

THE GRAVITAS OF SPORTS AS WAR, DEPLOYING ARBITRATION AS A MEANS OF RESOLVING SPORTS DISPUTES*

Abstract

Gorge Orwell opined that sports historically served as a substitute for military conflict, (war) providing societies with a structured outlet for aggression and competition. Both war and sports demand strategy, discipline, teamwork, and an unrelenting drive to win; qualities that fuels rivalries, competition, and disputes, hence there is need to implore a non-kinetic method in resolving disputes arising from this cherished source of entertainment. This paper explores the role and challenges of arbitration in sports dispute resolution with a focus on both international and Nigerian contexts. It highlights the unique advantages arbitration offers to the sports sector including specialised expertise, global neutrality, confidentiality, and the promotion of inclusion and innovation. Through key case studies such as *Webster v FIFA*, *FC Midtjylland v FIFA*, and plethora of cases the paper demonstrates how arbitration helps balance complex issues involving contractual rights, regulatory compliance, and athlete protection. However, these cases also reveal ongoing concerns regarding fairness, transparency, and equal access to justice, particularly for underrepresented parties such as young athletes from developing regions. The paper further examines arbitration within Nigerian sports, illustrated by cases involving the Nigeria Football Federation and player contract disputes. These examples expose limitations such as forum shopping, judicial interference, and scepticism toward arbitral decisions. The courts' recognition of arbitration agreements emphasizes the importance of internal dispute resolution but also points to the need for stronger institutional support and public trust in arbitration bodies. The conclusion underscores that while sports arbitration is a valuable tool for resolving disputes efficiently and fairly, significant reforms are needed to enhance its effectiveness in Nigeria. Recommendations include improving the independence and statutory recognition of the internal arbitral bodies within the Nigeria Football Federation, strengthening the capacity and credibility of sports arbitration institutions, increasing awareness and access to arbitration among athletes and stakeholders, and promoting greater transparency and inclusiveness in the arbitration process. Overall, the paper advocates for a stronger and more transparent arbitration system that promotes fairness, builds trust among stakeholders, and supports the effective resolution of sports disputes at both national and international levels.

Keywords: Sports, War, Arbitration, Dispute Resolution

1. Introduction

Sports disputes are an inherent part of the athletic world, arising from various issues such as doping allegations, contract disagreements, eligibility disputes, and more. These conflicts can have significant consequences for athletes, teams, and sports organizations, affecting their reputations, careers, and financial stability. To address these disputes, the sports industry has increasingly turned to arbitration as a preferred method of resolution.¹ Arbitration in sports has gained prominence due to its potential to provide a faster, more specialized, and more private forum for resolving disputes compared to traditional litigation. The Court of Arbitration for Sport (CAS) is a prime example of an institution dedicated to resolving sports-related disputes through arbitration. Established in 1984,² CAS has played a crucial role in developing sports law and providing a legal framework for resolving disputes in a fair and efficient manner. Despite its growing importance, arbitration in sports faces several challenges. Issues such as ensuring the independence and impartiality of arbitrators, managing conflicts of interest, and balancing the interests of various stakeholders (athletes, teams, sponsors, and governing bodies) can complicate the arbitration process. Additionally, while CAS decisions are generally final and binding, they can be subject to limited review by the Swiss Federal Supreme Court, which may raise questions about the extent to which CAS decisions are truly final and the potential for inconsistent outcomes. This paper argues that arbitration plays a vital role in resolving sports disputes, offering a specialized and efficient mechanism for addressing conflicts. However, to maintain its effectiveness, it is crucial to address the challenges and limitations associated with sports arbitration, ensuring fairness, transparency, and independence in the process. Understanding the role of arbitration in sports disputes is essential for athletes, sports organizations, legal practitioners, and scholars. As the sports industry continues to grow and evolve, the importance of effective dispute resolution mechanisms becomes more apparent. This research aims to contribute to the existing body of knowledge on sports arbitration, providing insights that can help improve the fairness, efficiency, and effectiveness of sports dispute resolution processes. By examining the benefits and challenges of arbitration in sports, this study seeks to inform best practices and future developments in this critical area.

2. Historical Context

The evolution of sports arbitration is marked by a significant shift from informal dispute resolution mechanisms to formalized processes. In the early days of sports, disputes were often resolved within clubs or by sport's governing bodies. However, as the sports industry grew in complexity and global reach, the need for a more structured and specialized dispute resolution process became apparent. This need led to the establishment of the CAS in 1984 in Lausanne, Switzerland, by the International Olympic Committee (IOC).³ The CAS was created to provide a supreme instance for resolving sports-related disputes, moving them away from the jurisdiction of national courts. Over the years, the CAS has become a pivotal institution in the sports world,

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¹ McArdle, David. 'Dispute Resolution in Sport: Athletes, law and arbitration. Routledge', [2014] <<https://www.taylorfrancis.com/books/mono/10.4324/9780203133576/dispute-resolution-sport-david-mcardle>> accessed 28th May, 2025.

