

GOVERNING THROUGH ADJUDICATION

THE AUTHORITY-BUILDING MECHANISM OF THE COURT OF ARBITRATION FOR SPORT AND ITS IMPLICATIONS FOR THE CHINA SPORTS ARBITRATION COMMISSION

Lin Changan, O LAM KEI*

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Abstract

The establishment of the Chinese Court of Arbitration for Sport (CCAS) marks China's transition toward institutionalized sports dispute resolution, yet its early operation continues to face an "authority deficit" associated with administrative embeddedness. Drawing on the historical development of the Court of Arbitration for Sport (CAS), this paper argues that arbitral authority is generated through structural independence and sustained adjudicative practice rather than formal institutional design alone. Using a coded sample of 262 CAS awards rendered between 1980 and 2026, the study constructs a Procedural Justice Index (PJI) and a Legitimacy and Authority Index (LAI) to examine the relationship between procedural justice and authority construction. The findings reveal a statistically significant but non-linear positive correlation ($r \approx 0.549$, $p < 0.001$): stable arbitral authority depends less on increasingly "thick" procedures than on consistent rule articulation, precedent continuity, and the structured delineation of institutional boundaries. The paper concludes that CCAS may gradually develop from a dispute-resolution mechanism into a rule-generating institution within China's sports governance system by strengthening organizational independence, enhancing procedural transparency, and stabilizing adjudicative practice.

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I. INTRODUCTION

In an era of accelerating globalization and sports commercialization, athletic competition increasingly reflects a contest between legal frameworks and governance capacity. Establishing an independent and authoritative sports arbitration mechanism is therefore both a safeguard for fair competition and a strategic necessity for states seeking a stronger voice in global sports governance.

As the regulations of international sports bodies, arbitral practice, and general principles of international law have converged, a transnational normative order—often termed *Lex Sportiva*—has taken shape, providing a relatively uniform and predictable adjudicative logic for resolving sports disputes.¹

A pivotal turning point in China's sports rule-of-law development came with the amended Sports Law entering into force in June 2022. Shortly thereafter, on 11 February 2023, the Chinese Sports Arbitration Commission (CCAS) was formally established². This marked the transition of China's sports dispute resolution from principled aspiration to substantive institutional operation.

From a legal-philosophical perspective, the formation of authority within a sports arbitration body reflects what Max Weber described as *legale Herrschaft* (legal-rational authority): authority grounded not in personal will or tradition, but in rational belief in

1 Liu Dong (刘冬), Zhu Qimin (朱奇敏) & Kuang Chen (匡辰), *Ruishi Guoji Tiyu Zhongcai Fating (CAS) Kaiting Fenxiang zhi Pian Wu: Guoji Tiyu Zhongcai Zhong de Falü Shiyong* (瑞士国际体育仲裁法庭(CAS)开庭分享之篇五：国际体育仲裁中的法律适用) [*Swiss Court of Arbitration for Sport (CAS) Hearing Insights (V): Legal Application in International Sports Arbitration*], HAN KUN L. OFF. (Sept. 24, 2025), <https://www.hankunlaw.com/portal/article/index/cid/8/id/15778.html>.

2 Zhongguo Tiyu Zhongcai Weiyuanhui (中国体育仲裁委员会) [Chinese Sports Arbitration Commission], *Zhongguo Tiyu Zhongcai: Cong Zhidu Chuchuang dao Jiegui Guoji de Tansuo zhi Lu* (中国体育仲裁|从制度初创到接轨国际的探索之路) [*China Sports Arbitration: From Institutional Inception to International Alignment*], TIYU ZHONGCAI (Aug. 30, 2025), <https://www.sport.gov.cn/tyzc/n25137752/c29018433/content.html>.

the legitimacy of rules and the rightful qualification of those who apply them.³

Traditionally, sports disputes were handled through administrative directives or industry conventions, both relying on personal status and accumulated experience. As sports have become increasingly professionalized and commercialized, however, these authority bases have encountered growing trust deficits. The introduction of sports arbitration represents a reconstruction of authority through regularized and proceduralized operation grounded in rule legitimacy.⁴

In this context, the establishment of the CCAS signifies a structural shift from administration-dependent control toward rule-oriented professional governance. Yet institutional creation alone does not generate authority. In its early stage, the CCAS faces an “authority deficit” rooted in the administratively driven nature of its institutional genesis. While this structure enabled rapid resource integration, it may also affect perceptions of adjudicative independence.

This challenge is not unprecedented. In its early years, the Court of Arbitration for Sport (CAS) faced similar skepticism due to its structural proximity to the International Olympic Committee.⁵ Historical experience shows that arbitral authority cannot be declared into existence but must be gradually generated through sustained adjudicative practice, where rule legitimacy and adjudicator standing are repeatedly demonstrated in individual cases.

Accordingly, the development of a sports arbitration system depends less on formal institutional design than on whether stable,

3 MAX WEBER, JINGJI YU SHEHUI (DIYI JUAN) (经济与社会(第一卷)) [ECONOMY AND SOCIETY, VOLUME 1] (Yan Kewen (阎克文) trans.) (2019).

4 Xu Weikang (徐伟康), *Lun Zhongguo Tiyu Zhongcai Zhidu de Neirong Tese yu Shishi Zhanwang* (论中国体育仲裁制度的内容特色与实施展望) [On the Content Characteristics and Implementation Prospect for the Sports Arbitration System in China], 6 TIYU XUEKAN (体育学刊) [JOURNAL OF PHYSICAL EDUCATION] 24, 27 (2023).

