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Sports Arbitration: A Path Forward for Venezuelan Law (and Sports)

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The steady growth of the global sports industry is more than evident. Sports are no longer mere pastimes or sources of entertainment for those who play or follow them; they are, in fact, highly professionalized environments with a significant influence on the global economy and culture. When discussing the role of law in sports and the need to resolve legal disputes within that context, mechanisms and procedures are also required that reflect that professionalization and influence.

This is why arbitration is so remarkable as a means of dispute resolution in the sports sphere. Both nationally and internationally, sports arbitration represents a specialized, flexible, expeditious, and, fundamentally, alternative avenue to state jurisdiction. It is therefore appropriate to analyze whether, as is the case internationally, it would be pertinent to have an arbitration institution in Venezuela dedicated exclusively to addressing sports disputes.

I. Sports Arbitration on the International Stage

The importance of arbitration as a dispute resolution mechanism in the international sports arena is significant.

For many years, disputes related to sports were inevitably resolved through judicial and administrative agency. These agencies, due to a clear lack of specialization in the field, procedural delays, and a lack of international uniformity, were often ill-suited to resolving sports disputes.



In response to those years of dissatisfaction, the Court of Arbitration for Sport (in French, Tribunal Arbitral du Sport; hereinafter "CAS") began operations in 1984. This institution is headquartered in Lausanne, Switzerland. Its creation was promoted by the Spaniard Juan Antonio Samaranch, then president of the International Olympic Committee ("IOC"), with the aim of ensuring a more uniform, flexible, agile, and specialized international sports justice system, with arbitrators who are experts not only in law but also in sports.

Since then, the CAS has progressively been recognized as the primary tribunal in international sports, focused on adjudicating disputes regarding matters such as doping, disciplinary sanctions, eligibility, transfers, and even contractual disputes. Although it was initially an institution attached to the IOC, over the years it eventually became an independent center.

Like any arbitral agency, the CAS has internal rules governing its procedures (ordinary proceedings, appeals, etc.). Furthermore, its awards may be subject to annulment proceedings before the Swiss Federal Court⁴³ and to recognition and enforcement abroad in accordance with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York in 1958.

The significance of the CAS has been directly reflected in the major sports federations and associations worldwide. In their internal regulations, these institutes provide for arbitration before the CAS as the mechanism par excellence for resolving disputes arising within their ranks that are not definitively resolved through their internal processes. Accordingly, the CAS has jurisdiction to hear disputes not only at first instance but also on appeal (regarding decisions made within the internal jurisdiction of sports federations or associations), which represents one of the most distinctive features of sports arbitration compared to other types of arbitration.

Its nature as a dynamic, efficient, and specialized agency has established it as the central hub for sports disputes, leading it to decide cases of enormous international significance.

For example, in 2008, it heard the case pitting World Athletics against Oscar Pistorius, a South African Paralympic athlete, over his alleged use of prosthetics that gave him a significant and unjustified advantage over other athletes; in this case, the CAS ruled in favor of the athlete, finding that World Athletics had failed to conclusively prove the existence of that advantage.

It also resolved the dispute involving Paolo Guerrero, a Peruvian soccer icon, against FIFA and the World Anti-Doping Agency, after he tested positive for benzoyllecgonine,

the primary metabolite of cocaine, following a 2018 World Cup qualifying match. Although the arbitral tribunal understood that the soccer player, who had ingested the substance in a cup of tea, had done so through contamination and without intent, it concluded that he had acted negligently; consequently, it imposed a fourteen-month suspension from competition.

These two cases are just a few examples of the prominent role the CAS has assumed in resolving sports disputes. Its operations have helped establish an alternative to ordinary courts, fostering confidence among institutions and athletes in a specialized, swift mechanism with a global perspective.

However, the CAS is not the only dispute resolution body in the field of sports. While it is the central hub for such disputes in the international sphere, several jurisdictions have their own arbitration centers, naturally with a national scope. This is the case, for example, in Germany, which has the DIS Sportschiedsgericht (German Sports Arbitration Court), dedicated primarily to doping issues; France, whose National Olympic Committee includes the Chambre Arbitrale du Sport (Sports Arbitration Chamber) for contractual and disciplinary disputes; and, geographically closer, Argentina, which established the Sports Arbitration Tribunal in December 2024, also within its Olympic Committee.

II. Sports Justice Mechanisms in Venezuela

As the purpose of this article suggests, Venezuela currently lacks an arbitration institution focused on sports. However, the existence of such an institution—or of agency that could perform analogous functions—has already been the subject of some consideration in the country.

