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The Olympic Charter - Its function and historical evolution

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Biography

Franck Latty is Professor of International Law at University Paris Nanterre, and a member and former Director of the Centre de droit international de Nanterre (CEDIN). He is the author of numerous publications on sports law (among others: *La lex sportiva – Recherche sur le droit transnational*, Nijhoff, 2007). He chairs the French Branch of the International Law Association (ILA). He also acts as an arbitrator for the Court of Arbitration for Sport (CAS) and for the Arbitration Chamber of the French National Olympic and Sports Committee (CNOSF). He is also a conciliator at the CNOSF and the International Centre for the Settlement of Investment Disputes. He chairs the Ethics Committee of the French Tennis Federation.

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Abstract: This article highlights the uniqueness of the Olympic Charter through the functions it fulfils and its evolution over time. The Olympic Charter is an atypical legal instrument as it serves as the constitution of the Olympic Movement, as the Statutes of the International Olympic Committee (IOC), and as the general regulations for the Olympic Games. As a constitution of a private nature, it organises the Olympic Movement while subjecting its constituents to fundamental principles. The Charter also constitutes the founding statutes of the IOC as an association under Swiss law. In addition, the Charter determines the main rules for the Olympic Games, which are complemented by secondary legislation adopted by the IOC.

The text of the Charter is the product of a historical evolution that has concerned the name of the instrument, its structure and its content. The name “Olympic Charter” appeared relatively late in the process (1978). The current structure of the Charter itself dates back to the end of the 20th century (1990). It was primarily the need for rules to govern the development of Olympic Movement, and in particular the Olympic Games, that led the IOC to strengthen the body of the Charter over time. The Charter itself has reflected the evolution of world sport, of which it is a legal mirror, as shown by the example of the question of amateurism or the place of women in sport. The Charter is also evolving to respond to the various threats to sport (doping, manipulation of competitions, corruption, etc.), or to translate into legal terms the IOC’s strategy for the Olympic Movement. Thus, the Olympic Charter is a text in constant “movement”.

Keywords: Fundamental Principles of Olympism, Rules of the Olympic Charter, Constitution (of the IOC, of the Olympic Movement), Regulation of the Olympic Games, Historical Evolution of the Charter

The first Olympic Congress, convened at the Sorbonne in 1894 at the initiative of Pierre de Coubertin, decided to re-establish the Olympic Games (OG), the first edition of which was to be held in Athens in 1896. An “International Committee for the Olympic Games” was created, for which Coubertin drafted the first set of rules. It was this simple document of a few handwritten lines that became the Olympic Charter (OC) we know today, after a long evolution.¹

The Olympic Charter is now presented as “the codification of the Fundamental Principles of Olympism, Rules and Bye-laws adopted by the International Olympic Committee (IOC)”.² As an instrument of “codification” it is first and foremost a legal text, the purpose of which, the introduction adds, is to govern “the organisation, action and operation of the Olympic Movement and [to set] forth the conditions for the celebration of the Olympic Games”.

However, the Olympic Charter should not be reduced to its purely legal dimension. It is “a universal text, not because of its legal nature but, rather, because of its extra-legal aspect – its moral authority, based on the social, economic and sporting significance of the Olympic Games”.³ It has a symbolic aspect of primary importance, as a founding text for the entire Olympic Movement, and indeed for world sport as a whole. In addition to the purely legal rules, it enshrines the fundamental values of sport and Olympism, notably through the Fundamental Principles of Olympism (definition of Olympism as a philosophy of life, goal of Olympism placing sport at the service of the harmonious development of humankind, non-discrimination, etc.). It is therefore not surprising that the Charter is often invoked even in an extra-legal context as a receptacle of supreme moral principles.⁴

In its current version,⁵ the Olympic Charter is a long (108 pages), sometimes technical text. It takes the form of a composite legal text, in which the most abstract principles stand alongside the more technical rules, and provisions of a constitutional nature coexist with simple norms of conduct. It is composed, in addition to a brief introduction, of a very short preamble with historical content (recalling the origins of modern Olympism), a list of seven Fundamental Principles of Olympism, and five chapters on (1) the Olympic Movement, (2) the International Olympic Committee, (3) the International Federations, (4) the National Olympic Committees, (5) the Olympic Games, plus (6) a last chapter entitled “Measures and Sanctions, Disciplinary Procedures and Dispute Resolution”.