5 Jiang Xi (姜熙), *Guoji Tiyu Zhongcai Yuan: Aoyunhui Tiyu Zhongcai de Chengxu Zhengyi* (CAS 奥运会体育仲裁的程序正义) [Procedural Justice of Olympic Sports Arbitration by CAS], 1 TIYU XUEKAN (体育学刊) [JOURNAL OF PHYSICAL EDUCATION] 48, 48–49 (2011).

transparent, and predictable procedural operation can transform externally conferred authority into endogenous institutional trust.⁶

This paper therefore takes the CAS experience as a point of reference to explore how arbitral authority is constructed through institutional evolution and adjudicative practice. Chapter 2 examines the historical evolution of CAS and its breakthrough in institutional independence. Chapter 3 presents an empirical analysis of procedural justice and authority construction based on CAS awards. Chapter 4 conducts a comparative institutional analysis and proposes pathways for authority generation for the CCAS. Chapter 5 concludes.

II. A HISTORICAL MIRROR: THE CONSTRUCTION OF AUTHORITY AND THE BREAKTHROUGH OF INDEPENDENCE OF CAS

The authority of the CAS was neither inherent nor self-executing at the moment of its establishment. Rather, it emerged through a prolonged process of institutional contestation, external judicial scrutiny, and iterative procedural reform. Viewed through a historical lens, the evolution of CAS can be understood as a gradual transition from an institution embedded within the Olympic governance structure to a quasi-judicial body exercising transnational authority.

The formal establishment of CAS in 1984, pursuant to the 1983 Olympic Charter, already reflected a significant degree of juridification.⁷ It was vested with binding arbitral jurisdiction grounded in arbitration clauses, while also retaining an advisory function reminiscent of international adjudicatory bodies. This hybrid design—combining adjudicative authority with consultative capacity—embodied an early institutional imagination of a specialized, law-oriented mechanism for resolving sports disputes.

Yet, this formal judicialization did not translate into immediate institutional credibility. In its early phase, CAS remained structurally intertwined with the International Olympic Committee (IOC): its financial resources, rule-making authority, and arbitrator appointments were all closely linked to the IOC. Such structural proximity raised persistent concerns regarding its impartiality and independence. Moreover, the absence of widespread arbitration clauses in the statutes of international federations resulted in a limited

⁶ *Id.* at 47.

⁷ OLYMPIC CHARTER arts. 59–63 (1983).

caseload, depriving CAS of the opportunity to consolidate its authority through sustained adjudicatory practice.⁸

In this context, CAS faced a fundamental paradox: it possessed formal institutional design without corresponding adjudicatory practice. Authority, in this sense, cannot be declared—it must be performed.

The decisive moment that forced CAS to confront this structural deficit came with the Swiss Federal Tribunal's judgment in *Gundel v. Fédération Equestre Internationale (FEI)*.⁹ In that case, the applicant challenged the validity of a CAS award on the ground that the tribunal lacked independence and impartiality. For the first time, CAS was subjected to direct judicial scrutiny by a national supreme court.

The Swiss Federal Tribunal adopted a nuanced position of conditional recognition. The Tribunal acknowledged that CAS could qualify as an independent arbitral tribunal, while warning that its institutional links with the IOC still created doubts regarding independence.

Crucially, the court reframed “independence” not as an abstract normative aspiration but as a set of verifiable institutional conditions: diversified funding structures, autonomous rule-making processes, and impartial mechanisms for appointing arbitrators. Rather than invalidating CAS outright, the judgment imposed a structural test of legitimacy. This external judicial pressure became the immediate catalyst for institutional reform.

The response came in the form of the 1994 Agreement Relating to the Constitution of the International Council of Arbitration for Sport (Paris Agreement), which fundamentally reconfigured the governance structure of CAS.¹⁰ The agreement established the International Council of Arbitration for Sport (ICAS), placing CAS under the supervision of an independent foundation governed by Swiss law.

8 Antoine Duval, *The Court of Arbitration for Sport: A Supranational Sports Court?*, 1 EUR. SPORT L. & POL'Y BULL. 23, 23–45 (2013).

9 *Gundel v. Fédération Equestre Internationale (FEI)*, ATF 119 II 271 (Swiss Fed. Trib. Mar. 15, 1993).

10 Agreement Relating to the Constitution of the International Council of Arbitration for Sport, ICAS (1994).

ICAS assumed responsibility for the administration and financing of CAS, with its members drawn from multiple stakeholders within the Olympic Movement.¹¹ This pluralized governance structure effectively dismantled the IOC's unilateral control. More importantly, it introduced a structural separation between institutional support and adjudicative function. Financial management, budget allocation, and personnel decisions were no longer directly controlled by the IOC but were entrusted to an independent legal entity.

This reform amounted to more than a symbolic gesture. Independence was no longer merely asserted but embedded into institutional structure. The authority over arbitrator appointments and procedural rules was likewise transferred to ICAS, thereby reducing the risk of systemic bias.

Significantly, the reform did not seek to detach CAS from the sports system altogether. Instead, it created a calibrated equilibrium in which institutional support from the Olympic Movement coexisted with adjudicative independence. Authority depended on structured autonomy rather than complete institutional separation.

Following the 1994 reform, CAS still required validation within national legal systems. This validation was progressively supplied by the Swiss Federal Tribunal, which consistently upheld the independence of CAS under its restructured framework and recognized it as a legitimate arbitral institution.¹² Judicial endorsement enabled CAS awards to obtain broader international enforceability.

Judicial recognition is indispensable to arbitral authority. Arbitral authority ultimately depends on judicial recognition and enforcement. By securing consistent judicial backing, CAS effectively transitioned from a body of internal sports governance to a transnational adjudicatory institution.

Nevertheless, the consolidation of authority did not end with structural independence. As the commercialization and professionalization of sport intensified, new challenges emerged,

11 THE INTERNATIONAL COUNCIL OF ARBITRATION FOR SPORT, ANNUAL REPORT 2024, at 5–8.

12 See Swiss Fed. Trib. jurisprudence confirming CAS independence post-1994 reform; see also THE INTERNATIONAL COUNCIL OF ARBITRATION FOR SPORT, ANNUAL REPORT 2023, at 12–15.

particularly concerning mandatory arbitration clauses and the protection of fundamental procedural rights.

