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DISTRIBUTION AND ANALYSIS OF THE AUTONOMY OF SPORTS IN THE EGYPTIAN LEGAL SYSTEM

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Abstract

This paper presents a descriptive and analytical examination of the elements of sports independence in the Egyptian legal system. It includes the texts of legal articles that address the elements of sports independence, such as the competence of general assemblies of sports bodies to set their regulations, texts ensuring non-interference of government agencies in the affairs of sports bodies (except for what relates to governance, financial corruption, and crimes), and texts resorting to sports arbitration rather than the state judiciary. Furthermore, the paper also focuses on articles of the unified financial regulations that were issued to implement the elements of sports bodies' governance in the absence of these elements in sports law. The analysis includes rulings of various judicial bodies in the Egyptian system by presenting landmark decisions in selected cases. The analysis of rulings issued by the Egyptian State Council (Administrative Judiciary), the Court of Appeal, and the Court of Cassation, as well as the rulings of the Egyptian Supreme Constitutional Court is introduced. It comprises a ruling on the unconstitutionality of part of Article 69 of the Sports Law related to the Egyptian Olympic Committee setting the regulatory frameworks for the Egyptian Sports Settlement and Arbitration Center, leading to the fall of the center's regulatory frameworks. Additionally, the ruling of the Egyptian Supreme Constitutional Court on a jurisdictional conflict is discussed including the previous ruling on the unconstitutionality of the text (Article 69) deeming the Sports Arbitration Center non-existent and calling for a legislative amendment to resolve the matter.

Keywords: Autonomy of sport in Egypt, Sports arbitration in Egypt, Legal regulation of sports in Egypt, Position of the Egyptian judiciary on sports arbitration.

1. INTRODUCTION

Sports activity in Egypt is regulated by two primary laws: the Egyptian Sports Law issued by Law No. 71 of 2017 and the Youth Organizations Law issued by Law No. 218 of 2017, which are the two basic laws regulating sports activities in Egypt.

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There are other laws that govern specific aspects of sports activity in Egypt. For example, Law No. 3 of 1987, establishes and regulates the Sports Professions Syndicate. There are also laws addressing the rights of priority groups to practice sports, such as articles in the Child Law No. 12 of 1996 (amended by Law No. 126 of 2008), and articles in Law No. 10 of 2018 (amended on 18 December, 2021 issuing the Law on the Rights of Persons with Disabilities). Additionally, Law No. 10 of 1932, addresses betting on horse racing, pigeon shooting, and other games and sports.

The articles of the Egyptian Constitution of 2014 address sports and the care of children and youth, as it stipulates articles that protect the right to practice sports and set the constitutional framework for regulating sports activities in accordance with international sports standards.

By studying the principle of 'Autonomy of Sport,'¹ which is stipulated in various international sports standards, such as the Olympic Charter, it becomes clear that its elements are: sports bodies must set their own regulations, manage their own affairs without interference from national governments, and resolve disputes through sports arbitration without resorting to national judiciary.

An analysis of Egyptian legal articles related to sports reveals the presence of these elements, which this research seeks to clarify and present.

The Egyptian judiciary has played a role in aligning with international sports standards. This research seeks to clarify judicial trends by presenting some of the rulings issued by various Egyptian judicial bodies.

1.1. SPORTS IN THE EGYPTIAN CONSTITUTION ISSUED IN 2014 AND AMENDED IN 2019

The contemporary Egyptian constitution addresses sports directly in Article 84 and indirectly in provisions that protect the most vulnerable groups, as the articles of the constitution refer to the protection of their rights in general, while the laws issued by the Parliament clarify these rights, including the rights to practice sports. This protection includes various groups, such as children, youth, women, and people with disabilities.

Article 84 of the Egyptian Constitution states:

*"Everyone has the right to exercise sports. The State institutions and civil society shall endeavor to discover and sponsor talented athletes and take the necessary measures to encourage the exercise of sports. The Law shall regulate the affairs of sports and non-governmental sporting agencies in accordance with international standards and shall regulate the manner of settling sporting disputes."*²

The affairs of private sports bodies are regulated by law in accordance with international standards, which exclude government sports bodies governed by the Youth Bodies Law.

1 In Arabic, articles on sports Act 71/ 2017 use (independence) استقلال *isteklal*, and autonomy not founded in this Act, (hokm zaty) إدارة ذاتية, حكم ذاتي, so in Arabic استقلال *isteklal* (independence) is used to indicate the meaning.

2 The Egyptian Constitution (2014), Art. 84.

The Egyptian Constitution has incorporated international sports standards into its legal system, in a way that laws regulate sports affairs and sports bodies (civil) according to international standards. Therefore, the laws of government sports bodies are not constitutionally subject to conform to international standards. The internationalization of laws occurs either in a traditional manner by establishing texts through constitutional provisions that refer to international charters, treaties, and international standards, such as a text in the Egyptian Constitution of 2014 that refers to a commitment to international sports standards, or through the influence of international organizations, whether governmental or non-governmental organizations.

The legislation in Egypt also stipulates the adoption of international sports standards.

Article 82 of the Egyptian Constitution states:

“The State shall guarantee the provision of care to the youth and youngsters sha strive to discover their talents; develop their cultural, scientific, psychological, physical and creative abilities, encourage their engagement in group and volunteer activities and enable them to participate in public life.”³

This article discusses sports bodies that were affiliated with the Supreme Council for Youth before merging with the Supreme Council for Sports to form one council. It also emphasizes youth welfare, as evidenced in the Youth Organizations Law (Law No. 218 of 2017), which reflects the legislative implementation of this article. The law ensures the youth’s right to participate in sports and the availability of youth centers to facilitate the exercise of this right.

It should be noted that sports bodies under Egyptian law are private bodies of public benefit, which subjects them to the rules of private law. However, under the previous law, which was repealed by the current law in 2017, the Egyptian State Council (Administrative Judiciary) intervened with its authority to supervise sports bodies. It considered its non-intervention as one form of the administrative decision called “negative decision,” wherein the administrative silence is considered an administrative decision, subject to certain conditions. Under the new law, the right of the administration to intervene was eliminated following the law and the Olympic Charter, pointing out the independence of sports bodies. Thus, the administrative judiciary no longer holds jurisdiction over such issues. The new sports law includes settling sports disputes through mediation, negotiation, and arbitration through the Sports Dispute Settlement Center. Under the organizational regulations of various sports bodies, arbitration became mandatory as set forth in regulatory texts, which conflicts with the constitutional right to litigation. This was addressed in rulings by the Constitutional Court under the 1971 Constitution, which declared arbitration provisions unconstitutional, including the ruling by the Supreme Constitutional Court:

“Imposing arbitration by force based on a mandatory legal rule is a violation of the right to litigation guaranteed by the Constitution to every citizen in Article (68).”⁴

Is there a constitutional conflict between Article 84 (international standards) and Article 97 on the right to judicial recourse as a fundamental right?

3 The Egyptian Constitution (2014), Art. 82.

4 The Egyptian Supreme Constitutional Court. “Case No. 55 / 23 y, “Constitutional”, 13 Jan 2002.

Article 97: " Litigation is a right that is safeguarded and an inalienable right for all. The State shall guarantee the accessibility of judicature for litigants and rapid adjudication on cases. It is prohibited to immunize any administrative act or decision from judicial review. No person may be tried except before the ordinary judge. Special courts are prohibited."⁵

In fact, international standards do not impose mandatory arbitration, but provide the resolution of disputes in the field of sports through arbitration specific to athletes and in subjects of a sporting nature. However, the Egyptian legal regulations for sports bodies made arbitration mandatory for all its members, which raises the problem of violating the Constitution and international standards.

There is no constitutional conflict between the two provisions of the constitution considering that the Egyptian Constitution denies any conflict between its articles and assumes that its articles complement each other. As the Supreme Constitutional Court has tended:

"The origin of constitutional texts lies in their interpretation through the assumption of integration. It is essential to consider that each text is not isolated from the others. Therefore, it is necessary to reconcile them in a way that eliminates any suspicion of conflict. This reconciliation should not involve imposing additional restrictions that were not originally addressed in the constitutional text."⁶

The Egyptian Constitutional Court tends to believe that rights are of equal rank, stating that:

"The fundamental principle of the rights guaranteed by the Constitution is that they are not differentiated from one another, nor are they organized by a hierarchy that makes some of them less important than others or at a lower rank than them, rather they are equal in that each of them has a vital area that may not be invaded by the restrictions imposed by legislative texts, this area was determined with respect to the rights stipulated in the Constitution in its core in light of the nature of each right and taking into account the ultimate purposes that the Constitution intended to achieve through its enactment."⁷

However, there may be unconstitutional regulations that infringe on the right to litigation. If an athlete resorts to the Sports Dispute Settlement Center for a sports dispute, the Center is his or her natural judge. However, if a non-athlete social member of a sports club, who is not involved in sports, enters into a non-sports dispute with the club's board of directors, it would not be reasonable to resort to the Sports Dispute Settlement Center.

Therefore, when the case involves a sports-related matter and one of the parties to the dispute is an athlete, then the arbitrators of the Sports Arbitration Center are its natural judges. However, in other cases that are not sports-related, resorting to arbitration is generally optional because it is not their natural court for such disputes. They can agree to arbitration through agreement, or resort to the national judiciary.

The distinction between sports and non-sports matter is based on membership in the national

5 The Egyptian Constitution 2014, Art. 97.

6 The Egyptian Supreme Constitutional Court. "Case No. 2 /16 y, "Constitutional", 3 Feb 1996.

7 The Egyptian Supreme Constitutional Court. Case No. 6 /13 y, "Constitutional", 16 May, 1992.

sports federation for the game, or the proposal to separate the organizational structure between social memberships and sports memberships within the club. Sports clubs in Egypt are not purely sports clubs, rather they are part of their various activities, which are predominantly social in nature.

Sports arbitration in Egypt is not imposed by law. However, sports bodies, when developing their regulations, have the freedom to choose between resorting to arbitration or the judiciary. Indeed, there are sports clubs in Egypt that have chosen not to include arbitration in their regulations and prefer to resort to the national judiciary within the local framework. However, in cases of sports disputes abroad or within the framework of the sports federation, the regulations of the sports federation are implemented, which stipulate resorting to sports arbitration.

