

Syllabus: «International Sports Law. Olympic (Paralympic) Law»

For educational program
«Jurisprudence» 40.04.01.
master's program «Sports Lawyer»
Approved by: M.O.Byanova
chief of the master's program
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Author	E. Batusova, senior lecturer, School of General and Interdisciplinary Legal Studies
Credits	7
Auditing hours	84
Self-preparation	182
Year of study	1
Format	Non-online

1. Course Description

a) **Title of a Course** International Sports law. Olympic (Paralympic) Law.

b) **Pre-requisites**

Intermediate or upper level of English language.

Before attending this course students shall have knowledge of general legal theory, public international law, constitutional law, civil law and the law of civil procedure, labour law.

c) **Course Type**

Elective. The course lasts for 2 modules.

d) **Abstract:**

Course aim: The course pays special attention to the basic issues of international sports law and Olympic (Paralympic) law from both theoretical and practical viewpoint.

The main aim of the course is to provide students with general knowledge of the basic issues of International sports law and Olympic (Paralympic) law from both theoretical and applied viewpoint. The students will learn basic rules of International Sports law. The course will cover theoretical discussion that provides the essential background for legislation. The students will see what ideas formed the basis of Olympic (Paralympic) Law.

The structure of the course is based on traditional syllabus for Russian students. It includes discussion of basic concepts. One of the central topics of the course is sources, principles, subjects of International Sports law, Olympic (Paralympic) Law.

2. Learning Objectives

Course objectives:

After successful completion of this course, students will be able to:

- know main issues of International sports law and Olympic (Paralympic) law concepts;
- understand main issues of International sports law and Olympic (Paralympic) law;
- analyze national and international approaches to the regulation of particular sports and Olympic (Paralympic) law issues;
- acquire skills necessary for drafting legal papers concerning international sports and Olympic (Paralympic) law issues.

3. Learning Outcomes

Students must gain

knowledge on:

- the distinctive features of International sports law and Olympic (Paralympic) law;
- the system of International sports law and Olympic (Paralympic) law;
- the main characteristics of International sports law and Olympic (Paralympic) law;
- the most significant decisions of the World Anti-doping Agency;
- the peculiarities of International sports law and Olympic (Paralympic) law

Legal Sources

skills and abilities:

- to read academic works about Sports law and to summarize their content accurately;
- to find legal judicial and governmental resources in English accessible through the Internet;
- to analyze basic concepts of International sports law and Olympic (Paralympic) law;
- to analyze principles of International sports law and Olympic (Paralympic) law their application in practice;
- to analyze International sports law context;
- to seek and make use of feedback;
- to participate in discussions, articulate and defend own positions.

Students should gain the following competences:

- to correctly use the legal terminology and understand legal concepts;
- to analyze critically the academic literature and other sources for legal research in the area of the International sports law and Olympic (Paralympic) law
- to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- to carry out professional activities in the international environment;
- to search for and analyze legally relevant information by using the juridical, comparative and other specific methods,
- to describe legal problems and situations in the field of International sports law and Olympic (Paralympic) law.

4. Course Plan

I. International Sports Law

International sports law: concept and development

Lex Sportiva.

Special principles of international sports law

Sources of International sports law

Sources of International sports law. Hierarchy of legal rules (norms) in International sports law system. Legislation and other normative acts as the sources of law. Soft Law.

Subjects of International sports law.

Collisions between the national sources of law and International sports law. Debates on the role of the decisions of Court of Arbitration for Sport. Decisions of the European Court of Human Rights on sportsmen.

The process of regulation of international sports relations .

Bodies of the universal level of the United Nations Organization.

Specialized agencies and programs of the United Nations Organization.

Preventing violence and hooligan behavior of spectators and fans.

Environmental protection when organizing international sports competitions.

Economic crimes and discrimination in international sports.

II. Olympic Law

Olympic movement as a component of the international sport movement

History of Olympic Movement

Basic provisions of Olympic Law

Subjects of Olympic Law

International Olympic Committee

Corporate norms elaborated by the International Olympic Committee

Legal basis of organizing and conducting competitions

Countering doping

Settling sport disputes in Olympic context

Protection of property rights with regard to television and radio broadcasts of international sports competitions

The use of Olympic symbols

III. Paralympic Law

History of Paralympic movement. Principles of Paralympic movement and Paralympic Games

System of Paralympic governance on national and international level.

The fundamental principles of Paralympic movement.

the International Paralympic Committee

Eligibility criteria and athletes classification.

Performance enhancement regulation in Paralympic context: doping; medicine; equipment; new technologies

Human rights in Paralympic context

Disputes in Paralympic context

Ways of resolving sports disputes through arbitration and appeal proceedings in the Court of Arbitration for Sport (CAS)

judicial proceedings in the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU).