² 'History of CAS' <<https://www.tas-cas.org/en/general-information/history-of-the-cas.html>> accessed 28th May, 2025.

³ *Ibid*

settling disputes involving athletes, coaches, federations, sponsors, agents, clubs, leagues, and organizers of sports events from almost every country. The CAS operates under the umbrella of the International Council of Arbitration for Sport (ICAS), which safeguards the independence of the CAS and oversees its administration and financing. The CAS has a list of nearly 300 arbitrators from 87 countries, specializing in various areas of sports law.⁴ The court has its own set of procedural rules, known as the “Code of Sports-related Arbitration and Mediation Rules” (the CAS Code), which has undergone several amendments since its inception.⁵ As the sports industry continued to grow and expand globally, the CAS has also expanded its reach through the establishment of permanent decentralized offices in Sydney, Australia, and New York, USA.⁶ This expansion has facilitated access to the CAS for parties from different regions, enabling the court to provide swift and effective dispute resolution services. Furthermore, the CAS has created ad hoc divisions for major sporting events, such as the Olympics, to provide rapid resolution of disputes during these events.

Throughout its history, the CAS has achieved several key milestones, including the registration of over 5,000 arbitration proceedings between 1984 and 2016, and the initiation of more than 900 procedures in 2020, despite the global effects of COVID-19.⁷ The CAS Code has also undergone multiple amendments, with the most recent amendment of 1st July 2025. These amendments aim to improve transparency, efficiency, and the overall effectiveness of arbitration proceedings. Key changes include the mandatory duty on individuals approached for appointment as arbitrators, as well as sitting arbitrators to disclose relevant circumstances that could impact their impartiality, it equally broadened arbitrators immunity, grants emergency arbitrators power to grant urgent interim relief such as asset freeze or injunction without prior notice to the opposing party, it clarifies that parties cannot challenge an arbitral tribunal’s jurisdiction if it has already ruled on its jurisdiction⁸ among other things. Today, the CAS has become a cornerstone of sports dispute resolution, providing a specialized and efficient mechanism for resolving conflicts in the sports industry. Its establishment and evolution have played a significant role in shaping the landscape of sports law and dispute resolution.

3. Conceptual Clarifications

Sports Disputes

Sports disputes are conflicts that arise within the sporting environment, often involving contracts, transfers, disciplinary actions, eligibility, governance, and doping. Doping refers to the use of prohibited substances or methods by athletes to enhance performance, and it is considered a serious breach of sporting ethics and regulations. Football, governed globally by FIFA,⁹ is the sport that generates the most disputes. A significant number of these arise under FIFA’s Regulations on the Status and Transfer of Players (RSTP), which govern international transfers, contract stability, and player registration. Disputes related to the RSTP are commonly resolved by FIFA’s Dispute Resolution Chamber (DRC), a body composed of equal representation from players and clubs that handles employment and transfer matters. Depending on the nature of the issue, sports disputes may be resolved through internal arbitration mechanisms or referred to the Court of Arbitration for Sport (CAS), which serves as an independent forum for resolving international sports-related conflicts. While Article R27 of the CAS Code confirms its jurisdiction over sports-related disputes, it does not provide a broad definition of such disputes. Instead, the scope is typically interpreted based on the context of the dispute and the agreement between the parties.

Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) refers to methods of resolving disputes outside the traditional court system. It encompasses various processes such as arbitration, mediation, and negotiation, all aimed at reaching a resolution more efficiently, privately, and flexibly than litigation. ADR provides the broader framework within which arbitration operates. In the context of sports, ADR is particularly valued for its speed, confidentiality, and ability to involve experts familiar with the sporting environment. While negotiation and mediation allow parties to settle disputes through dialogue or with the help of a neutral facilitator, arbitration offers a more structured process that leads to a binding decision by an independent third party. Among these methods, arbitration has become the preferred form of ADR in sports due to its enforceability and the establishment of specialized bodies like CAS. Overall, ADR not only enhances access to justice in the sports industry but also supports the autonomy of sporting bodies by allowing disputes to be handled within the sporting framework rather than through traditional courts.

Arbitration

Arbitration is a form of alternative dispute resolution, where disputes are resolved outside the ordinary courts. It is a private dispute resolution process where parties agree to have their conflict settled by a neutral third party called an Arbitrator, outside the traditional court system. In football, arbitration is commonly used to resolve disputes involving contracts, transfers, doping

⁴ International Arbitration, ‘Court of Arbitration for Sport (CAS) and Development of Sports Arbitration’ [2018] <<https://www.international-arbitration-attorney.com/court-arbitration-sport-cas-development-sports-arbitration/>> accessed 28th May, 2025.

⁵ The latest been the one in force as from 1st of July 2025. https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2025_EN_amendments_01.pdf accessed on 4th July 2025

⁶ *Ibid*

⁷ Aceris Law LLC, ‘Sports Arbitration: Certain Unique Features and the Court of Arbitration for Sport (the “CAS”)’ [2021] <<https://www.acerislaw.com/sports-arbitration-certain-unique-features-and-the-court-of-arbitration-for-sport-the-cas/>> accessed 1st June, 2025.