In *Mutu & Pechstein v. Switzerland*, the European Court of Human Rights examined whether compulsory recourse to CAS arbitration was compatible with the right to a fair trial under Article 6 of the European Convention on Human Rights.¹³ The Court's scrutiny underscored the necessity of procedural safeguards even within specialized arbitration regimes. More importantly, the judgment reframed procedural transparency as an element of institutional legitimacy rather than merely an optional procedural arrangement. By emphasizing the importance of public hearings in cases involving significant public interest, the Court implicitly required CAS to demonstrate that arbitral efficiency could coexist with externally observable fairness.

In response, CAS undertook further procedural reforms, including expanding the availability of public hearings and strengthening parties' rights to request transparency. The widely publicized hearing in the *Sun Yang* case exemplifies this shift: the live broadcast of proceedings rendered the adjudicatory process visible to the public, transforming procedural legitimacy into an observable phenomenon.¹⁴ The significance of the hearing did not lie solely in the publicity itself, but in the institutional message conveyed through procedural openness. Public scrutiny enabled CAS to externalize the neutrality of its adjudicatory process and to reinforce confidence in the fairness of sports arbitration beyond the immediate parties to the dispute.

The increasing visibility of hearings also reflected a broader institutional transformation. Earlier phases of sports arbitration emphasized confidentiality and internal efficiency, whereas later reforms increasingly prioritized transparency, reason-giving, and procedural accessibility. In this sense, procedural openness became a mechanism through which CAS translated abstract claims of independence into publicly verifiable practice. Transparency therefore functioned not merely as a procedural guarantee, but as a mode of

13 *Mutu & Pechstein v. Switzerland*, App. Nos. 40575/10 & 67474/10, 2018 Eur. Ct. H.R. 1 (Oct. 2, 2018).

14 Court of Arbitration for Sport, *CAS Public Hearing – WADA v. Sun Yang & FINA* (2019).

authority production capable of strengthening the social legitimacy of arbitral adjudication.

Through such measures, independence was no longer confined to institutional design; it was operationalized through procedural visibility. Authority, in turn, was reproduced not as a static attribute but as a dynamic outcome of continuous institutional adaptation.

Taken together, the historical trajectory of CAS reveals a coherent mechanism of authority construction. First, the institution was established through the initiative of core actors in sports governance. Second, under judicial pressure, it underwent structural separation, achieving institutional independence through governance reform. Third, it secured judicial recognition, embedding itself within the international enforcement framework. Finally, through adjudicatory practice and procedural refinement, independence became operationally visible.

The transformation of CAS from an IOC-affiliated body into the global benchmark for sports arbitration did not result from institutional detachment, but from the establishment of a dynamic equilibrium between institutional support and professional autonomy. Within this equilibrium, arbitration evolved from an internal mechanism of dispute resolution into a central node of global sports governance.

For the development of CCAS, the experience of CAS offers several directly transferable institutional lessons. First, structural independence must be made externally verifiable through governance arrangements, financial autonomy, and appointment mechanisms, rather than relying solely on formal legislative authorization. Second, procedural transparency should be treated as a constitutive element of arbitral authority, particularly in disputes involving broad public attention or significant competitive consequences. Third, authority depends on the long-term accumulation of consistent adjudicatory practice capable of generating stable expectations among athletes, clubs, federations, and courts.

At the same time, the trajectory of CAS also demonstrates that arbitral authority cannot be produced instantaneously through institutional establishment alone. The legitimacy of sports arbitration emerges gradually through the interaction between judicial recognition, procedural credibility, and repeated decision-making practice. For CCAS, the central challenge therefore lies not merely in creating an

arbitral body, but in constructing a system capable of continuously converting procedural fairness and professional reasoning into stable institutional trust. In this sense, the historical development of CAS provides not only a comparative reference, but also a practical roadmap for the localization of sports arbitration governance in China.

III. EMPIRICAL ANALYSIS: PROCEDURAL JUSTICE AND THE CONSTRUCTION OF ARBITRAL AUTHORITY

The authority of CAS cannot be fully explained through institutional history alone. While structural independence and judicial recognition provide the formal conditions for authority, they do not, in themselves, account for how such authority is produced and stabilized in practice. Authority must be continuously generated through adjudication. Accordingly, this chapter shifts the analytical focus from institutional design to arbitral awards, examining how procedural operation and legal reasoning interact to construct authority.

This study adopts a stratified sampling method, selecting 262 awards from 2,559 publicly available CAS decisions between 1987 and 2026. Rather than treating these decisions as a homogeneous dataset, the sample is divided into five historical periods to ensure balanced representation across different stages of institutional development.

Table 3.1: Temporal Distribution of CAS Decisions and Stratified Sample Selection (1987–2026).

Period	Total Number of CAS Cases	Research Sample
1987–1989	2	2
1990–1999	65	65
2000–2009	518	Random sample of 65
2010–2019	1518	Random sample of 65
2020–2026	456	Random sample of 65
Total	2559	262

As Table 3.1 shows, earlier periods with limited case volume are fully included, while later periods are represented through random sampling. This stratified design prevents the over-representation of

recent high-volume years and enables meaningful cross-period comparison of institutional evolution.

Variable Construction and Coding Protocol

To improve methodological transparency, both the Procedural Justice Index (PJI) and the Legitimacy and Authority Index (LAI) were constructed through textual coding of explicit elements contained in CAS awards. Each award was treated as a unit of analysis and coded exclusively on the basis of observable procedural and reasoning-related indicators appearing in the published text.

The PJI measures the visibility and density of procedural safeguards within arbitral proceedings. Coding elements include the existence of hearings, written proceedings, jurisdictional objections, admissibility disputes, interim measures, service or notification issues, default procedures, and proportionality analysis. These indicators capture the extent to which procedural fairness is rendered explicit and reviewable within the award itself.