In one of the rulings of the Egyptian State Council:determined

*"The conditions and systems of sports bodies have become more advanced, especially when considering their membership in international bodies and federations that require non-governmental interference in their affairs and the independence of sports. This is achieved by granting their general assemblies the right to set their own bylaws. Egypt is one of the countries that signed the statement issued by the United Nations General Assembly on 16 October, 2014, which confirmed the principle of the independence of sports and the self-management of sports bodies. Additionally, Egypt also approved the statement issued by the United Nations General Assembly on 20 October, 2015, as a member of the General Assembly in the presence of the President of the Republic. Egypt is also a member of the Olympic movement which fully guarantees the independence of the Olympic Committee and the sports movement in Egypt including the Egyptian national federations. This provides the opportunity for each sports body to set its regulations and approve them through its general assemblies and international federations without interference. This led to the necessity of regulating sports conditions and adapting to the international community, updating the legal status in Egypt to be in line with developments. The new Sports Law 71 of 2017 and the new Youth Organizations Law 218 of 2017 were issued, updating the regulations and decisions to align with the new laws. This includes the necessity of resorting to the Center for Settlement of Disputes and Sports Arbitration in all disputes that occur, to which the Sports Law and its executive regulations apply, Government intervention has become very limited according to the trends of international sports bodies and federations."*⁸

The Supreme Constitutional Court ruled that:

*"Imposing arbitration by force based on a mandatory legal rule is a violation of the right to litigation guaranteed by the Constitution to every citizen by Article 68 of the 1971 Constitution."*⁹

*"If the legislator enforces arbitration based on a mandatory legal rule without the option of resorting to the judiciary, this is a violation of the right to litigation guaranteed by the Constitution to every citizen by Article 97."*¹⁰

"If the legislator imposes arbitration by force based on a mandatory legal rule, this is a

8 The Egyptian State Council. Case No. 2175 / 73 y, 12 Feb 2018, the Administrative Court, Second Circuit.

9 The Egyptian Supreme Constitutional Court. "Case No. 55 / 23 y, "Constitutional", 13 Jan 2002.

10 The Egyptian Supreme Constitutional Court. Case No. 33 / 36 y, 8 May 2021.

violation of the right to litigation guaranteed by the Constitution.”¹¹

The Egyptian Administrative Court has a tendency in its rulings to distinguish between members of the General Assembly of a sports body and the sports body itself. It has ruled that arbitration is optional for General Assembly members, not compulsory. Even if the body's organizational regulations require arbitration, this condition only applies to the sports body and not the General Assembly members who approved the regulations. The court relied on the Constitutional Court's rulings on the unconstitutionality of mandatory arbitration clauses in legal regulations. Any other interpretation would render the arbitration regulations unconstitutional.¹²

The Egyptian Court of Cassation – the Economic Circuit – has referred the provisions of the law and regulations of the Dispute Settlement Center to the Constitutional Court. This referral is to argue their unconstitutionality, particularly in relation to the invalidation of arbitration before the Dispute Settlement Center. Additionally, the lack of independence of the center from the Olympic Committee and its violation of international sports standards are also being challenged.¹³

2. THE AUTONOMY OF SPORTS IN EGYPTIAN PARLIAMENTARY LEGISLATION

In this article, the roles of the central and competent administrative authorities, such as the Ministry or the Regional Youth and Sports Directorate are discussed, as outlined in Sports Law No. 71 of 2017 and Youth Organizations Law No. 218 of 2017. Sports Law No. 71 of 2017 stands out for its emphasis on the autonomy of sports, with the state's role limited to financial oversight. This approach mirrors modern theories of the state's role in the economy, where it is often referred to as a guardian state. In this model, the state focuses on maintaining public order, fighting corruption, and fulfilling its primary responsibilities for security, without getting involved in resolving disputes.

The Youth Organizations Law 218 of 2017 stands out for highlighting the role of the state in carrying out various tasks related to youth development, sports services, and physical education. The state actively participates in raising youth and providing these services, ensuring they reach all regional areas and all segments of society, without discrimination based on class, color, gender, or any other factor. Therefore, the Youth Organizations Law plays a crucial role in representing the state, preserving its sovereignty, and maintaining a balance between state sovereignty and the autonomy of sports. It also works towards guaranteeing the right to participate in sports for all individuals.

2.1. THE 2014 STAGE AND THE AUTONOMY OF SPORTS

The International Olympic Committee requested Egypt to implement a new law. In February 2014, Egypt was informed by the International Olympic Committee that any elections for clubs or sports federations conducted under the previous law would not be recognized. A total

11 The Egyptian Supreme Constitutional Court. Case No. 68 / 40 y, "Constitutional", 4 May 2019.

12 The Egyptian State Council. Case No. 5367 / 71 y, January 20, 2019. Administrative Court.

13 The Egyptian Court of Cassation. Case No. 1458 / 89 Y, 24 December, 2019.

of 118 clubs accepted nominations for elections and completed the necessary procedures for organizing the elections. To address this issue, several meetings were conducted with officials from the International Olympic Committee to facilitate elections for Egyptian clubs. This was sanctioned with the stipulation that these elections would be the final ones held under the old sports law for clubs and federations, which took place in March 2014.

The old law did not comply with international charters and standards, nor did it uphold the principle of autonomy in sports.

According to Article 84 of the Egyptian Constitution:

“The Law shall regulate the affairs of sports and non-governmental sporting agencies in accordance with international standards.”¹⁴

There was a clear threat that if the international sports standards were violated in the law, sports activities in Egypt would be suspended.

2.2. SPORTS LAW NO. 71 OF 2017

The most important features of the new Sports Law No. 71 of 2017 are that it enhances the role of general assemblies, allows sports bodies to establish their own statutes through their general assemblies, provides an opportunity for the private sector to participate in sports federations, maximizes private investments in development and sports activities, and establishes the Sports Arbitration Center to settle sports disputes. These changes aim to achieve the principle of sports independence from the state’s judicial authority in accordance with international standards.

2.1.1. Sports Law No. 71 of 2017

Article 1 clarifies that:

“Competent Administrative Quarter: This quarter is responsible for supervising sports organizations within their designated area, overseeing all financial and administrative aspects.

The Central Administrative Quarter: This quarter is entrusted with establishing financial regulations for all sports organizations as well as the penalties entailing upon their infringement, which should be approved by the appropriate minister. Likewise, they are responsible for ensuring that organizing laws, regulations, and decrees are enforced by the competent administrative authorities and quarters.”¹⁵

The sports institution has the right to practice and engage in any activity that generates income for the institution without needing approval from the competent administrative authority. The authority to monitor and supervise is limited to financial aspects only in sports institutions.

14 The Egyptian Constitution 2014, Art. 84.

15 Egyptian Sports Law No. 71 of 2017, Art. 1.

2.2.2. Manifestations of sports autonomy

Article 4 of the issuance articles stipulates the following:

"The Egyptian Olympic Committee shall lay down guiding regulations for the sports organizations articles of association and shall dispatch them to these organizations.

The General Assemblies of sports organizations shall hold a special meeting within three months of the date of enacting the attached law, particularly for laying down their articles of association.

The Egyptian Olympic Committee shall fix the quorum necessary for holding these assemblies and for approving these articles of association in various cases. In case of the lapse of the time limit referred to above without holding these assemblies, whether for the non-achievement of the necessary quorum or for any other reason, the provisions of the guiding articles of association referred to shall be applied, after publishing thereof in the Egyptian Chronicles at the State expense, without prejudice to the right of the General Assembly to amend its articles of association, in compliance with the procedures stipulated in the provisions of the attached law."¹⁶

The autonomy of sports is represented in this article by the fact that the general assemblies of sports bodies set their own bylaw. However, a question is raised about the setting of guiding regulations by the Egyptian National Olympic Committee for other sports bodies and whether it affects the independence of those bodies.

The regulations are simply guidelines for guidance and assistance, and are not mandatory. They were established to help in setting bylaws, and are only implemented if sports bodies do not set their own bylaws within a specified period. The general assemblies of sports bodies reserve the right to amend their bylaws in accordance with legal procedures.

Does the autonomy of sports bodies affect the Egyptian Olympic Committee's determination of the quorum required for the general assemblies of sports bodies to be held, as well as the quorum needed to approve their bylaws?

If the necessary quorum is set by law legislatively, it will be criticized for the legislative authority's interference in the independence of sports. If it is set by the state authority (Ministry of Sports, Supreme Council for Sports, Youth and Sports Directorates, etc.), it will be criticized for the executive authority's interference and its assault on the independence of sports. The Egyptian Olympic Committee's setting of the quorum is a decision made by one sports body to another. This does not conflict with independence because there is no potential dispute or conflict, It is only for the first general assembly that will set the bylaws. The statement that is better for sports bodies to set the quorum for themselves may raise concerns due to the possibility of a lack of transparency and the potential for manipulation. There must be a neutral body of a sports nature to set, supervise, or monitor this process. The best entity to do this is the Egyptian Olympic Committee.

The General Assembly has the right to amend its bylaws in accordance with a single procedural

¹⁶ Egyptian Sports Law No. 71 of 2017, Art. 4.

restriction, which is the procedures stipulated in the law.

The bylaws determine the procedures and the legal quorum in accordance with what is stated in Articles 15 and 16. The General Assembly is the one that establishes the bylaws, and therefore, it is the one that determines the procedures and the necessary quorum later.

Article 3 determined that:

"The General Assemblies of the Egyptian Olympic Committee, the Egyptian Paralympic Committee, sports clubs, federations, and all members of the General Assemblies of the Egyptian Sports Federations shall lay down their articles of association, in compliance with the Olympic Charter and international standards. These articles of association should comprise all the rules and regulations that govern their operations.

These articles of association are to be published in the Egyptian Chronicles at the expense of the parties concerned.

Before being published in the Egyptian Chronicles, the articles of association of these organizations should be approved by both the international organizations they are joining and the Olympic Committee of Egypt.

Likewise, the approval of the Olympic Committee of Egypt should be obtained regarding the articles of association of the sports federation general assembly members, before publishing thereof in the Egyptian Chronicles."¹⁷

The general assemblies of the bodies specified in the article shall establish their bylaws. These bodies include the Egyptian Olympic Committee, the Egyptian Paralympic Committee, sports clubs, sports federations, and members of the General Assemblies of Sports Federations. Only these bodies can establish their statutes themselves. Other sports bodies are not subject to this article.

There is an objective restriction in establishing the fundamental regulations, which includes compliance with the Olympic Charter and the applicable international standards. It is important to highlight the commitment to international standards. Additionally, there is a procedural requirement for the approval of certain parties regarding the basic regulations. These parties include the international bodies of which these sports bodies are members, as well as the Egyptian Olympic Committee.

Article 19: "*The Extraordinary General Assembly shall be competent to lay down the articles of association for sports organizations and amend them.*"

Article 20: "*The competent administrative quarter and all parties concerned may resort to the Sports Arbitration and Dispute Resolution Center of Egypt, stipulated in Article 66 of this Law, sixty days of being informed, to challenge any resolution adopted by the organization's general assembly that violates the provisions of this law and its executive decrees.*"¹⁸

17 Egyptian Sports Law No. 71 of 2017, Art. 3.

18 Egyptian Sports Law No. 71 of 2017, Arts. 19, 20.

One manifestation of sports independence is the non-interference of the judiciary in sports affairs. The Sports Settlement and Arbitration Center was established in accordance with Egyptian Sports Law to uphold this important aspect of sports independence. However, there is an issue with arbitration being optional by nature, as forced arbitration through a legal text is considered unconstitutional and goes against international arbitration treaties. This has led to disputes at both the local and international level. The principle of the special and specific nature of sports, which dictates that sports cases should not be subject to national jurisdiction, continues to face controversy in national and regional courts.

