1.1991, in: «International Sports Law Review Pandektis I: 1, p. 134, D. Panagiotopoulos (1994) *The Law of International Sports Relations and Institutions* (in Greek), Ant. N. Sakkoulas: Athens p. 20 et seq., Article 19 (9) of the Constitution, see E. Venizelos (1993), «Constitution and Sports», in: *Proceedings of the International Conference: The Institution of the Olympic Games*, Olympia 3-7 September 1991, H.C.R.S.L.: Athens, pp. 269-271, Panagiotopoulos (1993), «Issues on Scientific Determination And Application of Sports Law», In: *Proceedings 1st International Congress on Sports Law*, Dec 11-13, Athens 1992, H.C.R.S.L.: Athens, pp. 65-77, I: 1993 p. 109-116. K. Remelis (1993), «The Meaning and Nature of Sports Disputes» in: *Proceedings 1st International Congress on Sports Law*, Op. cit, 171-175, H. V. Staveren, «The line Between Sports Regulations and the Law». In: *Council of Europe-CDDS Seminar*, CDDS (94) 34, Malta 1994, 18-19 May.

¹⁴ Part of this chapter (in the form of a paper) was announced in 11th IASL Congress in Johannesburg 28-30 Nov. 2005, South Africa and published in: *International Sports Law Review Pandektis (Pand/ISLR)*, Vol. 7:1-2, pp.1-7.

¹⁵ A. Cassese (2001), *International Law*, Oxford University Press, pp 7- 27, J. Dugard, *International Law, A South African perspective*, 2000, Juta & Co, Ltd, pp5-10, 26, 133-145. 376, Ian Brownlie, *Principles of Public International Law*, 1998, Oxford University Press, pp 31-45.

¹⁶ Legality of the Threat or Use of Nuclear Weapons Case I.C.J. Rep. 1966.