This article will first discuss the main functions of the Charter, with an emphasis on its atypical nature. It will then explore the evolution of the Olympic Charter over the years until the present text. In doing so, it will show that the Charter is a text “in movement”, reflecting the evolution of the history of the Olympic Movement and the OG, and indeed of sport as a whole.

Functions of the Olympic Charter

The Olympic Charter fulfils three main functions: it is the constitution of the Olympic Movement, as its supreme law; it is also the constitution of the IOC, determining its missions and the composition and competences of its bodies.⁶ Finally, it lays down the main rules concerning the Olympic Games. This threefold functionality makes the OC an atypical text, both a constitutional and an operational instrument.

Constitution of the Olympic Movement

Just as almost all written constitutions of states lay down fundamental principles, organise the form of government and distribute power among state bodies, the Olympic Charter is functionally similar to a basic law, yet one of a private nature, that determines the fundamental rules of a specific society: the Olympic Movement.⁷ This aspect of the Charter is one of the achievements of the Samaranch (the 7th IOC President) era, which contributed greatly to the structuring of the Olympic Movement and made the Charter its founding pact.⁸ The introduction of the Charter itself provides

that “[t]he Olympic Charter, as a basic instrument of a constitutional nature, sets forth and recalls the Fundamental Principles and essential values of Olympism”. It also “defines the main reciprocal rights and obligations of the three main constituents of the Olympic Movement”, in what resembles a *contrat social* (Rousseau) between the IOC, the International Federations (IFs) and the National Olympic Committees (NOCs).

The Charter opens with the Fundamental Principles of Olympism, of which there are seven. The first three principles define what Olympism is, its purpose, and how it operates. This is followed by four other Fundamental Principles concerning the practice of sport as a human right; the principles that should guide sports organisations (political neutrality, autonomy, and its corollary: good governance); the principle of prohibition of discrimination of any kind; and the basic conditions for belonging to the Olympic Movement, namely recognition by the IOC and compliance with the Charter.

Secondly, the Olympic Charter contains a first chapter on the Olympic Movement, which deals with the composition and general organisation of the Movement and the mission of the IOC, which is “to promote Olympism throughout the world and to lead the Olympic Movement” (Rule 2). This is followed by provisions concerning the elements specific to the Olympic Movement (Olympic Congress, Olympic Solidarity, basic presentation of the Olympic Games, OG rights, Olympic symbol, flag, motto, emblems, anthem, flame and designations).

The next sections concern the IOC (legal status, members and organs) and the other main components of the Olympic Movement: The IFs and the NOCs. While the Charter also has constitutive value for the IOC as an organisation (*infra* ii), this is not the case for the IFs and NOCs. The Charter merely sets out their missions within the Movement and specifies the conditions under which they may be recognised by the IOC.

The constitutional authority of the Olympic Charter can be seen in the way it is implemented by the various actors in sport. First of all, the statutes of the organisations making up the Olympic Movement often refer to it. This is not systematically the case for the IFs (for example, the Fédération Equestre Internationale (FEI) Statutes do⁹ but not the Statutes of the Fédération Internationale de Football Association (FIFA) or of the Union Cycliste Internationale (UCI) – except in relation with the Olympic Games). On the other hand, the NOC statutes¹⁰ show their submission to the Olympic Charter,¹¹ which conditions their recognition by the IOC. The Court of Arbitration for Sport (CAS) even ruled that “ [t]he Olympic Charter is directly applicable and binding to all NOCs”.¹²

Indeed, the Charter, in its dimension of constitution of the Olympic Movement, is frequently invoked in cases brought before the CAS. The CAS is then in a position to interpret the supreme text of the Olympic Movement. The high degree of abstraction of the Fundamental Principles of Olympism is likely to support many legal arguments. For example, after the aggression of Russia against Ukraine in 2022, the Fundamental Principle of political neutrality¹³ was referred to by the Football Union of Russia (FUR) when it challenged the decision of FIFA to suspend its national teams from participation in FIFA competitions.¹⁴ On the other hand, UEFA claimed that FIFA’s decision was in line with the fundamental tenets of Olympism and that the situation in Ukraine could not be reconciled with the values enshrined in the Fundamental Principles of Olympism, such as the “harmonious development of humankind” or a “peaceful society concerned with the preservation of human dignity”.¹⁵ In the end, the CAS did not rule on these principles because the case was decided solely on the basis of the FIFA Statutes (the CAS eventually dismissed the FUR appeal), but this case shows that reconciling distinct Fundamental Principles can be problematic.¹⁶