The LAI evaluates the extent to which awards contribute to the construction of arbitral authority through structured legal reasoning. Relevant indicators include the clarity of rule articulation, the invocation of prior CAS jurisprudence, the delineation of institutional boundaries, and the extent to which decisions present themselves as stable normative references capable of guiding future disputes. The coding framework is summarized as table 3.2 shows.

Table 3.2: Coding Framework for PJI and LAI

Index	Dimensions	Observable Textual Indicators	Analytical Purpose
PJI (Procedural Justice Index)	Hearing opportunity; equality of arms and right to be heard; intensity of procedural objection review; transparency of evidentiary rules; density of reasoning; proportionality and discretionary review	Whether the award explicitly records hearings or written proceedings; discusses jurisdiction, admissibility, service, deadlines, evidentiary evaluation, procedural objections, or proportionality analysis; and whether procedural reasoning is systematically articulated	Measures the visibility and density of procedural safeguards within arbitral proceedings
LAI (Legitimacy & Authority Index)	Clarity of rule-chain articulation; precedent-consistency narrative; institutional review posture; enforceability and systemic linkage	Whether the award constructs a structured normative pathway, cites prior CAS jurisprudence, reviews the scope of federation discretion, or emphasizes finality and coherence within the broader sports governance order	Measures the extent to which authority is constructed through structured legal reasoning

Based on this coding framework, two indices are constructed: the Procedural Justice Index (PJI) and the Legitimacy and Authority Index (LAI).

1. Temporal and Structural Patterns of Authority Construction

The temporal distribution of PJI reveals a clear upward trajectory.

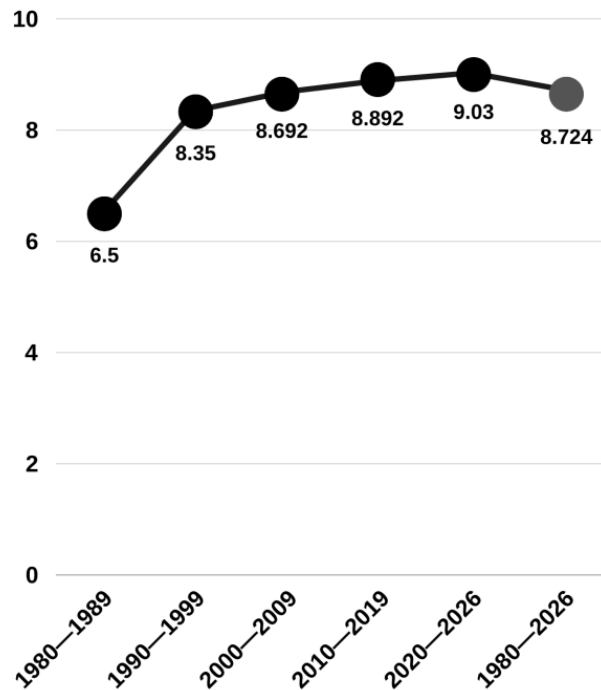


Figure 3.1: Temporal Trend of the Procedural Justice Index (PJI), 1980–2026.

As Figure 3.1 shows, procedural safeguards become increasingly structured and explicitly articulated over time. Later awards display increasingly explicit and structured procedural reasoning. This indicates that procedural justice evolves from an implicit background condition into an observable and reviewable component of adjudicatory legitimacy.

By contrast, the trajectory of LAI is less linear.

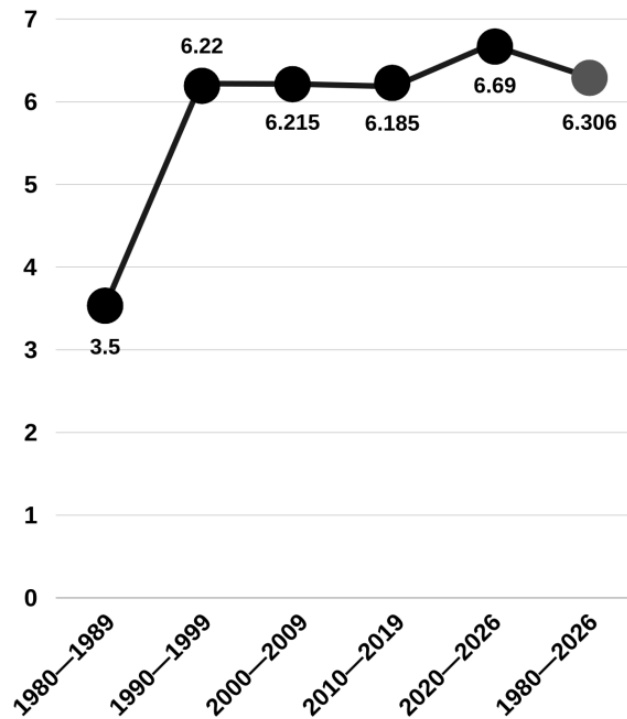


Figure 3.2: Temporal Trend of the Legitimacy and Authority Index (LAI), 1980–2026.

As Figure 3.2 demonstrates, authority construction is characterized not by continuous expansion but by phases of consolidation. Following the institutional reforms of the 1990s, authority expression increases sharply before stabilizing over time.

The relationship between procedural justice and authority construction further illustrates this distinction. Across the full sample, the Pearson correlation coefficient is approximately $r = 0.549$ ($p < 0.001$), indicating a statistically significant and moderately strong positive relationship.