In 2011, Venezuela enacted the Organic Law on Sports, Physical Activity, and Physical Education (LODAFEF), whose Articles 77 and 78 referred to the establishment of a Sports Justice Commission (CJD), which would hear appeals of “decisions adopted by state sports associations, national sports federations, and professional sports clubs and leagues affiliated with the associative movement, which rule on offenses classified as serious or very serious under their respective regulations [...]” This was a genuine attempt to establish a sports arbitration institution, albeit with the particularity, among others, that its decisions would be appealable exclusively before the contentious-administrative courts.



The Fifth Transitory Provision of the LODAFEF stipulated a period of 180 consecutive days from its entry into force for the establishment of the CJD. However, despite certain efforts made, including the approval of its statutes in 2018 by federations of the Venezuelan Olympic Committee, the CJD was never truly put into operation.

Consequently, the existence of a sports arbitration tribunal in Venezuela has not yet become a functional reality, as it has in other jurisdictions such as Germany, France, or Argentina. Currently, in addition to the ordinary courts (before which commercial or labor disputes may arise), sports justice mechanisms in Venezuela are limited to the internal dispute resolution bodies of the relevant federations and/or associations.

In this vein, for example, the bylaws of the Venezuelan Basketball Federation (“FVB”) provide for the operation of a “Tribunal for Arbitration and Conciliation of Controversial Basketball Matters.” The jurisdiction of this body is to “hear non-sporting disputes in the field of basketball through mediation, arbitration, and conciliation” (Article 187); more specifically, “disputes arising between associations or organizations, sports entities, professional entities, leagues, clubs, groups, players, athletes, sportspeople, professional athletes, coaches, referees, officials, and agents” (Article 188).

Similarly, the Dispute Resolution Chamber (“CRD”) of the Venezuelan Football Federation (“FVF”) is noteworthy. Article 74 of its bylaws establishes the CRD as an “arbitration tribunal” that functions as a “judicial body,” with jurisdiction to resolve disputes such as those arising between soccer players and professional entities regarding employment contracts or other types of agreements, or those arising between various professional entities as a result of their contractual relationships.

In fact, the FVF’s bylaws also provide for arbitration before the CAS as a last resort, once all internal legal remedies within the federation have been exhausted. Indeed, Article 78 expressly provides:

“Disputes within the FVF or those affecting FVF members, leagues, league members, clubs, club members, players, and officials may only be referred to the CAS as a last resort, that is, after exhausting all internal remedies within the FVF. [...]”

Thus, as is the case with the world’s governing body of soccer (FIFA), or with the South American Football Confederation (CONMEBOL) itself, of which Venezuela is also a member, an arbitration agreement is expressly included that binds both the federation itself and the leagues, clubs, and players who pursue their professional careers within it.



For their part, other federations such as the Venezuelan Water Sports Federation (FEVEDA) merely provide in their statutes for the existence of a Council of Honor, which is competent solely to rule on disciplinary offenses. However, they do not have a comprehensive dispute resolution body capable of hearing disputes concerning other matters (e.g., contractual issues).

All things considered, while there are several sports justice mechanisms in Venezuela, the inclusion of a national sports arbitration institution remains advisable. That is to say: a specialized, flexible, private institution with the authority to resolve legal disputes arising within the Venezuelan sports environment, regardless of the sport or the federation or organization involved.

Concluding Remarks

The global prominence of the CAS has propelled arbitration as the primary means of resolving sports disputes. The assurance of a process outside the ordinary courts, with arbitrators who are experts in both law and sports, has led several national legal systems to establish their own sports arbitration centers. Such is the case in countries like Germany, France, and Argentina, which have opted for arbitration as the general dispute resolution mechanism, at least at the national level.

In the case of Venezuela, attempts to establish arbitration agencies in sports matters have, in fact, existed. However, the current situation shows that alternative dispute resolution mechanisms in this area are limited to (i) ordinary state courts, (ii) certain bodies within sports federations, regulated internally, and (iii) provisions in the internal regulations of federations (e.g., the FVF) referring cases to the CAS as the final arbitral authority.

In light of this, it is deemed appropriate to establish a sports arbitration tribunal in Venezuela that is independent not only of state jurisdiction but also of all sports federations and organizations; an institution that, compared to the CAS, would be more accessible geographically and economically for Venezuelan sports, with awards that are equally final and binding.



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