Article 23: *"The competent administrative quarter and the persons involved may resort to the Sports Arbitration and Dispute Resolution Center of Egypt, as stipulated in Article 66 of this Law, to challenge any decision adopted by the organization's board of directors that violates this law, its executive decrees, the organization's articles of association or any of its regulations."*¹⁹

It is clear that there is no provision for a time period that protects the decisions of the Board of Directors from being challenged by cancellation, the absence of specifying the period of appeal refers to procedural laws (such as the Code of Civil Procedure) or other. The article clarified that the Board of Directors of the Sports Authority, in addition to the law and the decisions implementing it, is subject to the Authority's system or any of the Authority's regulations. Any decision issued by the Board of Directors of the Authority is subject to appeal, i.e. all decisions, whether a decision in an internal regulation, an individual decision, a collective decision, or any other decision, the article explains resorting to the Settlement and Arbitration Center to challenge the decisions of the Board of Directors of the Authority as a manifestation of the independence of sports. The scope of violation includes violation of the provisions of the Sports Law, violation of the decisions implementing it (such as the Unified Financial Regulations, etc.), the Authority's bylaws, or any of the Authority's regulations. The article clarifies the scope of the gradation of illegality, starting with the law, then the decisions implementing the regulation, then the Authority's bylaws, and finally the regulations.

2.2.3. Manifestations of financial autonomy

Chapter Six of Part One of the law clarifies the resources and funds of sports bodies from Article 24 to Article 31. Article 24 specifies the budget and the financial year, while Article 25 explains the resources of the sports body. Article 30 addresses the rights concerning the public's communication with sporting events, and Article 31 clarifies the use of sports body names, badges and registered marks.

Artistic autonomy is addressed in Article 38: *"The Federation is solely responsible for this game technically at all the organizations referred to and for enhancing its level within the rules and regulations decided by the World Federation of this game."*

Article 39 clarifies the powers of the Sports Federation in setting the general policy that has promoted the growth of the game in the Arab Republic of Egypt.

"The Sports Game Federation shall have the following powers to:

¹⁹ The Egyptian Sports Law No. 71 of 2017, Art. 23.

1. Establish the general policies for promoting the game in the Arab Republic of Egypt and improving its technical level,
2. Manage the technical, financial and organizational aspects of the game.
3. Establish rules and principles for training in the Arab Republic of Egypt, in collaboration with the Olympic Committee,
4. Maintain international rules and principles of the game,
5. Organize championships in the Arab Republic of Egypt and set guidelines for their organization.
6. Qualify the national teams representing the Arab Republic of Egypt in Olympic, world, continental, and regional tournaments, as well as world and international championships, and supervise the training thereof.
7. Coordinate between the various clubs and organizations that are members of the Federation, especially in programs related to competing against foreign teams in the Republic and abroad.
8. Provide consultations to member clubs and organizations, and resolve any disputes that may arise among them or between one of them and any employees associated with the sports field, including players, administrators, or umpires.
9. Represent the Arab Republic of Egypt in international sports meetings and conferences and organize such meetings and conferences if held in Egypt. This must be done after notifying the Olympic Committee, and being ratified by the Central Administrative Quarter.
10. Organize competitions and matches, and grant titles of merit and prizes.
11. Ratify the registration of players in the federation member clubs and organizations and their representation in its competitions.
12. Establish rules and principles for organizing, dispensing with players, or their transfer. The Articles of Association Regulations shall lay down the terms of assuming the powers and competencies referred to above and the restrictions thereof.
13. Regulate professionalism.
14. Any other powers pertaining to the federation.”²⁰

Sports activities are introduced in companies and factories through Article 49 “of the Companies & Factories General Sports Federation. This federation is made up of sports clubs and committees that are affiliated with various companies and factories. Each of these organizations shall be independent in assuming their competences, as stipulated in the articles of association of each of them. Each organization is granted legal personality.”

Article 58 of the Law specifically addressed unions:

“Each member of the federation shall be independent in terms of practicing the various aspects of its activities and the exploitation of its funds for the achievement of its objectives, within the limits of the general policy and the federation’s plan.”

Article 60 states that:

“Each sports organization affiliated with the Central Administrative Quarter and its appendages shall have a board of trustees. This board will be formed by a decree issued by the competent minister. The Board of Trustees shall lay down the general policy for the organization’s management and operation, as well as provide sports services to all sectors of society. The Central Administrative Quarter shall lay down the regulations

20 The Egyptian Sports Law No. 71 of 2017, Art. 39.

governing management, operation, and service fees, which shall be ratified by the competent minister."

2.3. LAW REGULATING YOUTH ORGANIZATIONS

Youth Organizations Law No. 218 of 2017, which was amended by Law No. 7 of 2020 regulates various entities, with a focus on youth centers. This law reflects the state's dedication to providing sports opportunities for all, recognizing the right to participate in sports as a fundamental human right. It aims to support the development of young people and enhance their skills. Initially, the law exempted youth centers affiliated with sports federations from its regulations, placing them under the jurisdiction of Sports Law 71 of 2017. These centers were allowed to establish their own bylaws and seek resolution through the Egyptian Sports Dispute Resolution and Arbitration Center. However, the law was later amended in 2020 to once again bring youth centers under the purview of the Youth Organisations Law. This change may lead to youth centers disaffiliating from sports federations, as they are government-run facilities and do not have the autonomy to set their own bylaws. The bylaws of youth centers that are not part of sports federations were now referred to as "the bylaws of the bylaws of youth centers."²¹

However, youth centers did not disaffiliate from sports federations. This was because certain groups were unable to join clubs that were members of sports federations. As a solution to this issue, the state provided youth centers as an alternative for those who could not afford the expensive club memberships. The entities affected by this law are inherently governmental bodies, despite being classified as private bodies of public benefit. They are owned by the state (whether private or public property) and are subject to state supervision in all administrative, technical, and financial matters. Consequently, disputes involving these entities are typically resolved through the Egyptian administrative judiciary.

Article 3:

"Except for youth bodies that are members of the general assemblies of sports federations and have regularized their status in accordance with the provisions of the Sports Law issued by Law No. 71 of 2017, the Central Administrative Body shall establish the basic regulations for youth bodies subject to this l. These regulations shall be approved by a decision of the competent minister, and shall include all the rules and provisions regulating the work of these bodies."²²

2.3.1. Amendment to Law no. 7 of 2020

Article 3: *"The central administrative authority shall establish the fundamental regulations for youth organizations that fall under the scope of this law. These regulations shall be approved by a decision made by the appropriate minister. They shall include all the rules and provisions that govern the operations of these organizations."²³*

21 The decision of the Minister of Youth and Sports No. 80 /2020, 3 May 2020.

22 The Regulating Youth Organizations Law No. 218 of 2017, Art. 3

23 Amendment by Law No. 7 / 2020.

The amendment evoked the exception to the application of the law that exempted youth bodies who are members of the general assemblies of sports federations from Law 218 of 2017. Instead they are now subject to Sports Law 71 of 2017. This change allows them to benefit from the principle of sports independence by establishing their own bylaws through their general assembly, the amendment aimed to eliminate legislative duplication and discrimination that these youth bodies were facing. It also opened up the possibility for youth centers to leave sports federations if they were not able to establish their own bylaws. However, this has not occurred yet, as these centers continue to be members of sports federations. Prior to the amendment, youth centers were governed by the "Youth Centers Bylaws."²⁴

Article 40: *"The youth body is subject to the supervision and control of the competent administrative authority and the central administrative authority. In order to ensure this, they have the right to review all of the authority's books and documents, as well as monitor its activities and other aspects of oversight to make sure they are not violating any policies. The competent administrative authority is required to prepare a report on each body under its jurisdiction at least once a year. If any violations are found, the autonomy must be notified so that they can address and correct them within thirty days of being informed"*²⁵.

Article 41: *"The head of the competent administrative authority may nullify any decision issued by the Board of Directors or the General Assembly of the Authority that violates the provisions of this law, its implementing decisions, the Authority's system, or any of its regulations. Any interested party may file a grievance with the competent minister against this decision within fifteen days from the date of being notified. An interested party may also appeal the Minister's decision before the Administrative Court within sixty days from the date of notification of the rejection of the grievance or from the date of the expiration of the fifteen-day period following the submission of the grievance without a decision being made"*²⁶

Article 42: *"The competent minister may issue a reasoned decision to dissolve the Authority's Board of Directors and appoint a temporary Board of Directors for a period of one year from among its members, to assume the powers granted to its Board of Directors, in the following cases: The Board of Directors and each member of it have the right to appeal the dissolution decision before the Administrative Court. This must be done within the deadlines and in accordance with the procedures stipulated in Article 41 of this law."*²⁷

The amendments included the establishment of youth development centers, which are organizations for young people with the ability to join different sports federations as members. Disputes governed by the Youth Organizations Law fall under the jurisdiction of the state's judiciary, rather than the Sports Arbitration Center, which handles cases in the administrative judiciary.

2.4. REGULATIONS

A specific regulation has been issued for every sports body governed by Sports Law No. 17 of

24 The decision of the Minister of Youth and Sports No. 80 / 2020, 3 May 2020.

25 The Regulating Youth Organizations Law No. 218 of 2017, Art. 40.

26 The Regulating Youth Organizations Law No. 218 of 2017, Art. 41.

27 The Regulating Youth Organizations Law No. 218 of 2017, Art. 42.

2017. Each sports club established its organizational regulation through its general assembly, which was then approved by the Egyptian Olympic Committee. The decision to publish it in the official gazette was made by the Ministry of Youth and Sports. Similarly, each national sports federation issued its organizational regulation through its associations. General Assembly, in coordination with the Egyptian Olympic Committee.

2.4.1. Guidance regulations

A guideline has been created to assist in the development of regulatory regulations. If the Sports Authority is unable to reach a decision on a regulatory issue, this guideline will be used to establish the regulation. All members of the general assemblies are subject to an arbitration clause outlined in the organizational and guiding regulations.

2.4.2. Financial regulations

The Ministry of Youth and Sports has issued unified financial regulations for clubs and sports bodies. In response to the controversy that arose within the sports community, particularly among clubs, following the enactment of Sports Law No. 71 of 2017. Dr. Ashraf Sobhi, Minister of Youth and Sports, officially announced the decision in Gazette No. 159 of 2021, dated 1 April, 2021, to implement new financial regulations for sports bodies.