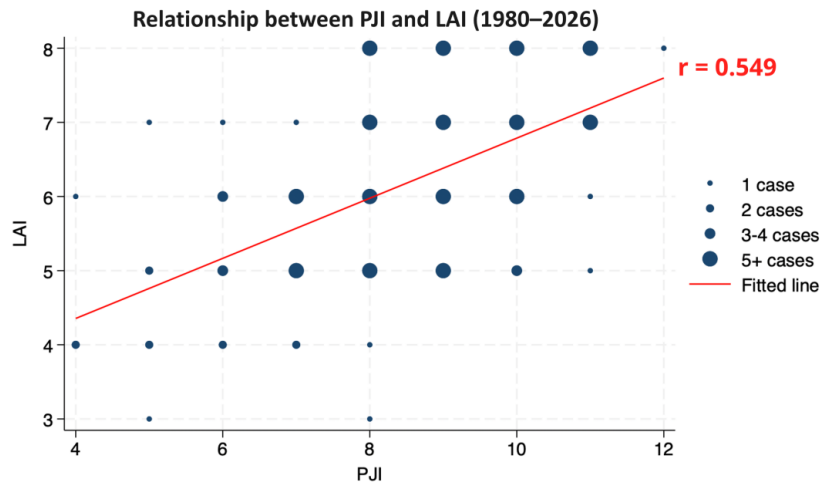


Figure 3.3: Relationship Between Procedural Justice (PJI) and Authority Construction (LAI), 1980–2026. Bubble size reflects case frequency.

As Figure 3.3 illustrates, the distribution of cases reveals notable dispersion. Although higher PJI values generally correspond to higher LAI scores, the relationship is not strictly linear. High procedural density does not automatically produce strong authority expression. This pattern suggests that procedural safeguards function as an enabling condition rather than a determinative factor.

More importantly, the dispersion observed in Figure 3.3 also reflects variation across different types of disputes. Governance and contractual cases, which constitute the majority of the sample, tend to exhibit more stable and structured forms of reasoning, even when procedural intensity is only moderate. By contrast, emergency or event-time disputes often display strong procedural features—such as expedited hearings or heightened procedural safeguards—without corresponding levels of authority expression. This divergence indicates that authority is not merely a function of procedural density, but depends on whether procedural elements are translated into coherent rule-based reasoning within specific institutional contexts.

The structural composition of the sample further supports this interpretation.

Table 3.3: Distribution of CAS Cases by Dispute Type (G1–G3), 1980–2026.

Period	Research Sample	G1	G2	G3	Others	PJI	LAI	r
1980–1989	2	0	0	2	0	6.50	3.50	– 1.000 ^[15]
1990–1999	65	8	34	23	0	8.35	6.22	0.389
2000–2009	65	8	23	34	0	8.692	6.215	0.539
2010–2019	65	5	15	43	2	8.892	6.185	0.747
2020–2026	65	8	10	47	0	9.03	6.69	0.530
Total	262	9	82	149	2	8.724	6.306	0.549

As Table 3.3 indicates, the majority of cases fall within governance and contractual disputes rather than emergency adjudication. This distribution suggests that the construction of authority is primarily rooted in routine, repeatable adjudicatory processes, rather than in exceptional or high-intensity procedural settings.

2. Weberian Interpretation and Institutional Implications

From Weber's perspective, these findings reflect the dual structure of legal-rational authority. Procedural safeguards correspond to formal rationality, while structured legal reasoning embodies substantive rationality. The empirical divergence between PJI and LAI thus demonstrates that procedural expansion alone cannot sustain authority.

In sum, the authority of CAS emerges from the interaction between procedural visibility and normative structuring. Procedural justice enhances the acceptability of decisions, but it is the articulation of rule chains, the consistent invocation of precedent, and the

15 Because the 1980–1989 period contains only two samples, the correlation coefficient is merely of formal significance and is not suitable for statistical inference. The data are compiled from the appendix by historical stage, and the overall means and correlations are calculated using weighted aggregation based on sample size.

clarification of institutional boundaries that transform individual awards into components of a stable legal order. Authority, therefore, is not the product of procedural accumulation, but the result of a cumulative process in which adjudicatory practices are rendered structured, consistent, and systemically intelligible. This mechanism provides the analytical foundation for the subsequent examination of how similar processes may be adapted within the institutional context of China's sports arbitration system.

IV. COMPARATIVE INSTITUTIONAL ANALYSIS AND DOMESTIC RESPONSES: PATHWAYS TO AUTHORITY GENERATIONS FOR CCAS

The empirical analysis in the preceding chapters, based on periodized sampling and index-based measurement of awards rendered by CAS, reveals the experiential structure through which arbitral authority is generated. Authority does not arise solely from institutional design or formal rules; rather, it accumulates through the increasing visibility of procedural guarantees and the structured expression of rule-chains in the handling of concrete cases. This insight naturally shifts the focus of inquiry: whether such a mechanism of authority generation can be reproduced in a different institutional environment, or whether it requires structural adaptation in light of differing governance contexts.

This question is particularly salient for CCAS. In the stage of institutional construction, its authority depends less on the formal completeness of statutory texts than on the coordinated operation of three critical institutional conditions: organizational structure, case-source mechanisms, and procedural practice. Within the theoretical framework adopted in this paper, administrative impetus is not regarded as being in tension with legal-rational authority; on the contrary, it serves as an important starting point for the construction of arbitral authority in late-developing rule-of-law systems.

Applying the theory of legal-rational authority articulated by Max Weber, authority requires, as an external precondition, clear institutional authorization — namely, a belief in the legitimacy of rules and recognition of the adjudicator's rightful standing.¹⁶ This “endogenous–exogenous” co-generative pathway suggests that administrative power provides the foundational framework and initial

¹⁶ Weber, *supra* note 3.

source of legitimacy, while arbitral practice progressively internalizes trust in rules through continuous adjudication. In this way, an authority-generation mechanism emerges that combines external authorization with internally sustained justificatory reasoning.