5. Reading List

a) Required

Basic textbook:

Historical Dictionary of the Olympic Movement. Mallon, Bill; Heijmans, Jeroen Scarecrow Press 2011. <https://ebookcentral.proquest.com/lib/hselibrary-ebooks/detail.action?docID=716046&query=Olympic>

A Brief History of the Olympic Games. Young, David C. John Wiley & Sons, Incorporated 2004. <https://ebookcentral.proquest.com/lib/hselibrary-ebooks/detail.action?docID=350857&query=Olympic>

Testing for Athlete Citizenship : Regulating Doping and Sex in Sport. Henne, Kathryn E. Rutgers University Press 2015.

<https://ebookcentral.proquest.com/lib/hselibrary-ebooks/detail.action?docID=3565205&query=sports+law>

Cieslinski W.B., Perechuda I. Profit and Nonprofit Sports Clubs: Financial and Organizational Comparison in Poland. Conference: ICSLB 2015 : 17th International Conference on Sports Law and Business, At Paris. Available at ResearchGate: https://www.researchgate.net/publication/280558044_Profit_and_Nonprofit_Sports_Clubs_Financial_and_Organizational_Comparison_in_Poland.

Rosmarijn van Kleef. Liability of Football Clubs for Supporters' Misconduct: A Study into the Interaction between Disciplinary Regulations of Sports Organisations and Civil Law. <https://ebookcentral.proquest.com/lib/hselibrary-ebooks/detail.action?docID=4516635&query=sports+law>

b) Optional

Ian S. Blackshaw. International Sports Law: An Introductory Guide. Springer, 2017.

Ryan Gauthier. The International Olympic Committee, Law, and Accountability. Taylor & Francis, 2017. 220 ps.

Internationalism in the Olympic Movement: Idea and Reality between Nations, Cultures, and People. Holger Preuss, Karsten Liese Springer Science & Business Media, 2011. 160 ps.

Ian Brittain The Paralympic Games Explained: Second Edition. Routledge, 1 июля. 2016. - 246 ps.

The strict liability principle and the human rights of athletes in doping cases / Janwillem Soek. The Hague : T.M.C. Asser Press ; Cambridge ; West Nyack, NY : Distributed exclusively by Cambridge University Press, 2006.

Keith Gilbert, Otto Schantz. The Paralympic Games: Empowerment Or Side Show? Meyer & Meyer Verlag, 2008. 253 ps.

Steve Bailey. Athlete First: A History of the Paralympic Movement. John Wiley & Sons, 2008 г. 302 ps.

Electronic sources:

Electronic subscriptions of the NRU HSE library: <http://library.hse.ru/e-resources/e-resources.htm>

World Legal Information Institute website: <http://www.worldlii.org/>

Database of national labour legislation of the International Labour

Organization NATLEX: <http://www.ilo.org/dyn/natlex/>

<https://www.olympic.org/the-ioc>

<https://www.paralympic.org/>

<http://www.tas->

<cas.org/en/index.html>

<https://www.wada-ama.org/en/>

GARANT, electronic database system, English

6. Grading System

The grading system of the Law Faculty of the National Research University “Higher School of Economics” is in itself 10-point numerical, but verbal and numerical 5- point grades are also used in examination sheets in accordance with the statutory

requirements. At an exam knowledge of each student is assessed with two grades given simultaneously due to the University policy and the national educational standard requirements. The grade scale looks as follows:

Numerical 10-point scale	Verbal/numerical 5-point scale
1 – unsatisfactory very bad bad	Totally unsatisfactory – 1 Unsatisfactory – 2
4- satisfactory 5 – very satisfactory	Satisfactory - 3
7-good 8-very good	Good – 4
8 – almost excellent 9 - excellent 10 – brilliant	Excellent - 5

Grades below 4 out of 10 (satisfactory or 3 out of 5) mean that the topic/course hasn't been mastered by the student and requires re-testing/re-examination

7. Guidelines for Knowledge Assessment

a. Sample of the written assignment:

Example for the classwork:

Analyze the Court of arbitration for sport decision CAS - WADA V. ANDREY KRYLOV & FIG: <https://www.wada-ama.org/sites/default/files/resources/files/CAS-2013-A-3050-WADA-v-Andrey-Krylov.pdf>

b. Criteria for evaluation and grading

Grade will be based on the class work (20%) and essay (20%) and final exam - (60%).

$$\text{Fin} = \text{ClassWork} * 0,2 + \text{Essay} * 0,2 + \text{Exam} * 0,6$$

Type of task	Criteria for evaluation	Grade
Essay	The paper covers the subject with due completion, contains the author's independent view and thorough analysis of the problems raised. Discussion is based on legal sources, including academic articles and relevant case-law. Argumentation is consistent; the list of references is sufficient and adequate.	8-10
	The paper generally covers the topic, but some aspects of the main problems are ignored. The style of the paper has some flaws. The list of references is missing or contains only few academic sources, references to judicial decisions and normative acts. The paper does not contain the original	6-7

