

SPORTS ARBITRATION IN JAPAN

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ABSTRACT

As the internationalization and commercialization of sports further develop, disputes with regard to sports are increasing in number worldwide, and Japan is not an exception to this trend. To deal with sports disputes, the JSAA was established in 2003. From a comparative viewpoint, since sports arbitration systems differ from country to country, there are certain advantages in introducing the Japanese sports arbitration system. Thus, in the first part of this paper, the general features of the JSAA will be described.

There are institutions other than the JSAA for resolving sports disputes: national courts and dispute resolution bodies within sports associations. In particular, there should be a certain tension between national courts and the JSAA in the sense that an arbitration agreement prevents an athlete from bringing an action before a court. With regard to this issue, it is sometimes claimed in Japan that sports disputes such as the selection of delegates are not considered “legal disputes” on which courts should adjudicate, and arbitration at the JSAA is the only means for athletes to receive remedies. According to them, therefore, there should be no tension between courts and the JSAA. However, is that truly the case? In the second

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part of this paper, case decisions in national courts with regard to disputes between an athlete and a sports association will be analyzed, and confirmed that courts have often considered a dispute with regard to decisions by an association as a legal dispute, and that it cannot be said that national courts are closed for an athlete to seek the nullification of a decision by a sports association.

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