In addition, several examples highlight the primary role of the CAS in determining the distribution of competences between the components of the Olympic Movement.¹⁷ For instance, in the Prusis case (named after a Latvian bobsleigh athlete who tested positive during the Salt Lake City OG), the CAS award reaffirmed the principle of independence and autonomy of the IFs contained in the

Olympic Charter, by virtue of which the panel ruled that the IOC could not impose an additional sanction on an athlete who had already been sanctioned by his or her federation, even if this sanction were insufficient in its eyes.¹⁸

Constitution of the IOC as an association

From a formal point of view, the Olympic Charter corresponds to the statutes of an association within the meaning of Articles 60 et seq. of the Swiss Civil Code. As the Olympic Movement as such has no legal personality, the Olympic Charter is the constitution of the IOC alone as a Swiss association, whose status it determines. In accordance with Article 60.2 of the Civil Code, the Charter contains the necessary provisions on the purpose, resources, and organisation of the association.

The legal status of the IOC has long remained an unsettled issue. For the first time in 1975, the Charter (at that time named “Olympic Statutes”) attempted to fix its status by defining it as a “body corporate by international law having juridical status”, which led to confusion with the status of public international organisations such as the United Nations (UN), composed of states and governed by public international law. Its status as a “international non-governmental not-for-profit organisation, of unlimited duration, in the form of an association with the status of a legal person” was clarified in the Charter from 1991. Rule 15 (Legal Status) of the current Charter (unchanged since 2004) adds that the IOC is an association “recognised by the Swiss Federal Council in accordance with an agreement entered into on 1 November 2000”. Indeed, the IOC is not an ordinary Swiss association. Because of its missions, it enjoys a special status under Swiss law (guarantee of independence and freedom of action, tax advantages, facilities, etc.) recognised by the Swiss Federal Council in the agreement in question.¹⁹

As the CAS said, “the OC is hierarchically the paramount body of rules governing the IOC’s activities”.²⁰ As such, the Olympic Charter distributes powers among its three main bodies (Rule 17): the Session, the Executive Board and the President. These very varied powers (e.g., power of the Session to elect the host city, power of the Executive Board to appoint the Director General of the IOC; power of the President to represent the IOC and chair all its activities) also have an important normative dimension.

It should be noted that the IOC Session is competent to amend the Olympic Charter.²¹ It is therefore an IOC body that can modify the Charter as the constitution of the Olympic Movement (cf. 1), without the other constituents of the Olympic Movement being directly involved. Nevertheless, the evolution of the composition of the IOC from 1999 now ensures the representation of IFs, NOCs and athletes within the IOC membership (Rule 16.1).²² Under these conditions, the Session presumably has sufficient legitimacy to modify the rules common to the entire Olympic Movement.

The Olympic Charter also gives certain IOC bodies, notably the Executive Board,²³ the possibility of creating secondary legislation. Indeed, despite its level of detail, the Charter is insufficient to regulate all matters of interest to the Olympic Movement. By empowering the bodies in question to adopt additional rules, it allows for the development of Olympic regulations such as the procedure to be followed for the election of the host city of the OG, the model host city contract, the anti-doping regulations for the OG (based on the World Anti-Doping Code), the IOC Code of Ethics (including the Basic Universal Principles of Good Governance and the Olympic Movement Code on the Prevention of the Manipulation of Competitions), etc.

Regulations on the OG

In addition to its constitutional functions, the Olympic Charter is akin to a regulation on the Olympic Games. It contains all the basic rules concerning the celebration, organisation and administration of the OG, the participation of athletes and their entourage, the programme and the protocol of the Games. OG are based on these regulations, supplemented by secondary legislation.

These private rules are even deemed to be obligatory for the authorities of the state in whose territory the Games are organised.²⁴

Given the media coverage of the OG, it is not surprising that some of these rules have taken the spotlight, for example Rule 50, which states that “[n]o kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas”. In practice, this Rule has been debated in terms of freedom of expression as a human right, and eventually the IOC relaxed the scope of the Rule. The Rule 50 Guidelines Developed by the IOC Athletes’ Commission²⁵ now admit that athletes can express their views during press conferences, interviews or on digital or traditional media – but still not on the podiums.