	viewpoints of the author.	
	The paper is basically related to the topic, but analysis is superficial, arguments inconsistent and style is messy. The paper is unstructured. List of references is missing or contains the sources, which are irrelevant or only partly relate to the problems raised.	5-4
	The content of the paper does not correspond to its topic, the structure is unclear, arguments are missing or inconsistent. Style is messy, the text is full of grammar mistakes. The most part of the paper is re-written uncritically from Internet sources, list of references is missing, academic sources have not been used or were cited without due references.	3-2
	The paper has not been submitted in time or contains plagiarism	0
Class assignment	The answers to theoretical questions are full, precise and correct (1 score for each full correct answer). The answer demonstrates the knowledge of the academic literature which has been assigned for the seminars.	8-10
	The answers to theoretical questions are not full, precise or correct. Argumentation is consistent, but there are few minor mistakes or omissions. The knowledge of mandatory books for the course has not been demonstrated or was demonstrated insignificantly.	7-6
	The answer contains some correct answers to theoretical questions and/or problems raised in the discussion section, but generally the answer does not demonstrate the knowledge of the basic sources of the Russian law and mandatory literature for the course. The arguments in the discussion section are not good.	5-4
	The answers to theoretical questions are provided, but the discussion section is missing or entirely incorrect.	2-1
	No answer	0
Exam	The answers to theoretical questions are full, precise and correct (1 score for each full correct answer). The answer demonstrates the knowledge of the academic literature which has been assigned for the seminars.	8-10
	The answers to theoretical questions are not full, precise or correct. Argumentation is consistent, but there are few minor mistakes or omissions. The knowledge of mandatory books for the course has not been demonstrated or was demonstrated insignificantly.	7-6
	The answer contains some correct answers to theoretical questions and/or problems raised in the discussion section, but generally the answer does not demonstrate the knowledge of the basic sources of the Russian law and mandatory literature for the course. The arguments in the discussion section are not good.	5-4
	The answers to theoretical questions are provided, but the	2-1

	discussion section is missing or entirely incorrect.	
	No answer	0

c. Types of assignments and requirements:

Essay requirements:

Students are required to complete an essay on the topic. The chosen topic should be discussed with and approved by the lecturer. It is not limited in pages/words and assessed on the basis of its academic value, but it is advised to have it between 6000 and 9000 words.

The student is obliged to use relevant resources in English, recommended in the related parts of this program to lectures and seminars on the topic chosen. The list of resources yours for the essay should include at least 5 academic sources plus normative acts and/or case law. Quotes from the sources used are necessary. The list of references (bibliography) should be an integral part of the essay.

d. Suggested topics for essays:

Collisions between the national sources of law and International sports law.
 Role of the decisions of Court of Arbitration for Sport.
 Decisions of the European Court of Human Rights on sportsmen.
 The process of regulation of international sports relations .
 Bodies of the universal level of the United Nations Organization.
 Specialized agencies and programs of the United Nations Organization.
 Preventing violence and hooligan behavior of spectators and fans.
 Environmental protection when organizing international sports competitions.

e. Sample questions for the oral exam:

International sports law: concept and development
 Special principles of international sports law
 Sources of International sports law.
 Hierarchy of legal rules (norms) in International sports law system. Legislation and other normative acts as the sources of law. Soft Law.
 Subjects of International sports law.
 Collisions between the national sources of law and International sports law.
 Role of the decisions of Court of Arbitration for Sport. Decisions of the European Court of Human Rights on sportsmen.
 Economic crimes and discrimination in international sports.
 Olympic movement as a component of the international sport movement
 History of Olympic Movement
 Basic provisions of Olympic Law
 International Olympic Committee
 Corporate norms elaborated by the International Olympic Committee
 Legal basis of organizing and conducting competitions
 Countering doping
 Settling sport disputes in Olympic context
 The use of Olympic symbols
 History of Paralympic movement. Principles of Paralympic movement and Paralympic Games
 The fundamental principles of Paralympic movement.
 The International Paralympic Committee

Eligibility criteria and athletes classification.

Performance enhancement regulation in Paralympic context: doping; medicine; equipment; new technologies

Human rights in Paralympic context

Disputes in Paralympic context

Ways of resolving sports disputes through arbitration and appeal proceedings in the Court of Arbitration for Sport (CAS)

Judicial proceedings in the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU).

8. Methods of Instruction

The course combines interactive lectures and seminars. Lectures are supported by power-point presentations, which are delivered to students. All classes, including lectures, require preparation by reading the assigned mandatory materials and active participation of the students in discussions and commentaries. Seminars are structured mostly around legislation and are aimed at discussion of 'law in action' rather than 'law in books'. The program of the course is interactive, i.e. it contains links to materials, which were selected on the basis of their availability to students through open access web-resources. The program also inspires students to update their knowledge by use of legal journals and professional web-sites with reliable legal information.

9. Special Equipment and Software Support (if required)

№	Softwear	Access
1	Microsoft Windows 7 Professional RUS Microsoft Windows 10 Microsoft Windows 8.1 Professional RUS Microsoft Windows XP	From the HSE computers (agreement)
2	Microsoft Office Professional Plus 2010	From the HSE computers (agreement)