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and evidence of its influence is found throughout the sporting world. Since its establishment in 1984 it has registered approximately 5,000 arbitration proceedings.

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An English translation appears in International Arbitration Report October 1993, at F-I; ... The cantonal tribunal of Vaud has held the Sports Tribunal of The Swiss Football Association not to qualify as a proper arbitral tribunal under this criterion, JDT

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The Swiss Federal Tribunal said Semenya's appeal "essentially alleges a violation of the prohibition of discrimination." In a May 2019 verdict, the sport court's three judges had said in a 2-to-1 ruling the discrimination against Semenya was "necessary, reasonable and proportionate" to maintain fairness in women's track.

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Editor's note: Roger Pielke Jr. is a professor at the University of Colorado Boulder The decision this week by the Swiss Federal Tribunal not to revisit the arbitral decision of the Court of Arbitration for Sport (CAS) in the case of Caster Semenya was not unexpected, but it does help to expose a major design flaw in international sports governance.

### **Asser International Sports Law Blog | International Sports**

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1-3, Consolidated (JurisNet, New York, 2012). CLAUDIA PECHSTEIN v THE INTERNATIONAL SKATING UNION (ISU) BGer 4A\_612/2009 Ben Van Rompuy, " Pechstein ruling of the Oberlandesgericht München - Time for a new reform of CAS?"

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