Furthermore, the CAS has sole jurisdiction over all disputes relating to the Olympic Games (Rule 61.2). The Arbitration Rules applicable to the CAS ad hoc division for the Olympic Games mention the Olympic Charter first in terms of the applicable law (art. 17). One of the many examples of application of the Olympic Charter by CAS is the *Bates et al. v. IOC* case during the 2022 Beijing Winter Games, when the US figure skating team (ranked second after the Russian team) appealed the IOC decision not to hold the medal ceremony during the Games, based on the fact that it would include a Russian athlete (Kamila Valieva) who had tested positive but whose violation of the anti-doping rules had not yet been established. The CAS dismissed the appeal. Based on Rules 56 (“Victory, medal and diploma ceremonies”) and 58 (“IOC – Authority of last resort”) of the Olympic Charter, the Panel “recognize[d] the sole discretion of the IOC to decide on issues regarding, inter alia, the medal ceremonies”.²⁶

In conclusion, it can be seen that the Olympic Charter governs very different issues, from the most fundamental for the future of world sport to the least significant; it sets out constitutional rules of macro-importance just as it applies to micro-situations at the Olympic Games. This instrument is not only unique: it is constantly evolving.

Evolution of the Olympic Charter

The first official publication by the IOC was an Olympic Directory (“Annuaire olympique”), published in French in 1908, containing the IOC Regulations (“Règlement du CIO”) and various information (list of IOC members present and past, list of IOC meetings since its creation, list of Congresses organised and list of holders of various Olympic honours). The IOC Regulations of the time included only some basic rules on the functioning of the IOC (objectives, membership, meetings and administration), given that at the time Coubertin alone decided almost everything.

From a purely linguistic point of view, it should be noted that the *Annuaire olympique* was originally only in French. It was only in 1949 that the Olympic Rules recognised for the first time that English was an official language of the IOC, alongside French, with French taking precedence in the event of contradictions between the different versions of the texts. This rule has remained unchanged,^[27] even though in practice English has become the predominant language in world sports (including in the drafting of the Olympic Charter). Throughout the 20th century, this document has constantly evolved in its (i) name, (ii) structure and (iii) increasingly dense content.

Evolution of the name of the Charter

The IOC has published many successive booklets compiling its legal texts and sometimes other elements of an informative nature. The successive versions of the *Annuaire olympique* were succeeded in 1924 by a booklet without a generic name but listing on the cover the texts contained: Charter of the Olympic Games, Statutes of the IOC, Regulations and Protocol for the Celebration of the Modern Olympiads and Quadrennial Olympic Games, and General Technical Rules for the

Celebration of the VIII Olympiad (Paris, 1924). The term “Charter of the Olympic Games” has subsequently been used in various senses, but never as a generic term.

Subsequently, the publication was named “Olympic Rules” (1938) then “The Olympic Games” (1956), “Olympic Rules and Regulations” (1971) and “Olympic Rules” (1976). It was only in 1978 that the volume was given the name “Olympic Charter”. Since 1978, the terminology has stabilised: the term Olympic Charter has not been questioned, although its structure and content have evolved.

Evolution of the structure of the Charter

The structure of the Olympic Charter has indeed evolved considerably. Until the end of the 20th century^[28] it was a compilation of various texts, including non-legal ones (e.g., the lists of Olympic Games or Olympic Congresses).

In 1972, the first part of the Olympic booklet consisted of the Rules and Regulations, and the second part was much more varied, mixing certain policy statements of the IOC (on the political use of sport and the non-profit character of the Olympic Games) and information on the Olympic awards or IOC publications. In 1976, for the first time, the second part was composed of “Bye-laws and Instructions”. At that time, they were few in number (only three bye-laws), and these were placed in a chapter following the Rules as a whole.

In 1990, after several years of work, the Olympic Charter was carefully restructured, in particular under the impetus of the jurist Kéba Mbaye, Vice-President of the IOC and a judge at the International Court of Justice. The Fundamental Principles were extracted from the general Rules, which gave them a more important symbolic value. For the first time, Olympism was the subject of a written definition.^[29] The Bye-laws, more and more numerous and dense, were integrated into the main body of the Charter (they were no longer in a separate section), and were placed under the corresponding rules, which made the Charter easier to handle. The Charter then took its current form with a first chapter dedicated to the Olympic Movement, and the following chapters dedicated to the IOC, the IFs, the NOCs and the OGs. Only the sixth chapter on Measures and Sanctions (etc.) was added in 2011 (previously, most of these elements were incorporated into the chapter on the IOC).

Evolution of the content of the Charter

The content of the Olympic Charter in force at the end of the first quarter of the 21st century has little in common with the few words scribbled in pen and ink by Coubertin in the twilight of the 19th century. The impetus for changes is diverse.