1. Organizational Structure: Institutional Balance Between Administrative Impetus and Arbitral Independence

From an institutional-structural perspective, the independence of an arbitral body remains the foundation of its legitimacy. The classical principle of procedural justice — that no one shall be a judge in their own cause — requires that the adjudicating body maintain distance from the disputing parties in both organizational relationships and interest structures. International experience demonstrates that the independence of mature arbitral institutions often emerges in the aftermath of institutional crisis. In the 1993 Gundel case, the Swiss Federal Supreme Court observed, in the course of judicial review, an excessive structural nexus between the arbitral system and the International Olympic Committee. This assessment directly prompted the governance restructuring of 1994 and the establishment of a new managerial layer to achieve separation in financial administration and personnel arrangements.¹⁷ Thereafter, although the resulting institutional architecture continued to receive funding from within the sports movement, it operated with relative independence in practice, thereby constructing an institutional barrier capable of resisting external interference. This institutional transformation illustrates that arbitral authority does not arise from abstract declarations of independence, but must be manifested through arrangements that can be externally verified.

By contrast, China's sports arbitration system displays a different institutional genesis. CCAS was established pursuant to law by the General Administration of Sport of China, and within its governance structure administrative officials occupy principal leadership roles, while commission members are appointed and removed by the same authority.¹⁸ This arrangement facilitated the rapid integration of administrative resources during the establishment phase, enabling the arbitral institution to develop its organizational structure and operating rules within a relatively short period of time. However, from

17 Rachelle Downie, *Improving the Performance of Sport's Ultimate Umpire: Reforming the Governance of the Court of Arbitration for Sport*, 12 MELB.J. INT'L L. 73 (2011).

18 Xu, *supra* note 4, at 25.

the perspective of institutional perception, such organizational proximity to the administrative authority may affect parties' understanding of arbitral independence. Although the current composition of arbitrators reflects a high degree of professionalization — with a majority drawn from the legal profession and a substantial proportion possessing sports expertise — if parties perceive the arbitral body as an extension of the administrative system, a psychological conflation of institutional roles may arise. This concern need not stem from any particular award, but rather from a structural impression which, if it persists over time, may subtly affect institutional credibility.

Accordingly, the key to future reform in China's sports arbitration system lies not in mechanically transplanting foreign models, but in establishing mechanisms of functional separation within the existing institutional framework, thereby drawing clearer boundaries between professional adjudication and administrative management. At the level of personnel mechanisms, the openness of appointment procedures may be progressively enhanced, transitioning from a compulsory closed-roster model toward a more open-roster system,¹⁹ thereby expanding parties' participation in the selection of arbitrators and mitigating the institutional perception associated with exclusive administrative appointment. At the level of financial structure, reference may be drawn from the governance experience of CAS by establishing a relatively independently operated special fund, creating institutional separation between financial support and case adjudication. As these institutional arrangements are gradually refined, the independence of the arbitral body will increasingly shift from formal expression to a condition perceptible to the parties themselves.

Nevertheless, institutional independence at the level of organizational structure provides only a necessary precondition for the generation of arbitral authority. Without a stable and continuous source of cases and sustained adjudicative practice, even the most carefully designed institutional arrangements may remain formal rather than substantive, failing to accumulate institutional authority. In other words, independence answers the question of whether the institution can be trusted, whereas case supply and the effective realization of jurisdiction answer the question of whether the institution is needed. For a sports arbitration system still in its formative stage, the latter presents an equally decisive challenge.

19 *Id.* at 27.

2. Case-Source Structure: Mandatory Arbitration Clauses and the Operational Foundation

Beyond organizational structure, the source of cases constitutes another crucial institutional condition shaping the formation of arbitral authority. The developmental experience of CAS shows that its stable case supply has largely depended on mandatory arbitration clauses embedded within the architecture of international sports governance. Many international federations have proactively incorporated compulsory arbitration provisions into their statutes. In particular, the Fédération Internationale de Football Association institutionalized final arbitration mechanisms within its regulatory framework, ensuring that disputes are directed into the arbitral track at the very moment they arise, thereby generating continuous adjudicative practice and the gradual accumulation of precedent.²⁰

By comparison, China's sports arbitration system is presently in a stage of progressive institutional alignment. Although CCAS was established only recently, the integration between the statutes of individual sports associations and the arbitration mechanism has advanced rapidly. According to the latest statistics, by the end of 2025, twenty national sports associations had formally incorporated sports arbitration clauses into their statutes, while an additional sixteen associations introduced arbitration mechanisms into management rules promulgated under statutory authorization.²¹ In contrast to the mere four associations that had achieved statutory alignment by the end of 2024,²² this represents a significant expansion. At the same time, twenty-two associations have added sports arbitration clauses to their competition rules,²³ thereby providing a clear jurisdictional foundation for the submission of competition-related disputes to arbitration.

20 CAS AND FOOTBALL: LANDMARK CASES (Alexander Wild ed., 2012).

21 Zhongguo Tiyu Zhongcai Weiyuanhui (中国体育仲裁委员会) [Chinese Sports Arbitration Commission], 2025 Zhongguo Tiyu Zhongcai Weiyuanhui Nianbao (2025 中国体育仲裁委员会年报) [2025 Annual Report of the Chinese Sports Arbitration Commission], TIYU ZHONGCAI (Mar. 6, 2026), <https://www.sport.gov.cn/tyzc/n25137752/c29464481/content.html>.

22 Zhongguo Tiyu Zhongcai Weiyuanhui (中国体育仲裁委员会) [Chinese Sports Arbitration Commission], 2024 Zhongguo Tiyu Zhongcai Weiyuanhui Nianbao (2024 中国体育仲裁委员会年报) [2024 Annual Report of the Chinese Sports Arbitration Commission], TIYU ZHONGCAI (Mar. 3, 2025), <https://www.sport.gov.cn/tyzc/n25137752/c28518255/content.html>.

23 Zhongguo Tiyu Zhongcai Weiyuanhui, *supra* note 21.

Overall, these institutional interfaces are steadily expanding. This not only creates potential sources of cases for sports arbitration, but also indicates that the arbitral mechanism is gradually becoming embedded within the governance structure of the sports industry.