The second article of the decision states that all previous financial regulations for sports bodies will be cancelled. The third article specifies that the new regulations will come into effect on the date of the decision's issuance, which is 4/1/2021.²⁸ This regulation aims to implement the principle of sports governance, a principle that is currently lacking in the legislation.

The Ministry of Sports has decided to exempt the Olympic Committee from adhering to the new financial regulations for sports bodies. As a result, the Olympic Committee will be able to continue operating under its existing financial regulations without any changes being imposed.

Additionally, the new financial regulations involve transferring the responsibility of monitoring the financial activities of clubs and federations from the Olympic Committee back to the Ministry. This will allow the Ministry to resume its role as the central administrative body overseeing financial matters in the sports sector.

One of the most important regulations is the regulation for the Egyptian Sports Settlement and Arbitration Center, which was issued by the Egyptian Olympic Committee through Resolution No. 88 of 2017 and later amended by Resolution No. 2 of 2018. The issuance of this regulation by the Egyptian Olympic Committee, and the subordination of the Egyptian Sports Settlement and Arbitration Center to it, violates international standards regarding the autonomy of the Arbitration Center and does not follow the historical development of the Center.

A similar situation can be seen with the Court of Arbitration for Sport (CAS), which faced

28 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies.

a similar problem. They decided to cancel their affiliation with the International Olympic Committee and instead created the International Council of Arbitration to take over the organization and management of the arbitration center. This decision came after significant legal battles. And ultimately led to the removal of the center from the jurisdiction of the Supreme Constitutional Court.

Here, it is pointed out that the organizational regulations for sports bodies include a provision for resorting to the Center for Dispute Resolution and Sports Arbitration. This text may be considered unconstitutional because it conflicts with the right to litigation and resorts to a natural judge on the one hand. The rulings of the Egyptian Constitutional Court are accustomed to ruling that the forced arbitration condition included in a regulatory regulation is unconstitutional. In violation of the forced arbitration clause of international arbitration agreements, the regulations of the Egyptian Arbitration Center deprive litigants of resorting to the judiciary by appealing against arbitration decisions. They transfer the appeal to an appeals chamber within the center. Additionally, they are deprived of appealing the invalidity of the arbitration award before the ordinary judiciary and making the appeal of the invalidity of the award before a chamber within the arbitration center.

The regulations prohibit arbitrators from appealing the Center's rulings, whether before the Egyptian judiciary or the CAS. However, in practice, the CAS operates based on the regulations of sports bodies. If the authority's regulations state that appealing to the CAS after the Egyptian Arbitration Center is competent to hear the appeal, like Abdullah Al-Saeed's case, which was accepted by the CAS based on the Football Association's regulations.

This indicates that the process involves resorting to the Dispute Resolution Chamber in the Federation, from the Egyptian Settlement Center, and finally appealing before the CAS.

The center is affiliated with the Egyptian Olympic Committee, which means it lacks autonomy and violates international sports standards. There has been historical controversy over the autonomy of the CAS from the International Olympic Committee, but this was resolved with the establishment of the ICAS.

According to the definitions in Financial Regulations for Sports Bodies No. 159 of 2021, the minister referred to is the minister responsible for sports affairs.

"The state's regulatory authorities are the central and competent administrative authority: the Central Auditing Organization, the Administrative Control Authority, the Public Funds Investigations, the Tax Authority, and the Insurance Authority."²⁹

The Labor Office of the Ministry of Manpower was not include in the definition.

It was clarified that the entities covered by the provisions of these regulations include the Olympic Committee. the Para and Olympic Committee, the sports federations and their branches, the Para and Olympic federations, specific federations, sports clubs, and sports committees.

²⁹ The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies.

It is considered a unified financial regulation rather than a separate one. This regulation falls under the Sports Law and takes precedence over the internal regulations of sports bodies, serving as a guide for them. It is structured similarly to the Sports Bodies Governance Manual.

Financial regulations clarify the relationships among the state, represented by the competent administrative authority, the central administrative authority, and the various sports bodies. They specify the powers of those bodies in relation to the sports bodies, as well as the elements of control and supervision, including dates and methods. The regulations also outline when approval from the competent or central administrative authority is necessary, and when notifications will suffice. Additionally, they clarify the penalties that may be imposed for noncompliance with approval or notification requirements, and explain the various penalties associated with the organization of sports bodies.

Notably, this regulation addressed many of the criticisms of the previous regulation. The Ministry of Sports specifically excluded the Olympic Committee from being subject to the new financial regulations for sports bodies. This means that the Olympic Committee will continue to operate according to its own financial regulations, without having to adhere to the new ones.

Additionally, the new financial regulations also include the removal of the Olympic Committee's powers to monitor clubs and federations financially. These monitoring powers have now been returned to the Ministry as they are the central administrative body responsible for overseeing financial matters in sports.

2.4.3. The new financial regulations division

The first chapter covered the definitions and properties of the authority, internal regulations, and privileges. The second chapter included the estimated budget, the budget, and the auditor. The third chapter focused on the electronic payment system, revenues, and expenses. The fourth chapter dealt with transportation expenses and travel allowances, while the fifth chapter addressed purchases, services, and business.

Chapter six regulated membership affairs in sports clubs. Chapter seven organized warehouse affairs, and Chapter eight included organizing records and book collections. Chapter nine included a set of general provisions, while Chapter ten outlined punishments and penalties.

Financial regulations are being challenged in a lawsuit for their alleged illegality and unconstitutionality before the administrative judiciary. This is due to government interference in sports bodies, which is said to violate international standards.

Article 2 of the Financial Regulations stipulates that:

"The Authority's properties include all the lands, funds, buildings, facilities, equipment, and all of these funds and properties are the responsibility of the members of the Board of Directors, the Executive Director, the Financial Director of the Authority, and the Trustees. It is not permissible to dispose of any of the Authority's properties by sale, mortgage, assignment, exchange, or otherwise, except by a decision of the Board of

*Directors and the approval of the competent administrative authority.*³⁰

Article 3: *"The Authority's properties should be recorded in special records ... and that the relevant authorities should be done coordinated in accordance with what the competent administrative authority deems appropriate. The facilities affiliated with these bodies must be monitored to ensure the application of approved standards, security and safety procedures, and services."*³¹
*"The Authority is not allowed to spend its funds for purposes other than those for which it was established. It can invest its surplus fixed or movable funds to increase its resources, provided that this does not affect its activity. This must be done after obtaining approval from the competent administrative authority and following the rules set by the central administrative authority."*³²

Article 5: *"The Authority's funds are considered public funds when the Penal Code is applied, and they belong to the Authority and not its members. The Authority may not enter bets or any investments that involve financial speculation in any way."*³³

Article 6 includes internal regulations, internal financial regulations, activity lists, and health regulations and stimulants.

*"These regulations shall be implemented after being approved by the Authority's ordinary general assembly in a manner that does not conflict with the provisions of the law, these regulations, or the decisions issued by the central administrative authority. They will not be implemented until approved by the competent administrative authority and the central administrative authority."*³⁴

Article 7: *"The Authority's management is obligated to notify the competent administrative authority of the agenda of the ordinary and extraordinary general assemblies and its annexes before issuing invitations to hold them. This notification should be provided at least one month in advance, allowing the administrative authority time to review the administrative and financial aspects and indicate the extent of their agreement with the relevant laws, regulations, and decisions issued by the central administrative authority. If the competent administrative authority does not provide feedback on the agenda within 15 days of receiving it, their silence will be considered as approval of the topics contained therein. The authority must then make any necessary amendments to agenda items that have financial implications based on the feedback received from the method through which the original agenda was announced. This process should be followed in accordance with the regulations outlined in this document. A competent minister has the right to take legal action against the Authority's Board of Directors if the administrative authority's observations are not implemented in accordance with regulations."*³⁵

Article 8: *"Sports bodies are considered private entities for public benefit, and their finances are deemed public funds when subject to the Penal Code."*³⁶

30 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 2.

31 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 3.

32 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 4.

33 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 5.

34 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 6.

35 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 7.

36 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 8.

Article 10: *"The Authority is responsible for creating a budget...and in the event that the General Assembly does not approve it, the budget will be referred to the Central Auditing Organization for its affairs."*

Article 11 states that: *"...it is not permissible to transfer expenses from one financial year to another unless it is absolutely necessary and approved by the Board of Directors of the Sports Authority and the competent administrative authority. The Board of Directors may not exceed the value of their future contracts beyond the value of their expected financial inflows, as approved by the Authority's auditor. This decision must be made in consultation with an independent financial consultant registered with the Financial Supervision Authority, who is selected and approved by the central administrative authority as indicated in the executive regulations."*

Article 25: *"...members' subscriptions and donations shall be made after approval from the competent administrative authority and centralized. Subsidies, donations, and gifts from natural or legal persons within the Arab Republic of Egypt require approval from the competent administrative authority. Similarly, subsidies, donations, and gifts from parties outside the Arab Republic of Egypt must be approved by the central administrative authority. Subsidies provided by the central or competent administrative authority are used for tools or facilities for the Authority. Any additional revenue sources are determined by the board of directors and approved by the competent administrative authority."³⁷*

Article 26: *"The Authority is prohibited from receiving funds under any name or transferring any of its funds abroad without the approval of the central administrative authority. This excludes amounts related to international subscriptions that are tied to the Authority's activities and have been approved by the competent central administrative authority."³⁸*

Article 27: *"The Authority may establish companies that operate in sports fields and services in compliance with the law, but only after obtaining approval from the central administrative authority."³⁹*

Article 46: *"The Authority is committed to following the provisions and procedures stipulated in the Law Regulating Contracts Concluded by Public Bodies No. 182 of 2018, along with its executive regulations and any amendments. It is important to note the absence of a representative from the Ministry of Finance and a member of the Fatwa and Legislation Department of the State Council. The competent administrative authority is responsible for matters that do not exceed 500 thousand pounds in movables and services or one million pounds for business contracting. The central administrative authority is responsible for matters with a value not exceeding one million pounds in movables and services and three million pounds for business contracting. The competent minister is responsible for matters not exceeding that."⁴⁰*

Introduction to Chapter ten Penalties and Sanctions: Article 97 clarifies that the competent minister has the authority to take legal action against the Authority's Board of Directors in

37 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 25.

38 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 26.

39 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 27.

40 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 46.

case of the following violations:

“Failure of the Authority to return the financial funds allocated for any activity by the competent or central administrative authority within 30 days after the end of the event, including any surplus funds.

Violation of the laws, regulations, and decisions issued by the competent and central administrative authority is also prohibited.

Failure to respond to reports from regulatory authorities or to remove the causes of violations contained therein.

No one can influence or prevent supervisory authorities from performing their supervisory work.

Financial or administrative violations contained in the reports of the auditor and regulatory authorities in the country.