In the early period, it was the need for law that led the IOC to build up an increasingly extensive legal arsenal. Indeed, sport cannot do without law – some even say that sport is a “world of law”.³⁰ First, it was a matter of regulating all the aspects of the Olympic Games (as the IOC’s powers in this area increased at the expense of the local Organising Committees) and providing the IOC with effective operating rules. Later in the 20th century, it was a matter of structuring the Olympic Movement, notably by clarifying the responsibilities of each of its components. Even today, it is not exceptional for the Olympic Charter to be amended because a new issue arises that is the subject of a legal loophole, or because the scope of an existing rule needs to be clarified. This may happen after a case before the CAS has revealed a flaw in the Charter. For (a recent) example, Rule 52 of the Charter (“Olympic Identity and Accreditation Card – Rights attached thereto”) was amended in 2021 just after the case *Agapitov v. IOC* during the Tokyo Games, where the IOC decision to withdraw the accreditation of the President of the European Weightlifting Federation (who was also the President of the Russian Weightlifting Federation) was set aside by the CAS. It is interesting to note that the unsuccessful submissions of the IOC in that case³¹ are now part of the Olympic Charter,³² which is likely to consolidate the IOC’s position in future similar cases.

The Olympic Charter also reflects the evolution of society or of world sport, in which the IOC plays a leading role. The Charter thus adapts to its environment when it does not itself seek to change it.

This can be verified by taking the examples of the status of amateurism or the place of women in sport.

The first Regulations for the Celebration of the Olympiads (1920) reserved participation in the Olympic Games for amateurs only.³³ In 1949, the Olympic Rules defined an amateur as “one who participates and always has participated in sport solely for pleasure and for the physical, mental or social benefits he derives therefrom, and for whom participation in sport is nothing more than recreation without material gain of any kind or indirect [...]”.³⁴ The status of the amateur has constantly raised questions of interpretation, leading to IOC decisions, which can be found in the 1956 booklet *The Olympic Games*, concerning for instance the prohibition of presents that can be easily converted into money, or the exploitation by athletes of their sporting reputation. In the 1976 Olympic Rules, amateurism is still one of the fundamental principles of Olympism: “[t]he aims of the Olympic Movement are to promote the development of those fine physical and moral qualities which are the basis of amateur sport [...]”.³⁵ In the 1978 version of this provision, however, there is no longer any mention of “amateur sport” but of “sport” only. From this date onwards, the successive revisions of the Olympic Charter led to the gradual disappearance of the word “amateur” from the Charter. In 1990, it was present only in the names of certain international federations (e.g., FINA – Fédération internationale de natation amateur). The Charter thus echoed the professionalisation and commercialisation of competitive sport assumed by the IOC under the presidency of Juan Antonio Samaranch. As a result, some sports marked by professionalism (tennis, for example) were reintegrated into the Olympic programme. The only remnant of this period when money was taboo is found in Rule 50, which says that “no form of advertising or other publicity shall be allowed in and above the stadia, venues and other competition areas which are considered as part of the Olympic sites”. Yet, as a sign of the times, an exception to this prohibition was introduced in 2015: now advertising in Olympic sites “may be authorised by the IOC Executive Board on an exceptional basis”.

The place of women is another illustration of the adaptation of the Olympic Charter to the times, and even of the role that the Charter can play in the evolution of mentalities. For the first time in 1924, the “General Technical Rules applicable to the celebration of the VIIIth Olympiad” provided: “women are admitted to the Olympic Games. The programme shall determine the events in which they may participate”. The fact is that, until recently, many men’s events at the Olympic Games had no equivalent in the women’s programme. This led to a case before the US courts (before the creation of the CAS), in relation to the 1984 Los Angeles Games. In *Martin v. IOC*, several female athletes argued that Rule 32 of the Olympic Charter, under which women’s 5,000- and 10,000-metre events had not been decided by the IOC even though they existed for men, discriminated against women and thus violated Californian, US and international law. The US Court of Appeal (9th District) rejected the appeal, finding that this difference in treatment under the Charter was not discriminatory, although it said it was reluctant to alter the content of the Olympic Charter by applying US law.³⁶