However, from the perspective of institutional operation, the channeling of disputes into the national-level arbitral body remains affected by certain procedural prerequisites. Article 95 of the amended Sports Law of the People's Republic of China requires applicants to exhaust internal remedies before seeking sports arbitration. Where internal dispute-resolution mechanisms of certain associations remain underdeveloped, and where existing rules retain arrangements such as “final internal adjudication” that are inconsistent with the spirit of the current legal framework,²⁴ the entry of disputes into the national arbitration mechanism may be objectively delayed. Although this form of institutional diversion may be transitional in nature, if it persists for an extended period, it could affect the operational efficiency of a unified sports arbitration system and, to some extent, limit the arbitral body's ability to accumulate institutional authority through sustained adjudicative practice.

Within this institutional background, demonstrative cases have already emerged in practice. In the ice hockey qualification dispute during the 14th National Winter Games, CCAS activated a special procedure and completed the hearing and issuance of an award supporting the right to participate within twenty-four hours.²⁵ The significance of this case lies not merely in its substantive outcome, but

24 Liu Ying (刘迎) & He Guangyuan (何光远), *Zaiyi Zhongguo Tiyu Zhongcai Luodi de Xianjie yu Jianyi* (再议中国体育仲裁落地的衔接与建议) [Further Discussion on the Institutional Alignment and Recommendations for the Implementation of China's Sports Arbitration], KING & WOOD MALLESONS (Jan. 11, 2023),

<https://www.kingandwood.com/cn/zh/insights/latest-thinking/landing-of-sports-arbitration-in-china-and-its-link-with-existing-mechanism.html>.

25 Li Shuo (李硕), Zheng Yi (郑轶) & Ren Xiaoxia (任筱霞), *Zhongguo Tiyu Zhongcai Weiyuanhui Chengli Liang Nian Lai: Tiyu Zhongcai Geng ZhuanYe, Jiejue Jiufen Geng Gaoxiao* (中国体育仲裁委员会成立两年来：体育仲裁更专业 解决纠纷更高效) [Two Years Since the Establishment of the CCAS: More Professional and Efficient Dispute Resolution], PEOPLE'S DAILY (Mar. 14, 2025), https://paper.people.com.cn/rmrb/pc/content/202503/14/content_30061796.html.

in demonstrating the distinctive institutional advantage of sports arbitration over ordinary judicial proceedings: the ability to render legally effective decisions within extremely compressed timeframes while maintaining fundamental procedural safeguards. This capacity to reconcile efficiency with procedural justice constitutes an essential institutional foundation for the sports sector's reliance on arbitration.

From the perspective of institutional development, therefore, the future priority for China's sports arbitration system lies not simply in increasing the number of cases, but in further refining the rule-based entry points through which sports disputes can smoothly access a unified arbitral mechanism. On the one hand, industry governance and normative guidance may continue to encourage sports associations to embed arbitration clauses within their statutes and competition rules, ensuring that core categories of sports disputes automatically enter the arbitration track. On the other hand, it is also necessary to progressively clarify, within the rule framework, the jurisdictional boundaries between domestic arbitral bodies and international arbitral institutions, so that the national arbitral body may establish a stable structure of priority jurisdiction over specific types of disputes. As these institutional interfaces are refined, sustained adjudicative practice will enable the gradual accumulation of stable institutional authority.

Yet, the establishment of jurisdiction merely opens the gateway of authority. If procedural operations remain opaque and inaccessible to social observation, an increase in case volume will not automatically translate into institutional trust. The decisive factor in transforming jurisdiction into credibility lies in whether the arbitral process and its reasoning can present a verifiable form of justice — a further challenge that sports arbitration must confront as it moves toward institutional maturity.

3. Procedural Transparency

“Justice must not only be done, but must be seen to be done.” This rule-of-law ideal carries particular weight in sports arbitration. International experience shows that the authority of an arbitral institution derives not merely from the outcome of its awards, but from the credibility of the procedures through which those awards are produced. In the practice of the Court of Arbitration for Sport (CAS), the exercise of *de novo* review has not only corrected substantive errors committed by grassroots sports bodies, but has also, through detailed reasoning in awards, systematically exposed procedural deficiencies in

those bodies. In doing so, CAS awards perform a function that extends beyond individual disputes: they operate as instruments of institutional correction and rule guidance.²⁶

This “procedural spillover effect” transforms arbitral awards from mere dispute-ending instruments into reference points for improving industry rules. For China, if the Chinese Sports Arbitration Commission (CCAS) is to establish genuine authority, it should likewise act not only as a final decision-maker but as a demonstrator of procedural standards, using reasoned awards to identify and clarify procedural defects in the decisions of local sports associations.

From the perspective of institutional evolution, the ideal form of sports arbitral procedure should gradually shift from an internally oriented governance logic to one that is externally observable. This transition is particularly visible in CAS practice. Under its award publication policy, awards in appeals arbitration proceedings are, in principle, made public unless both parties agree to confidentiality. This systematic disclosure mechanism has enabled dispersed decisions to accumulate into a coherent and continuously referable body of principles known as *Lex Sportiva*.²⁷

The importance of procedural openness is also reinforced by external rule-of-law standards. In *Mutu and Pechstein v. Switzerland*, the European Court of Human Rights (ECtHR) held that because sports arbitration is “de facto compulsory” for athletes, arbitral proceedings must satisfy the requirement of a public hearing under Article 6(1) of the European Convention on Human Rights.²⁸ The Court emphasized that there exists a right to a public hearing before

26 Jiang, *supra* note 5, at 50–51.

27 Ma Zhongfa (马忠法) & Wang Di (王迪), *Guoji Tiyu Zhongcai Yuan Xianli Zhidu de Goujian yu Zhongguo Jingjian* (国际体育仲裁院先例制度的构建与中国镜鉴) [*Construction of the Precedential System in the Court of Arbitration for Sport and China's Reference*], 49 SHANGHAI TIYU DAXUE XUEBAO (上海体育大学学报) [JOURNAL OF SHANGHAI UNIVERSITY OF SPORT] 1, 11–12 (2025).