Failure to fulfill financial obligations was attributed to various government agencies and bodies, including the Insurance Authority, Tax Authority, and other entities.

Failure to comply with final court rulings or decisions from the Settlement and Arbitration Center within 60 days of being notified of the executive formula through legally prescribed methods.

Traveling abroad without prior permission from the central administrative authority.

Collecting donations or holding parties of any kind for the Authority in violation of the provisions of the law and the decisions issued in implementation thereof.

He wrote, kept, or presented a document or record—which this law or the decisions issued in implementation thereof obligates him to provide or keep—containing false data, knowing that, or deliberately concealing a statement that he is required to prove by the law or the decisions issued in implementation thereof.

If any body subject to the provisions of this law conflicts with the purpose for which it was established, spends its funds in a way that does not achieve this purpose, or causes material loss due to negligence, they will be held accountable.

The authors also restrain themselves from withholding the Authority’s funds, documents, records, or documents from its Board of Directors.

If the Authority fails to call for a General Assembly meeting or take necessary measures to hold one, the competent minister may intervene. The minister has the authority to prevent the Authority’s Board of Directors from accessing the Authority’s bank accounts.

May also temporarily suspend or exclude all or some members of the Board of Directors and the Executive and Financial Director, and refer them to the Public Prosecution in the event of any of the aforementioned violations. This will remain in effect until the Public Prosecution completes its investigations or until the Board of Directors term ends.⁴¹”⁴²

Article 98: *“In accordance with the provisions of the basic sports systems regulations, in the event that members of the club’s Board of Directors are suspended under Article 97 of these regulations, a temporary committee will be formed to manage the club’s affairs. The committee will consist of members from the general assembly, as decided by the competent minister, until the reasons for the suspension are lifted or the term of the Board of Directors is no longer valid.”⁴²*

Article 99: *“If an incident of embezzlement or theft of the Authority’s funds or tasks occurs, the*

41 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 97.

42 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 98.

competent director must immediately report the incident to the Chairperson of the Authority and the Treasurer. In this case, the following measures must be taken:

The chairperson of the Authority's Board of Directors shall order the formation of an experienced committee to inventory the embezzled or stolen amounts and assets, and to determine who is responsible for the embezzlement or theft. The committee shall submit a report on its findings to both the Executive Director and the Treasurer. This report must include the value of the embezzled, lost, or stolen assets, the ones responsible for them, the reasons for the incident, and proposed measures to prevent their recurrence in the future. The Chairperson of the Authority may refer the report to either the Treasurer or the Executive Director to conduct a preliminary investigation into its contents.

The Chairperson of the Authority must present the committee's report, along with the results of the preliminary investigation, to the Board of Directors at its first meeting for the Board to take necessary action regarding the incident.

The public prosecution must be informed of the incident, and all the papers and documents related to it must be submitted to assist in the investigation.⁴³

The regulation clarifies the role of administrative authorities in monitoring and supervising sports bodies, particularly in terms of financial and administrative supervision, rather than technical supervision. It clarifies the violations that may result in the imposition of sanctions. In my opinion, this regulation strikes an important aspect of the balance between state sovereignty and the autonomy of sports. It allows the state to address corruption and violations within sports bodies, marking a crucial step toward developing a system for the governance of sports bodies. This is distinguished by the fact that it avoided multiple financial regulations consolidating them into a unified list. Despite facing legal challenges, claiming their illegality and violation of the law or constitution, they are compatible with the Olympic Committee Charter regarding the governance of sports institutions.

This came after the previous list of canceled clubs, which experienced successive amendments. The most important change was in Article 53 of the regulations, which grants the Minister of Sports the authority to take legal measures against the club's Board of Directors in a number of cases. They include violations of the provisions of these regulations, failure to respond to reports from regulatory authorities, or responding in a way that represents procrastination or delays in taking all the legal measures regarding the financial irregularities outlined in those reports.

Likewise, regulatory authorities are neither enabled nor prevented from performing their duties. Violations are reported in the auditor's reports and the reports of regulatory authorities that have a financial impact, and the failure to meet financial obligations owed to government agencies and bodies (such as the Insurance Authority, the Tax Authority, and other bodies).

Egyptian law lacks the principles of sports governance contained in the Olympic Charter. Good governance is linked to the principle of the autonomy of sports in the Olympic Charter, as there is no sports Autonomy without good governance. Good organizational governance aims to ensure that the Board of Directors seeks to achieve results for the benefit of the organization and its members, while making sure that these results are effectively monitored.

43 The decision No. 159 / 2021, 1 April 2021, The Financial Regulations for Sports Bodies, Art. 99.

Poor performance and management are often attributed to an inexperienced director, conflict of interest, failure in risk management, inadequate or inappropriate financial control, poor internal systems, and reporting. Good governance in sports organizations is "the essential basis for securing the independence of Olympic and sports organizations and ensuring that this independence is respected by stakeholders (point 6 of the resolution). The IOC deliberations from February 2008 resulted in the introduction of the 'Basic Universal Principles for Good Governance of the Olympic and Sports Movement' (BUPs)' organized into seven chapters. BUP 7 is called "harmonious relations with governments while maintaining independence. Accountability, transparency, integrity, and responsibility are among the most important principles of governance."⁴⁵

In my opinion, financial regulation contributes to the implementation of some principles of governance, but it still lacks some principles of governance that confront match-fixing, organized crime, limits on player transfer amounts, sponsorship, etc."⁴⁴

3. TRENDS IN THE EGYPTIAN JUDICIARY REGARDING THE AUTONOMY OF SPORTS

The Egyptian judicial system is a dual system. Each branch consists of its own jurisdiction and independence. One branch deals with administrative disputes. The other is known as the ordinary judiciary, which deals with legal matters other than administrative disputes.

The courts are graded as follows: the ordinary judiciary (including partial, primary, appellate, and cassation courts), and the criminal judiciary (including violations, misdemeanors, felonies, and cassation courts).

The administrative judiciary consists of the State Commissioners Authority, Administrative and Disciplinary Courts, Administrative Judiciary, and Supreme Administrative Judiciary.

The Supreme Constitutional Court is the highest court in the Egyptian judicial system, as it is responsible for monitoring the constitutionality of laws and their interpretation, and resolving conflicts in jurisdiction and implementation.

Regarding the relationship between sports activities and the state judiciary, sports bodies governed by the Youth Bodies Law and owned by the state for youth development and sports are subject to the state courts and administrative judiciary, as they are considered government bodies and facilities. Additionally, the Ministry of Youth and Sports is also subject to judicial oversight through the State Council (Administrative Judiciary).

The organizational regulations of sports bodies governed by Sports Law No. 71 of 2017 are reviewed, and what is stipulated in the regulations established by each sports body are applied.

44 Hussien, Ahmed Saad Mohammed. "The balance between state sovereignty and the autonomy of sport," PhD Thesis, Faculty of Law, Helwan University, 2023.

Regarding the cancellation of decisions, according to the law, in order to cancel the decisions by the General Assemblies or the Board of Directors, the interested party, along with the administrative authority, central or competent, must resort to the Center for Sports Settlement and Arbitration.

Regarding contracts and various disputes, the Authority's regulations are considered, and we found that most, if not all, regulations stipulate those disputes must be referred to the Center for Sports Settlement and Arbitration.

In addition, central government regulations indicate that the Center specializes in sports disputes.

The judiciary of the State Council tended to interpret that the obligation and coercion in arbitration are limited to the sports body, not its members within the General Assembly. It ruled that if jurisdiction is lost, the lawsuit should be referred to the Court of Appeal in the geographical scope of the sports body. With the amendment of the regulations of the Center for Sports Settlement and Arbitration, the jurisdiction for lawsuits seeking the invalidation of an arbitration decision was made to the Center, including the appeal case. As a result, it is not permissible to resort to the Court of Appeal to challenge the arbitration decision, as this would contradict both the Egyptian Arbitration Law and international arbitration treaties, especially the New York Treaty, as well as the regulations of the Court of Arbitration for Sport (CAS). Furthermore, the Egyptian Supreme Constitutional Court removed the Egyptian Arbitration Centre from its list.

The controversy over judicial oversight of sports bodies continues in Egypt. Looking at the historical development of sports autonomy, we find that the main catalyst for using the principle of sports autonomy was the Bosman case and the subsequent intervention of the European Union Court. The most important element in sports autonomy is the consideration of its disputes by a dedicated sports body, such as the Center Sports Arbitration.

In my personal view, regarding the decisions of the central and competent administrative authority regarding administrative and financial supervision, a lawsuit may be filed before the State Council in the event that the administrative authority refrains from making decisions and procedures related to financial oversight. Such a failure could be viewed as a negative decision by the administration, without formal administrative decisions.

Below are selections from the most important judicial rulings issued by the Egyptian judiciary in light of modern law, which explain the direction of the judiciary on the autonomy of sports, its jurisdiction to hear lawsuits related to sports, and its vision of the role of the state in sports. This includes studying trends in the administrative judiciary, the approach of the arbitrator of appeals, the Court of Cassation, and the Sports Settlement and Arbitration Center. Then, I will discuss the opinions of sports legislation jurists on the role of the judiciary and the arbitration center in settling sports disputes.

Trends in the Egyptian administrative judiciary, the direction of Cairo Court of Appeal. the direction of the Egyptian Court of Cassation, the direction of the Sports Arbitration Centre, and the direction of the Supreme Constitutional Court will be discussed further.

3.1. TRENDS IN THE ADMINISTRATIVE JUDICIARY IN EGYPT

The rulings of the administrative judiciary in Egypt, following the issuance of the Sports Law, dealt with the issue of the autonomy of sports with some caution. While their rulings adhere to legal texts, they determine that they are not competent to consider disputes related to non-governmental sports bodies. We find that they are competent at considering disputes related to governmental bodies in full, such as the Ministry of Youth and Sports, its administrative decisions, the central administrative authority, and the competent administrative authorities (such as the Youth and Sports Directors). Its rulings were based on the lack of jurisdiction over sports disputes related to nongovernmental sports institutions such as sports clubs, the Egyptian Olympic Committee, and Egyptian sports federations. While they affirm this lack of jurisdiction, but they refer these disputes to the Cairo Court of Appeal. The court bases its rulings on the Egyptian Arbitration Law, and relies on the fact that referral to the Sports Arbitration Center, without the consent of the party involved in the dispute. and based on the regulations of the Sports Authority involves forced arbitration and is in violation of the Constitution. It is believed that the regulations of the Sports Authority obligate itself to resort to arbitration, even without the members of the General Assembly agreeing to it. Therefore, the members of the General Assembly have the right to turn to the ordinary judiciary if there is no arbitration clause or arbitration charter outside the regulations of the Sports Authority.