It was not until 1996 that the principle of equality between men and women appeared in the Olympic Charter. This principle was introduced indirectly in Rule 2 concerning the “*Role of the IOC*”, which, under the banner of promoting Olympism, is supposed to encourage “*the promotion of women in sport at all levels and in all structures [...] with a view to the strict application of the principle of equality of men and women*”. For the first time, in 2004 the Fundamental Principles of Olympism stated that “Any form of discrimination with regard to a country or a person on grounds of [...] gender [...] is incompatible with belonging to the Olympic Movement”. However, real equality between men and women in sport is a long struggle. Despite the IOC’s proactive policy in this area, equality has not been achieved in the composition of the sports governing bodies, nor in the Olympic programme. Concerning this last point, however, it should be noted that the Olympic Agenda 2020+5 recommends to “reach gender equality for the Olympic Winter Games Milano Cortina 2026”. The 2024 Paris Olympic Games will be the first Olympic Games to achieve parity in terms of athletes (5,250 women and 5,250 men).

Developments in the Olympic Charter may also be guided by the need to respond to threats to sport, or more broadly to “external social pressure”.³⁷ The fight against doping³⁸ or against the manipulation of sports competitions³⁹ are striking examples in this respect.

In 1999 and 2000, a major reform of the IOC also took place following the scandal surrounding the election of Salt Lake City as a host city for the 2002 Olympic Winter Games. The Olympic Charter was extensively revised on the basis of proposals made by the IOC-2000 Commission⁴⁰ concerning the membership of the IOC (inclusion of NOC and IF representatives and active athletes, age limit and election), the organisation of the IOC (creation of an Ethics Commission), the role of the IOC and the designation of Olympic Games host cities.

In this respect, it should be noted that it is not uncommon for the Olympic Charter to be amended following recommendations made by various bodies or following major works. The holding of an Olympic Congress can in this way lead to subsequent amendments to the Charter. Following the Baden-Baden Congress in 1981, the IOC created the Athletes' Commission. However, it is only since the 1994 Charter, after the Unity Congress held in Paris, that this Commission has appeared in the Charter.⁴¹ In the final document, the 1994 Olympic Congress also requested, among other measures, that the need to preserve the environment be included in the Olympic Charter. It is true that the 1992 Albertville Winter Olympic Games were widely criticised for the environmental damage they caused.⁴² Afterwards, the “importance of sustainable development” was introduced within the Charter⁴³, and in 2000 the IOC adopted the Olympic Movement's Agenda 21.

More recently, Olympic Agenda 2020, adopted by the IOC Session in 2014 as a strategic roadmap to 2020, has been another factor in the evolution of the Olympic Movement, resulting in several amendments to the Charter: the sixth Fundamental Principle of Olympism was updated to include non-discrimination on sexual orientation; the role of the IFs was extended beyond the technical control of their sport within the Olympic Movement; members of the Ethics Commission are now elected by the Session; the programme of the OG moved from a sport-based to an event-based programme; etc.).⁴⁴

Human rights are a fundamental issue that sport has only recently begun to address seriously.⁴⁵ Sport as a human right was included in the Fundamental Principles of Olympism as early as 1995, but it is the whole range of human rights that must be taken into consideration today. To this end, Olympic agenda 2020+5 (a roadmap to 2025) recommends strengthening the human rights approach of the Olympic Movement and, in this respect, “amend[ing] the Olympic Charter and the ‘Basic Universal Principles of Good Governance’ of the Olympic and Sport Movement to better articulate human rights responsibilities”.⁴⁶ On this basis, the Olympic Charter was revised once again in 2023. The Fundamental Principles of Olympism now include two references to “internationally recognised human rights”, under the definition of Olympism (Principle 1) and the access to the practice of sport, without discrimination (Principle 4). The normative scope of these references will have to be further clarified, but it is likely that they will open the door to better dissemination of international human rights law within the Olympic Movement, at a time when litigation is multiplying in this field, notably before the European Court of Human Rights and the Court of Arbitration for Sport.

Conclusion

There is little doubt that the Olympic Charter that will be in force in 2044, when the IOC celebrates its 150th anniversary, will still be different from the current text. One can imagine that the Charter will continue to grow in density as it adapts to the inevitable challenges that the Olympic Movement will face. Conversely, in the face of the constant need for new rules and normative

inflation, it may become appropriate to limit the Charter to the “constitutional” elements of the Olympic Movement and the IOC. The simplified Charter would deal with the essentials. Other IOC Rules and Bye-Laws, notably on the Olympic Games, could be adopted as separate texts which would be equally binding on the Olympic parties. If it is not possible to predict the future, we can at least be sure that the Charter will remain a living instrument in a constantly evolving world.

