

GOOD GOVERNANCE AND THE MULTIPLE CHALLENGES TO THE DOMESTIC LEGAL ORDER OF SPORTS ORGANIZATIONS

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ABSTRACT: The paper reviews the considerable risks of undermining the independence and self-regulation of the sports organizations, which lurk either in the political authorities' actions or in the rulings of national or international ordinary jurisdictions ruling on sports issues.

The currently critical relationship between the State and international authorities or the State jurisdictions and the sports organizations is carefully tested by investigating two clamorous cases: on one side, the recent World Anti-Doping Agency decision of reinstating the Russian Anti-Doping Agency and, on the other one, the Belgian Appeal Court interim ruling on the Belgian illegality of the FIFA general arbitration clause, which reserve the football settlement disputes to the CAS, excluding for the stakeholders the choice of seizing any ordinary court.

The Author streamlines the complex concept of good governance and its principles applied to sport, focusing the attention on their impact on the sports organization decision-making process.

His conclusions bend towards a reasonable pessimism, balanced by willingly optimism on the sports organizations' self-reliance to comply with those good governance principles. Too many, financial and political constraints are out of their direct control. Albeit, he professes being sustained by the belief in the foresight and sagaciousness of the sports ruling classes to install the appropriate legal and institutional devices in order to safeguard the autonomy and specificity of the sports organizations.

Keywords: governance; sports organizations; ordinary and sports jurisdictions; reforms; principles of good governance.

SOMMARIO: Foreword – 1. The WADA-RUSADA relationship: a political manipulation of sports issues? – 2. The sports industry value – 3. The good governance principles in doctrine and international organizations – 3.1 The second EU Work Plan for Sport – 3.2 The third Plan 2017-2020 – 3.3 The EU Council works – 3.4 European Parliament works – 3.5 The meaning and impact of the EU institutions work on the sports good governance – 4. The sports governance and the jurisdiction's systems – 4.1 The Belgian Appeal Court's interim ruling in the Seraing/Doyen versus FIFA/UEFA/URSBFA – Conclusions

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