The issue of referring jurisdiction to the Court of Appeal and the extent of its acceptance of jurisdiction is a matter of controversy, especially regarding the principle of sports autonomy and the regulations of the Egyptian Arbitration Center and the correspondence from the International Football Association (FIFA), which states that sports disputes are not to be submitted to any national court other than the Arbitration Centre. Therefore, it is worth noting the examples of rulings and comment on them in this article. The rulings address the controversy between the judiciary and sports autonomy, not only in terms of jurisdiction, but also in terms of various issues, such as adherence to international sports standards and the authority and powers of the Egyptian Olympic Committee.

3.1.1. The ruling 2175 of 73 c 12-2-2018

The Minister of Youth and Sports' decision not to dissolve the Egyptian Olympic Committee was halted after the implementation of Article 2 of Law No. 71 of 2017, along with the resulting consequence.

"In accordance with the provisions of Article (3) of the current law, the legislator has decided to grant the Olympic Committee new jurisdiction that was not assigned to it in the repealed law. The legislator stipulated that the regulations and basic rules of sports bodies, as established by their general assemblies under normal conditions and after a period of conciliation, should be enforced.

The Olympic Committee must approve the study before issuing and publishing it in the Egyptian Gazette to ensure compliance with the Olympic Charter and applicable international standards. In doing so, it exercises a supervisory and guardianship role over the general assemblies of sports bodies in the regulations it sets for their basic systems. These powers and authorities were previously assigned the administrative authority in Article 4 of repealed Law No. 77 of 1975. By granting these powers to the Olympic Committee, the legislator aims to achieve the public interest and remove

the contradiction between the repealed law, the Olympic Charter, and international standards. This aims to enhance the role of general assemblies and boards of directors of sports bodies, granting them autonomy.

Although the legislature has granted the Egyptian Olympic Committee these powers, it does not undermine the state's national sovereignty over it, unlike other state-affiliated entities. Even as a member of an international organization, the legitimacy of the Olympic Committee's existence comes from state laws. Its decisions must align with the powers legally defined for it, focusing on organizing Olympic sports activities and related technical matters in accordance with international conventions. The Committee should not intervene in administrative or social aspects of sports bodies unrelated to organizing sports activities. Any decisions made by the Olympic Committee must adhere to the Constitution and the law. Violating of these principles would go against the rule of law, which requires state authorities to act within the limits of the law (Article 94 of the Constitution)⁴⁵."

In addition to the above, considering the legislature's philosophy in the current sports law, the intention is to grant sports bodies self-management of their affairs in accordance with international standards by maximizing the role of their general assemblies. As a result, the decisions made by the general assemblies of these bodies and their boards of directors have become stand-alone decisions. They are not subject to guardianship oversight from the administrative body or any other party for enforcement. Articles 15, 16, 17, 18, 19, 21, or 22 of this law, which regulate the provisions of the general assemblies and the provisions of the Board of Directors, do not include guardianship—except for matters related to setting basic regulations and financial decisions within the limits of the legal texts regulating them. If the administrative authority and concerned parties wish to object to these decisions, they may either seek recourse through the competent judiciary or the Sports Settlement and Arbitration Center as stipulated in Article 66 of this law. This is outlined in Articles 20 and 23, provided that all requirements and conditions are met, as stipulated in Articles 70, 69, 68, 67, and 66 of this law. To state otherwise would render this law null and void, as it goes against its intended purpose and undermines its foundation.

"Therefore, the refusal of the defendant's administrative authority to issue a decision to dissolve the Egyptian Olympic Committee, write it off, and erase its registration from the records of sports bodies is justified based on the information presented in the papers. As a result, it is unlikely that the contested decision will be canceled when the merits of the case are considered, which undermines the necessary element of seriousness. In order to halt the implementation of the decision, the court had decided to reject the request to stop its implementation due to the lack of seriousness, without needing to consider the element of urgency as it would be futile.

The court emphasizes that by rejecting the request to halt the implementation of the contested decision, the Egyptian Olympic Committee will retain its legal personality and continue to exercise its powers as outlined in Sports Law No. 71 of 2017."⁴⁶

45 Ruling of the Administrative Court of the State Council, Second Circuit, in Case No.2175 of 73 C 12-2-2018
46 The Egyptian State Council. Case No. 2175 / 73 y, 12 Feb 2018, the Administrative Court, Second Circuit.

3.1.2. Analysis of the trend of the Egyptian administrative judiciary

By analyzing the rulings of the Egyptian administrative judiciary, we find that heading toward the fact that the arbitration clause in the Sports Authority is a condition specific to the authority itself, not its members. This direction was followed until it was considered coercive arbitration, and the regulations are considered unconstitutional if interpreted differently. In the CAS International Arbitration Law, contracts and regulations are included in the text.

Disputes involving a federation, association, or other sports-related body are subject to arbitration under this Code, only if their statutes, regulations, or a specific agreement allow for it. Therefore, international arbitration law extends beyond just arbitration agreements and contracts, encompassing the incorporation of an arbitration clause in a law or regulation.

In a comparative study, the German Supreme Court ruled on a matter related to the forced arbitration clause mentioned in the second section of the study. The court clarified that the arbitration clause could also be included in the statute of the sports authority. An issue to consider is the arbitration agreement contained in the statute of an association. These agreements are not voluntarily entered into by the athletes or clubs affected by them.

This argument was raised in the hotly debated case involving the German speed skater Claudia Pechstein, who sought damages before a German state court against the International Skating Union (ISU) after being banned for doping by the governing body and losing subsequent proceedings at the Court of Arbitration for Sport (CAS) in Lausanne and the Swiss Federal Court. In 2016, the German Supreme Court confirmed that in sporting matters the need for international uniformity of decisions trumps the requirement of a "voluntary" arbitration agreement. In my opinion, it is not permissible to completely exclude state courts from considering sports issues. However, the first stage of considering sports disputes should be specific to sports bodies, such as conciliation and mediation within the sports body or sports federation. If the athlete is not satisfied with the outcome, they have the right to resort to the state's litigation system to review the fairness of the decision taken in their case as a next level of appeal or to challenge the invalidity of the arbitration ruling.

If there is no ability to resort to the state's judicial system to consider the invalidity of the arbitration award, then the matter relates to the sovereignty of the state and affects the right to litigation. However, if recourse to the national judiciary is available to challenge the invalidity of the arbitration award, the right to litigation is still guaranteed. The Constitutional Court ruled to invalidate the regulations of the Sports Arbitration Center.

3.2. THE DIRECTION OF THE CAIRO COURT OF APPEAL

The Court of Appeal is responsible for hearing appeals against rulings where one of the parties involved in the case believes there was a mistake in the initial decision. Moreover, the Court of Appeal has the authority to review appeals against arbitration rulings within its geographical scope as outlined in the Egyptian Arbitration Law.

A candidate running for elections in an Egyptian sports club has filed a lawsuit to challenge an arbitration award before the Cairo Court of Appeal. The arbitration award in question was

issued by the Egyptian Sports Arbitration Center. The candidate's reasons to invalidate the award are twofold:

- (a) The absence of an arbitration agreement pertaining to the dispute in question.
- (b) The alleged unconstitutionality of the sports arbitration system as outlined in Articles 66 and 67 of Egyptian Sports Law No. 71/2017.

It was argued that the issue of invalidity should be considered inadmissible in light of the recent modifications to the rules of the Egyptian Sports Arbitration Center, which were amended in March 2018.

Surprisingly, the Cairo Court of Appeal ruled against accepting claims of invalidity related to arbitration decisions issued by the Egyptian Sports Arbitration Center in the December 2018 Appeal Ruling.

The court found no legal issues with the confusing rules. It explained that the cancellation procedures outlined in the Egyptian Arbitration Law No. 27/1994 do not apply to sports arbitration decisions. Instead, sports arbitration decisions follow a special cancellation system as stipulated in the new amendments to the Egyptian arbitration rules by the Sports Arbitration Centre. In brief, the Cairo Court of Appeal followed the literal interpretation of the newly amended rules of the Egyptian Center for Sports Arbitration without any reservations.⁴⁷

Then, its direction changed after the ruling of the Supreme Constitutional Court invalidated the list of arbitration centers. This ruling was based on the invalidation of the list, leading to the invalidation of the formation of the center (Abdullah Al-Saeed).

3.3. THE DIRECTION OF THE EGYPTIAN COURT OF CASSATION

The Egyptian Court of Cassation is the final stage for appealing judgments in the regular judiciary, specifically in criminal cases. It was not a specialized court until a few years ago. In December 2019, the Commercial and Economic Chamber of the Court of Cassation ruled to refer the constitutionality of Articles 66 and 69 of Sports Law No. 71 of 2017 to the Supreme Constitutional Court. This was to determine the extent of authority granted to the Board of Directors of the Egyptian Olympic Committee in issuing regulations for the statute of the Egyptian Sports Settlement and Arbitration Center, without prejudice to the sole autonomy of its arbitration bodies.

The court also referred to Articles 2, 81, 92 bis B, and 92 bis C of the Centre's bylaws, regarding their violation of the legislative mandate outlined in Articles 69 and 70 of the Sports Law, failure to adhere to international standards, and the protection of sports arbitration rulings issued by the Center from judicial oversight. Additionally, the court noted the principle of equality between citizens before the law regarding filing a lawsuit to invalidate the arbitration award issued by the Center before state courts.

The dispute arose before the Court of Cassation when the Egyptian Sports Settlement

⁴⁷ Ibrahim Shehata; Sports Arbitration in Egypt: The Utterly Baffling Experiences, Kluwer Arbitration Blog, 21 December, 2019, [http://arbitrationblog.kluwerarbitration.com/2019/12/21/sports-arbitration-in-egypt-the-utterly-baffling-experience.](http://arbitrationblog.kluwerarbitration.com/2019/12/21/sports-arbitration-in-egypt-the-utterly-baffling-experience/) /

and Arbitration Center decided to annul the results of the Mansoura Sports Club Board of Directors elections for the 2017–2018 term. This decision was made because the name of the candidate was not included on the ballot for the presidency. Following this, the president of the winning club, the head of the Egyptian Olympic Committee, and the executive director of the Mansoura Club resorted to the Cairo Court of Appeal. The Court of Appeal deemed the arbitration center's ruling invalid. Thus, the excluded candidate appealed This decision to the Court of Cassation. The Center's bylaws hen were amended after the appeal ruling to specify that only the Center itself could file an invalidation lawsuit.