Thought-provoking questions

1. What is the purpose of the Olympic Charter?
2. Is the Olympic Charter a world constitution for sports?
3. What is the difference between the Fundamental Principles of Olympism, the Rules and the Bye-Laws of the Olympic Charter?
4. Why has the Olympic Charter been amended so often?
5. Does the Olympic Charter reflect the evolution of world sport?

Further readings

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Endnotes

- ¹. The successive versions of the Olympic Charter [are available on the Olympic World Library](#) website.
- ². Introduction of the Olympic Charter, in force as from 15 October 2023.
- ³. Alexandre Miguel Mestre, “The Legal Basis of the Olympic Charter,” *The International Sports Law Journal* 1-2 (2008): 101.
- ⁴. See for example Thomas Bach, “[The Olympic Movement, the United Nations and the Pursuit of Common Ideals](#)”, *UN Chronicle*, No. 2, Vol. LIII, (August 2016), Sport Aims for the Goals.
- ⁵. International Olympic Committee, *Olympic Charter, in force as from 15 October 2023* (Lausanne: IOC, 2023).
- ⁶. Cf. concerning the Charter of the United Nations, the distinction made between the Charter as the constitution of an organisation (the UN) and the constitution of a society (the international society): Pierre-Marie Dupuy, “The Constitutional Dimension of the Charter of the United Nations Revisited”, *Max Planck Yearbook of the United Nations* vol. 1 (1997): 1-33.
- ⁷. See Gunther Teubner’s theory of societal constitutionalism, and the application of this theory to the Olympic Charter in Antoine Duval, “The Olympic Charter: A Transnational Constitution Without a State?”, *Journal of Law and Society*, 45, no. S1 (July 2018): 245-269.