28 Guo Shuli (郭树理) & Liang Xiaoying (梁晓莹), *Guoji Tiyu Zhongcai Yuan Duoci Yanqi Shenli de Hefaxing Fenxi—Yi Xunsu Yuanze wei Zhongxin* (国际体育仲裁院多次延期审理的合法性分析——以迅速原则为中心) [*Legality of Multiple Extensions of the Time Limit by the Court of Arbitration for Sport: Based on the Principle of Celerity*], 49 SHANGHAI TIYU DAXUE XUEBAO (上海体育大学学报) [JOURNAL OF SHANGHAI UNIVERSITY OF SPORT] 17, 22 (2025).

CAS, and that fair trial guarantees must be strengthened both at the international and domestic levels, extending these guarantees not only to quasi-judicial tribunals such as CAS but also to domestic arbitration bodies operating without effective judicial supervision.²⁹

Against this comparative background, CCAS should move toward establishing a “default disclosure” framework³⁰, particularly for cases involving anti-doping sanctions, disciplinary penalties, and athlete eligibility. At the same time, institutional rules should encourage greater density of reasoning in awards, requiring decisions to articulate not only conclusions but also the evidentiary and logical basis supporting them.

In addition, drawing on mature international practices regarding arbitrator conflict-of-interest disclosure, CCAS could adopt more detailed and operational standards for arbitrator disclosure and challenge, thereby responding to concerns that administrative origins may affect perceived independence.³¹ Through the publication of case digests, annual reports, and award compilations, individual decisions can gradually evolve into stable adjudicative guidance.

Ultimately, procedural transparency produces not merely reputational enhancement, but a transformation in institutional identity. When arbitral processes can be understood, observed, and discussed, arbitration ceases to be perceived as an extension of administrative authority and progressively assumes the character of a quasi-judicial platform. In this transformation, arbitral authority no longer depends on administrative empowerment, but on sustained trust in how rules are applied in practice.

29 Zia Akhtar, *Court of Arbitration for Sport (CAS), Procedural Justice, and Athletes’ Appeals in Developing Countries*, 1 SPORTS L., POL’Y & DIPL. J. 63, 82 (2023).

30 CAS AND FOOTBALL: LANDMARK CASES (Alexander Wild ed., 2012).

31 Downie, *supra* note 17.

Table 4.1: The table compares Court of Arbitration for Sport and Chinese Sports Arbitration Commission across key institutional dimensions relevant to the formation of arbitral authority.

Comparative Dimension	CAS (International Standard)	CCAS (Domestic Response)
Organizational Structure	Financial and personnel separation from the IOC through ICAS governance	Established by the General Administration of Sport of China with a strong administrative imprint
Case-Source Mechanism	Mandatory arbitration clauses embedded in federation statutes	Tension between exhaustion of internal remedies and arbitral finality
Procedural Expression	De novo review, public hearings, and anonymized publication of awards	Early-stage reliance on confidential proceedings; transparency still developing
Applicable Legal Order	Lex Sportiva as a transnational sports law framework	Grounded in the Sports Law, exploring a Chinese-style precedent mechanism

V. CONCLUSION

As China advances the construction of a sports power and has set the objective of substantially realizing the modernization of its sports governance system and capacity by 2035, the rule-of-law development of sports dispute resolution mechanisms has become an integral component of this broader modernization agenda. The amendment of the Sports Law and the formal establishment of CCAS mark a decisive shift away from prolonged reliance on industry-internal handling mechanisms toward institutionalized and professional arbitral governance. Nevertheless, in the institution's nascent stage, industry stakeholders' understanding of the arbitration mechanism is still in formation, and practical experience in areas such as case sourcing, procedural transparency, and institutional independence must be accumulated progressively through practice.

Methodologically, this paper constructs two operational indicators—the Procedural Justice Index (PJI) and the Legitimacy and Authority Index (LAI)—to empirically examine the authority-generation process of sports arbitration through a coded sample of 262

CAS awards rendered between 1980 and 2026. The empirical findings reveal a statistically significant yet non-linear relationship between procedural justice and authority construction. While procedural safeguards remain a necessary condition for institutional legitimacy, stable authority depends more fundamentally on consistent rule articulation, precedent continuity, and the structured expression of institutional boundaries.

At the level of institutional implications, the development of CCAS authority does not require wholesale transplantation of international experience. Rather, it calls for the exploration of a generative pathway with Chinese characteristics within the existing institutional framework. The objective is not to diminish administrative impetus, but to realize functional differentiation between “administrative assurance” and “professional adjudication” through institutional design. At the organizational level, functional institutional separation should be strengthened to enhance arbitral independence, allowing adjudicative power to progressively assume a non-personalized character. At the level of case sourcing, the continued embedding of arbitration clauses within the statutes of sports organizations and the rules of competitions should help consolidate a stable foundation of adjudicative practice. At the level of procedural governance, mechanisms such as the publication of awards, limited public hearings, and strengthened justificatory reasoning should increase the visibility of adjudicative processes and the predictability of rule expression.

The generation of institutional authority for CCAS is, in essence, a dynamic process that begins with institutional establishment, accumulates trust through procedural operation and rule expression, and ultimately crystallizes into stable rule-based expectations. In this process, “governing through adjudication” (以裁促治) is not merely an institutional aspiration but a mechanism through which authority itself is produced. Arbitration thereby ceases to serve solely as a means of resolving individual disputes and gradually comes to shape the rule order of sports governance through iterative adjudication. Whether CCAS will, within the future governance architecture of China’s sports system, come to perform a function analogous to a “rule-generating hub” remains a question that can only be answered through continued practice.