Given the merits of its ruling, the court pointed that "Article 66 of the Sports Law incorrectly classified the Sports Settlement and Arbitration Center as affiliated with the Olympic Committee, despite claiming it was independent. Additionally, Article 69 II granted the President of the Olympic Committee the authority to issue regulations for the center's statute. These regulations established many connections between the two sides. including the formation of the Center's Council Management by the Olympic Committee and the shared presidency between the two organizations. Furthermore, the regulations specified that the center's board of directors would supervise its affairs in all financial and administrative aspects."⁴⁸

The court explained that "all the links between the Sports Arbitration Center and the Olympic Committee would raise serious doubts about the extent of the center's autonomy, especially in cases where the Olympic Committee may be a party to the lawsuits presented to any of the arbitration bodies. The court noted that the structure is supposed to allow the Center's organizational structure to provide the necessary autonomy for its arbitration bodies, as they are bodies with judicial jurisdiction. This structure should also reassure the hearts of the arbitration parties and everyone who resorts to the Center to settle a sports dispute."⁴⁹

The court added that this is achieved by the arbitration bodies enjoying the autonomy and impartiality necessary to perform their mission fully. Merely having autonomy and seriousness in the arbitration bodies affiliated with the Center from the Olympic Committee and the parties to each dispute are insufficient and require the autonomy of the Center from the committee at both the organizational and financial levels.

The court ruled that Articles 2 and 81 of the Center's regulations, exceeded the scope of the authority granted in Article 69 of the Sports Law. This Article gives the Olympic Committee's Board of Directors the authority to create rules and procedures for mediation, conciliation, and arbitration in accordance with international standards. The court also found that these articles deviated from the Center's obligations outlined in Article 70 of the Sports Law. Article 70 references the Olympic Charter, international standards, the Sports Law texts, guarantees, and the basic principles of litigation found in the Civil and Commercial Procedures Law. It also requires compliance with Law No. 27 of 1994 on Arbitration in Civil and Commercial Matters, known as the Egyptian Arbitration Law, which is the primary law governing arbitration in the country.

48 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

49 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

The court noted that *"in principle, there is nothing wrong with the Sports Law or the regulations implementing its provisions in seeking to remove sports disputes from the jurisdiction of international courts to decide them through arbitration or any of the alternative methods for settling disputes. This can be achieved by stipulating this in sports contracts or regulations of bodies and federations. The various sports rules and principles grant them a great degree of autonomy and freedom. This also aims to keep pace with the international trend of limiting state interference in the affairs of sports bodies and federations, by establishing a special authority that has the mandate to settle sports disputes with quick, reasonable, flexible procedures. and costs. However, the Center's regulations did not comply with international standards regarding claims for the invalidity of arbitration awards."*⁵⁰ "

The court explained that the articles of the regulations regulated the filing of invalidity lawsuits against the Center's rulings in a way that raises doubts about the immunity of sports arbitration rulings from judicial oversight. The regulations were found to violate Article 53 of the Constitution and clearly abolished the possibility of referring to the Egyptian Arbitration Law in regard to the invalidation lawsuit, even though this law is the general law of arbitration in the country.

The cassation cited, "the Court of Arbitration for Sports in Switzerland as the most prominent international model in the field of sports dispute settlement. It stated that the Court does not have jurisdiction to consider invalidation claims, and the Swiss Federal Court remains competent to hear invalidation claims on those rulings. This is because according to the rules of the Court of Arbitration for Sport, the arbitration always takes place in the city of Lausanne, Switzerland. It is preferable to follow international standards that state claims for the invalidity of sports arbitration rulings should not be considered within the framework of the Center as stipulated in Sports Law. This is especially important due to legal doubts raised about the Center's autonomy from the Egyptian Olympic Committee."⁵¹

On the other hand, the cassation stated "the amended Article 92 bis C of the Center's regulations allows the Center to invalidate sports arbitration awards, even if they are foreign. This contravenes the provisions of the "1958 New York Convention" regarding the recognition and implementation of foreign arbitrators' awards. In follow-up, it was mentioned, "This article authorizes what is called the Center of Invalidation - which is merely a center for arbitration - to have an authority that the courts of the Republic themselves do not have."⁵² The court explained that the article also violates the Egyptian Arbitration Law. Its application would ignore the concept of the legal seat of arbitration and allow the Nullification Department at the Egyptian Settlement Center to challenge the authority of the competent court of nullity in the country chosen by the parties as the legal seat of foreign sports arbitration issued by any sports arbitration body. This creates a situation of unjustified conflict in jurisdiction.

Egyptian law transfers regulatory supervision of sports bodies from the competent government authority, such as the Directorate of Youth and Sports, the National Sports Center, or the Ministry, to the National Olympic Committee. When it comes to setting regulations for the Sports Authority, it is evident that most participants adhered to the relevant regulations.

50 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

51 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

52 The Egyptian Court of Cassation. Case No. 1458 /89 Y, 24 December 2019.

For example, the Zamalek Club presented various articles that led to the option of resorting to the Sports Dispute Settlement Center, which were later revoked.

The current law mandates the approval from the Olympic Committee on the regulations for the sports body to show the extent of its conformity with international standards and the Olympic Charter.

The list must be approved by the Olympic Committee and published in the official gazette by the ministry. In the context of State Council Ruling 3996 of 1973 BC, failure to publish the list is considered a negative administrative decision by the competent administrative authority.

3.4. THE DIRECTION OF THE CENTER FOR SPORTS SETTLEMENT AND ARBITRATION

Based on the merits of the ruling, Article 67 of Sports Law No. 71 of 2017 includes members of the general assemblies of these federations.

"The center's jurisdiction is established based on a condition or stipulation for sports arbitration contained in a contract or based on a body's regulation or a regulation related to a sporting activity. The Egyptian Sports Settlement and Arbitration Center, whenever jurisdiction is established, has the authority to settle the following disputes:

- 1. Disputes that arise from the application of the provisions of this law and the statutes of the Egyptian Olympic Committee, the Egyptian Paralympic Committee, sports clubs and federations, and the members of the general assemblies of these federations."*
- 2. Disputes that arise from the interpretation or implementation of contracts in the sports field..."*

Article 2 of Resolution No. 88 of 2017, concerning the statute of the Egyptian Sports Settlement and Arbitration Center, has been replaced by Olympic Committee Resolution No. 2 of 2018. This resolution states, "Taking into consideration Article 70 of the Sports Law issued by Law No. 71 of 2017, the regulations outlined in this document are applicable to all sports disputes. Parties involved in a dispute must adhere to these regulations, and by resorting to the Egyptian Sports Settlement and Arbitration Center they agree to submit their arbitration claim, any appeals, and any challenges to the validity of the arbitration decision to the rules outlined in these regulations."⁵³

3.5. THE DIRECTION OF THE SUPREME CONSTITUTIONAL COURT IN EGYPT

We have found that the Egyptian Constitutional Court is considering cases related to the Sports Law. In August 2021, Law No. 137 of 2021 was issued, amending certain provisions of the Supreme Constitutional Court Law No. 48 of 1979.

Article 27 bis now permits *"the Supreme Constitutional Court to monitor the constitutionality of decisions made by international organizations and bodies, as well as rulings from foreign courts that are to be enforced against the state."*⁵⁴

Article 33 bis permits "the Prime Minister to ask the Supreme Constitutional Court to declare

⁵³ The Egyptian Sports Settlement and Arbitration Center. Case No: 12 / 3 y, 2020.

⁵⁴ The Egyptian Supreme Constitutional Court Law No. 48 of 1979, Amendment by Law No. 137 of 2021.

that decisions and rulings mentioned in Article 27 bis should not be considered, along with any obligations stemming from their execution.”⁵⁵

Any concerned party shall dispute this request, and a copy of the decision or ruling in question must be included, along with a certified translation thereof. The request must state the constitutional text or provision alleged to be breached, and the rationale for the breach. The court shall promptly decide on the request.

The Constitutional Court has oversight over foreign decisions and rulings through a mechanism similar to the adjudication of implementation disputes. Therefore, it may monitor the rulings and decisions of international sports bodies in relation to the Egyptian state. However, the CAS Court and its rulings do not apply to this text because the text does not include international arbitration rulings, so they have been excluded. The draft law violates the provisions of the New York - RC Arbitration Agreement and international standards. As a result, oversight of arbitration decisions does not extend to the Egyptian state.

The body recommended that Commissioners in the Constitutional Court review the constitutionality of Articles 66, 67, and 69 of Sports Law No. 71 of 2017 in lawsuit No:16/43.

The ruling of the Supreme Constitutional Court was issued on January 14, 2023, in Constitutional judicial case no. 61 of 42

First: Article 69 of the Sports Law, as promulgated by Law No. 71 of 2017, was deemed unconstitutional. It stated that “The Board of Directors of the Egyptian Olympic Committee shall issue a decision on the statute. The Center regulates the rules and procedures for mediation, conciliation, and arbitration therein.”

Second, “the bylaws of the Egyptian Sports Settlement and Arbitration Center issued by the Egyptian Olympic Committee’s Board of Directors Resolution No. 88 of 2017, and its amendments”⁵⁶ have been cancelled.

The court provided the following reasons for its ruling:

“According to Article 84 of the Constitution, the legislature is empowered to regulate sports affairs and sports bodies eligibility based on international standards and fairness. This includes granting the legislature the authority to establish a mechanism for resolving sports disputes, and utilizing international standards for athlete arbitration. The legislature has approved the use of arbitration as a means to settle sports disputes, as outlined in the Seventh Law of Sports. Athlete arbitration serves as a tool for resolving sports disputes, while adhering to international standards to ensure fairness and objectivity in the arbitration process, distinguishing it from other forms of arbitration.

The judiciary is amazing in its ability to assign rights and authority under the Constitution. The court may run on the premise that if the Constitution grants legislative authority, then no one can take away from that. However, the Executive Authority should not restrict their judiciary with general controls and foundations. The legislator should work within the framework of the Constitution, rather than abandoning their specialty. The original decision in Article 101 of the Constitution, has fallen into a violation of Constitutionalism.

55 The Egyptian Supreme Constitutional Court Law No. 48 of 1979, Amendment by Law No. 137 of 2021.

56 The Egyptian Supreme Constitutional Court. Case No. 61 / 42 y, 14 Jan 2023.

In addition, I included Article 69 of the Sports Law. The previous one *The remembrance*, where I included it to delegate the council administration to the Egyptian Olympic Committee in issuing a resolution by the Basic Center for Settlement and Arbitration. The Egyptian athlete organizes rules and procedures for mediation, good luck, and arbitration. However, it is important to note that the legislator should not take away the authority to organize the chapter on sports disputes. This is in accordance with the Constitution's mechanism, which specifically addresses this issue. Therefore, it is necessary for the legislator to organize this matter and establish rules for sports disputes from both procedural and objective perspectives. This should be done without delegating authority to any organization, as the organization must remain impartial and objective in order to ensure judicial satisfaction that is proportionate to the type of disputes in question. It is important to closely adhere to the truth in litigation and ensure that the rights of all parties involved are protected. This specialization should be exclusively organized by the legislator without interference, as taking away this authority would violate Articles 8 and 4 of the Constitution.