- ⁸. Franck Latty, *La lex sportiva: Recherche sur le droit transnational* (The Hague: Martinus Nijhoff, 2007), 171. For example, IFs do not appear as constituents of the Olympic Movement before the 1991 Olympic Charter.
- ⁹. Introduction of the Statutes of the Fédération équestre internationale: “the FEI Statutes [...] provide mechanisms [...] for ensuring compliance with the Olympic Charter”.
- ¹⁰. Ex.: Art. 1 of the Statutes of the French NOC; Art. 6 of the Constitution of the Australian Olympic Committee (AOC). Article 4 of the AOC constitution also reproduces *in extenso* the Fundamental Principles of Olympism.
- ¹¹. Ex.: Art. 5 of the Constitution of the Association of National Olympic Committees.
- ¹². CAS 2013/A/3052 Miguel Sanchíz Jr. *et al.* v. Camilo Amado *et al.* & COP, award of 14 February 2014, §131.
- ¹³. On the principle of political neutrality, see also CAS 2019/A/6500 and CAS 2019/A/6580, Islamic Republic of Iran Judo Federation v. International Judo Federation, Award, 1 March 2021, §103 et seq.
- ¹⁴. CAS 2022/A/8708, FUR v. FIFA, UEFA *et al.*, Award, 25 Nov. 2022, §127.
- ¹⁵. *Id.*, §80.
- ¹⁶. Concerning the Fundamental Principle of the autonomy of sport, see CAS 2015/A/4282 KKF, KSF & Khaled Jassim Mohammad Almudhaf v. IOC, award of 18 January 2017, §110.
- ¹⁷. Concerning the priority of IFs over NOCs in the conduct of anti-doping, see TAS 94/128 UCI et CONI, 5 January 1995.
- ¹⁸. CAS OG 02/001 S. Prusis & LOC / CIO, Award, 5 February 2002.
- ¹⁹. Concerning the legal status of the IOC, see Franck Latty, “Le statut du Comité international olympique – brève incursion dans les lois de la physique juridique,” in *Droit et Olympisme*, ed. Mathieu Maisonnneuve (Aix-en-Provence, Presses Universitaires d’Aix-Marseille, 2015), 15-25.
- ²⁰. CAS 2002/O/373 COC & Scott v/IOC, Award, 18 December 2003, §79.
- ²¹. Rule 18.2 and 18.3 of the 2023 OC.
- ²². See *infra* II, iii.
- ²³. See Rule 19, 3.10: the EB “issues regulations of the IOC, which are legally binding, in the form it deems most appropriate, such as, for instance, codes, rulings, norms, guidelines, guides, manuals, instructions, requirements and other decisions [...]”.
- ²⁴. See Rule 33.3 of the Charter: “The national government of the country of any candidature must submit to the IOC a legally binding instrument by which the said government undertakes and guarantees that the country and its public authorities will comply with and respect the Olympic Charter.” On this Rule, see Latty, *La Lex Sportiva*, 584 ff.
- ²⁵. “[Rule 50 Guidelines developed by the IOC Athletes’ Commission](#)”, IOC, 2020; Guidelines on Athlete Expression – Olympic Games Paris 2024 : <https://olympics.com/athlete365/app/uploads/2024/01/2023.12.01.-OC-Athlete-expression-guidelines-amendment-EN.pdf>.
- ²⁶. CAS OG 22/11, Award, 19 February 2022 (operative part) and 30 March 2022 (award with grounds), §79.
- ²⁷. See Rule 23.3 of the 2023 OC.
- ²⁸. Keba Mbaye, “La nature juridique du CIO”, in *Sport, droit et relations internationales*, Pierre Collomb (Ed.), (Paris: Economica, 1988), 70 ff.
- ²⁹. “Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind [...]” (Fundamental Principle 2).
- ³⁰. Gérald Simon, *Puissance sportive et ordre juridique étatique* (Paris: LGDJ, 1990), 1.
- ³¹. The IOC submitted that it “has full discretion to grant an accreditation; there is no right to an accreditation” (CAS OG 20/04 Maxim Agapitov v. International Olympic Committee, award, 24 July 2021, § 4.16).
- ³². Rule 52.2 of the Olympic Charter, in force as from 5 October 2023: “Nobody is entitled as of right to an accreditation. The granting or removal of an accreditation is determined by the IOC in its full discretion.”
- ³³. “1° Les Jeux Olympiques réunissent les amateurs de toutes les nations sur un pied d’égalité aussi parfait que possible” (transl.: The Olympic Games bring amateurs from all nations together on as equal a footing as possible).
- ³⁴. Rule 38 of the 1949 Olympic Charter.
- ³⁵. Fundamental Principle 1 of the 1976 Olympic Charter.
- ³⁶. Court of Appeal (9th Circuit), 21 June 1984, Martin v. IOC, 740 F.2d, 677.
- ³⁷. Duval, “The Olympic Charter,” 259.
- ³⁸. See Rules 2.9, 25, 27.2.6, 40, 43, 45.3, 46.5, 59 of the Olympic Charter, in force as of 15 October 2023.
- ³⁹. Concerning the manipulation of competitions, the Charter was amended in 2021 by the 138th IOC Session in order to draw the legal consequences of the adoption of the Olympic Movement Code on the Prevention of Manipulation of Competitions, compliance with which is now a condition for participation in the Olympic Games (Rule 40) and the violation of which may lead to sanctions (Rule 59).
- ⁴⁰. “[The IOC 2000 Commission](#)”, International Olympic Committee.
- ⁴¹. Rule 24.5 of the 1994 Olympic Charter: “An Athletes’ Commission shall be constituted, the majority of whose members shall be athletes elected by athletes participating in the Olympic Games”. In the previous version of the Charter, the Commission was mentioned incidentally as it was stated that one of its members should be part of the evaluation commission of the candidate cities (Bye-Law to Rule 37 of the 1993 Olympic Charter).
- ⁴². Jean-Loup Chappelet, “Olympic Environmental Concerns as a Legacy of the Winter Games,” *International Journal of the History of Sport* 25, no. 14 (2008): 1892.

- ⁴³. In 1990 the Charter gave for the first time to the IOC the mission to see to it “that the Olympic Games are held in conditions which demonstrate a responsible concern for environmental issues” (Rule 2.10). In 1996, the Charter added that it was the role of the CIO to “educat[e] all those connected with the Olympic Movement as to the importance of sustainable development”.
- ⁴⁴. See International Olympic Committee, *Olympic Agenda 2020 Closing Report* (Lausanne: IOC, 2021).
- ⁴⁵. See Franck Latty, “FIFA and Human Rights in Qatar”, in *Global Private International Law. Adjudication without Frontiers*, ed. Horatia Muir Watt, Lucia Bíziková, Agatha Brandão de Oliveira, Diego Fernández Arroyo (Cheltenham/Northampton: Edward Elgar Publishing, 2019), 152-160.
- ⁴⁶. Recommendation 13 of Olympic Agenda 2020+5 (“Continue to lead by example in corporate citizenship”).