When a decision is made by the Constitutional Court, its specialization lies in reviewing the constitutionality of decisions and regulations issued by private entities. Without legislative preparation, the court's role in Constitutional Censorship is significant, and it has jurisdiction to either uphold or overturn decisions made by competent judicial bodies. Any decisions or regulations that do not comply with the Constitution may be revoked based on legislation. If private decisions and regulations are found to be unconstitutional, they must be reviewed by the Constitutional Censorship branch. It is essential to ensure that private decisions and regulations comply with legislation to prevent a violation of the Constitution. Otherwise, the branch of origin may be required to intervene and communicate a resolution in connection with the matter.

When the progress was assessed, it was listed in the Basic System for the Settlement and Arbitration Center. The Egyptian athlete, unable to separate himself from Articles 81, 92, and 92 Bis of the Constitution prepared to appear before this court through immanence. Secondary matters are inevitably related to the constitutionality of Article 19 of the Sports Law, Law No. 71 of 2017. The previous range was defined, leading to a judicial review of the legislative text's demise. The legal bond to issue regulations referred to in the text requires a complete fall of its provisions by the judiciary."⁵⁷

This ruling did not address the principle of autonomy in sports. Instead, it was ruled unconstitutional for violating the mandate given to the legislature to set the method for resolving sports disputes, a responsibility assigned to them by the constitution. The court believes that it is the legislator's role to set the general framework for resolving sports disputes and regulate this matter.

Moreover, when anchoring rules are utilized in the procedures and objectives of sports disputes from both sides, he delegates authority to this organization or a part of it, as the organization is involved in the procedural and objective aspects of judicial satisfaction that correspond to this type of dispute. He emphasizes the importance of truth in litigation and asserts that rights should always be organized exclusively by the legislator without interference from others.

⁵⁷ The Egyptian Supreme Constitutional Court. Case No. 61 / 42 y, 14 Jan 2023.

The ruling does not address the issue of the Arbitration Center's affiliation with the Olympic Committee being contrary to the principle of sports autonomy. In my opinion, this ruling failed to address an important point. It is crucial to distinguish between the bylaws governing the Sports Arbitration Center, which should be established by its general assembly in accordance with the principle of sports autonomy, and the laws applicable to sports disputes, which may differ from the regulations governing the Sports Arbitration Centre.

This ruling, which pertains to the legislature establishing a law for sports arbitration in Egypt, raises suspicions of a constitutional violation of Article 84 of the Constitution. This article addresses international sports standards and includes the principle of autonomy in sports. The drafting of a sports arbitration law by the House of Representatives could be seen as state interference in sports affairs. Therefore, in my opinion, the legislature should refrain from setting specific guidelines and instead allow the Sports Arbitration Center to develop its own system.

To ensure that sports arbitration complies with Egyptian arbitration laws, as the ruling stated, athletes should use it as a tool to resolve sports disputes while adhering to international standards, unless there are differences in procedural and objective aspects that set it apart from other types of arbitration. This highlights the illegality of the regulations for sports arbitration, as they violate Egyptian Arbitration Law by not allowing for appeals of invalidation decisions before Egyptian courts or any other court. Additionally, the creation of an invalidation department within the center to review the validity of its decisions further complicates the situation.

The ruling indicated that the jurisdiction for appeals against regulations of private sports bodies does not fall under the Constitutional Court, but rather the competent court. The decision emphasized that the Constitutional Court's expertise lies in reviewing the constitutionality of decisions and regulations made by public entities, not private ones. Since there is no legislative framework in place for this specific issue, it is within the jurisdiction of the competent judiciary to address and potentially overturn such decisions.

In the case of sports bodies, the competent court is the Sports Arbitration Centre. However, what about the regulations of the Sports Arbitration Centre itself? Do authorities have the ability to appeal to organizational regulations? These regulations fall under the jurisdiction of private bodies and are delegated regulations in which the legislator entrusts a body to regulate certain issues within the scope of legislation.

In my opinion, the ruling overlooked the materials that were necessary to request a judgment on its constitutionality. It did not address this issue in either the cause or the text of the ruling Articles 66 and 67.

Here arises a question: Did the legislator violate the constitutional mandate as stated in the ruling's statement of reasons for unconstitutionality?

In my opinion, the legislator did not exceed the limits of the constitutional mandate. The legislator did not delegate executive authority in clarifying the arbitration center regulations. Instead, in the beginning of Article 69, which was ruled unconstitutional, the responsibility to issue the regulations was given to the Board of Directors of the Egyptian Olympic Committee,

"The Board of Directors of the Egyptian Olympic Committee shall issue a decision on the basic system of the center that regulates the rules and procedures for mediation, conciliation, and arbitration. This decision will be in accordance with international standards based on the proposal of the Center's Board of Directors."⁵⁸

The Egyptian Olympic Committee is not part of the executive authority, but rather a private body of public benefit. Despite my agreement on the unconstitutionality of the article, I believe that its violation of the principle of the independence of sports, is the reason for its unconstitutionality. The center should be independent of the Olympic Committee in accordance with international standards, as stipulated in the constitution which requires "the law to regulate the affairs of sports and private sports bodies in accordance with international standards."⁵⁹

The legislator did not leave the mandate completely without a framework or definition. He restricted the Olympic Committee to general controls and main foundations within which it is obligated to work. He clarified the commitment of the Sports Arbitration Center to the Egyptian Code of Civil Procedure and the Egyptian Arbitration Law in Article No. 70 of the law. This article stated:

"The Sports Arbitration & Dispute-Resolution Center of Egypt abides by the provisions and regulations of the Olympic Charter, World Standards, and the articles of associations of the sports organizations addressed and governed by the provisions of this Law. It abides by the texts of the Law, as well as all the decrees and regulations issued in implementation thereof, and the basic principles and guarantees of litigation as stipulated in the Law of Civil & Commercial Procedures. The provisions of the Law governing Arbitration in Civil & Commercial Issues, promulgated by Law No. 27 of 1994, shall be applied to all matters for which no specific text is stated in this Part and the Center regulations."⁶⁰

Therefore, the legislator did not leave the Sports Arbitration Center or the Olympic Committee free in the mandate directed to them. Instead, he set a general framework. If the center's regulations are in violation of Egyptian arbitration law and the New York Convention, the regulations are tainted by illegality. There is a possibility of their invalidity in what they stipulated regarding the inadmissibility of appealing their decisions for invalidity before the Egyptian judiciary. Therefore, the one who violated the constitutional mandate is not the legislator, but the Olympic Committee and the Sports Arbitration Center itself in its regulations. What should be done?

The Sports Arbitration Center should be independent of the Olympic Committee by establishing a higher independent body to manage it instead of the Olympic Committee. The center should set its own regulations within the framework of the legitimacy of compliance with the Sports Law and the Egyptian Arbitration Law. Its regulations may not be set by the legislator or the Olympic Committee because that would conflict with its autonomy.

The Supreme Sports Arbitration Authority, which I propose to be established, will be composed of members representing the Egyptian Olympic Committee, members representing the

58 The Egyptian Sports Law No. 71 of 2017, Art. 69.

59 The Egyptian Constitution (2014), Amendment (2019), Art. 84.

60 The Egyptian Sports Law No. 71 of 2017, Art. 70.

Egyptian sports federations, members representing the clubs, and members representing the athletes and sports professions. The Authority will supervise the Sports Arbitration Center administratively only.

There are still other appeals before the Supreme Constitutional Court that address articles related to the independence of the arbitration center from the Olympic Committee, such as Articles 67, 68, and 90 of the Sports Law.⁶¹

3.5.2. The ruling of the Supreme Constitutional Court regarding a conflict of jurisdiction between the administrative judiciary and the Arbitration center

In the ruling of the Supreme Constitutional Court regarding a conflict of jurisdiction between the administrative judiciary and the arbitration center, it was decided not to accept the case. The decision was based on the following reasoning:

*"The consequence of this ruling is the elimination of the Egyptian Sports Arbitration and Settlement Center and the termination of Arbitration Case No. 81 of 2021 Sports Arbitration. As a result of the authority of the Supreme Constitutional Court, the substantive dispute can now only be addressed before the Administrative Court in Cairo in the aforementioned case. Therefore, the basis for a positive dispute that would require the Supreme Constitutional Court to intervene is no longer present, leading to the conclusion that the case is inadmissible."*⁶²

In my opinion, the court overlooked the fact that the ruling of unconstitutionality did not address the nonexistence of the Sports Arbitration and Settlement Center. This is because the part of the article deemed unconstitutional is not specific to the establishment of the center. The ruling was related to the unconstitutionality of Article 69 of the Sports Law which pertains to the issuance of the center's regulations by the head of the Egyptian Olympic Committee. Furthermore, the ruling on the lapse of the regulations specific to the center does not imply the nonexistence of the center or the absence of a legal system regulating it. This is because the Sports Law refers to the Egyptian Arbitration Law and the Procedural Litigation Law.⁶³

The court did not rule on the unconstitutionality of Article 66 and the subsequent articles, which establish the center and define its jurisdictions. It did not pay attention to the requests or references regarding this issue. Therefore, the court should have considered the dispute before it and determined whether there is an arbitration condition or not. Instead of ruling on inadmissibility, the court should have ruled on the dispute itself. The Sports Arbitration Center currently exists and is in effect from a legal perspective. However, it is not using its regulations for arbitration, but rather the Egyptian Arbitration Law. This is until a new arbitration regulation is issued to avoid unconstitutionality. The dispute over jurisdiction should be considered in this case. It is important to note that as a result of this ruling, the General Assembly for Fatwa and Legislation issued an opinion stating that the center does not exist and it is not permissible to continue its work.

61 The Egyptian Supreme Constitutional Court. Cases No. 88/43, 89/43, 38/44, 41/44, 69/44.

62 The Egyptian Supreme Constitutional Court. Case No. 12/44y, "Execution Dispute," 3 Nov 2023.

63 Hussien, Ahmed Saad Mohammed. "The Balance between State Sovereignty and the autonomy of sport in Some Arab Sports Arbitration Centers," Scientific Journal of Applied Research in the Sports Field, Ministry of Youth and Sports, Egypt, 2025, 11– 86, https://journals.ekb.eg/article_363012.html

4. RESULTS

The Egyptian legal system has diversity in dealing with the legal regulation of practicing sports. Private sports bodies are regulated by the Sports Law, giving them great independence. Additionally, there is the Youth Bodies Law, which regulates youth centers where young people can practice sports.

Egyptian sports bodies have significant autonomy in setting regulations, managing institutions, and using sports arbitration rather than the state judiciary. The state's role is limited to financial and administrative oversight to combat corruption and crimes.

The national judiciary has not fully embraced the idea of not resorting to it for dispute resolution. There is still controversy over the conflict with the right to litigation if arbitration is mandatory, and the acceptance of this concept has not been fully established.

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