⁸ R33, R68 of CAS Code 2025 https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2025_EN_amendments_01.pdf accessed on 4th July 2025

⁹ FIFA is the acronym for Fédération Internationale de Football Association.

allegations, disciplinary actions, or governance issues. Instead of going to court, clubs, players, and football bodies often include arbitration clauses in their contracts, agreeing in advance to submit disagreements to a tribunal such as CAS.¹⁰ The arbitrator's decision, known as an award, is usually final and legally binding. Arbitration in football offers several benefits. In addition to international tribunals like CAS, many national football associations operate their own arbitration mechanisms to resolve domestic disputes. These internal systems often serve as the first step in the dispute resolution process.

Arbitration Agreement

An arbitration agreement is a contract where parties agree to resolve any disputes through arbitration instead of going to court. In sports, it is often included in the statutes, regulations of a sport's organisation, or contracts of the players. By accepting these rules, such as those set by FIFA or the International Olympic Committee, parties agree in advance to submit disputes to bodies like CAS. This agreement is what gives the arbitral tribunal the jurisdiction to hear and decide the case.

Lex Sportiva

Lex sportiva is Latin for sports law which refers to the body of legal rules and principles that govern international sports, developed mainly through the decisions of CAS and the regulations of sports federations.¹¹ It includes both written codes and general practices that guide dispute resolution in sport. *Lex sportiva* functions as a transnational and autonomous legal system, created by private sporting bodies and accepted by athletes and organizations through voluntary participation. It ensures consistency and fairness in resolving disputes and plays a key role in shaping global sports governance. It is distinct from *lex ludica*, which refers to the internal rules of play and sporting values. While *lex sportiva* focuses on legal and institutional governance, *lex ludica* deals with the conduct of the game itself, such as match rules and fair play principles.¹²

4. Theoretical Framework

In the theoretical framework of arbitration, several theories and principles guide how arbitral awards are viewed, enforced, and integrated into domestic legal systems. Among these, the Finality Principle forms a cornerstone of modern arbitration practice. It asserts that arbitral awards should be treated as final and binding decisions.¹³ This principle reflects a deep respect for the arbitration process, as well as the need for certainty and efficiency in dispute resolution. It limits the grounds on which an award can be set aside. These include fraud, misconduct, lack of jurisdiction, violation of elementary procedural rules, or incompatibility with public policy. By narrowing these exceptions, the Finality Principle ensures that parties cannot contest matters already decided. In doing so, it preserves the integrity of arbitration as a meaningful and effective alternative to litigation. While the Finality Principle focuses on the outcome of arbitration, the Autonomous Theory shifts attention to its foundation—the arbitration agreement itself. According to this theory, the entire arbitration process, including the resulting award, is rooted in the will of the parties. Arbitrators, under this view, derive their authority not from the state but from the mutual consent of the parties, and they function as private adjudicators. The Autonomous Theory upholds party autonomy as central, allowing parties to tailor the process to their needs, select applicable rules, and maintain control over critical aspects of dispute resolution. This theory reinforces the legitimacy of finality by asserting that the award represents the agreed-upon end to the dispute, reached through a mechanism the parties freely chose.¹⁴ However, in real-world situations, arbitration does not operate in isolation. This idea is explained by the Hybrid Theory, which sees arbitration as both a private agreement between parties and a process that still depends on the legal system of a state.¹⁵ While the arbitration agreement gives power to the arbitral tribunal, state courts play a key role, especially when it comes to supporting the process, reviewing certain decisions, or enforcing the final award if a party fails to comply. For example, if any party is dissatisfied with an arbitral award given by CAS, they can file an appeal with the Swiss Federal Supreme Court. This shows how even though arbitration is based on party agreement, the legal system still has a role to play. The Hybrid Theory explains this balance between party autonomy and state involvement, which is necessary to make arbitration work effectively in practice.

In addition to these core theories, the Private International Law or Transnational Law Theory highlights arbitration's capacity to transcend national legal boundaries.¹⁶ This theory is particularly relevant in sports disputes, which often involve parties, regulations, and interests that cross jurisdictions. It explains the role of arbitration as a neutral, transnational mechanism that operates independently of any single legal system. In doing so, it reinforces arbitration's credibility and legitimacy in resolving cross-border disputes. For instance, institutions like CAS offer a neutral forum whose awards are widely respected and enforceable across different legal systems, a key factor in maintaining fairness and uniformity in international sports.

¹⁰O. M. Atoyebi, 'Exploration of Sports Law in Nigeria II: An Analysis of Arbitration Procedure in Sports Dispute' [2021] <<https://omaplex.com.ng/exploration-of-sports-law-in-nigeria-ii-an-analysis-of-arbitration-procedure-in-sports-dispute/>> accessed 30th May, 2025.

¹¹ Leonardo V. P. De Oliveira, 'Lex sportiva as the contractual governing law' *The International Sports Law Journal* 17, 101–116 (2017).

¹²Ken Foster, 'Lex Sportiva and Lex Ludica: the Court Of Arbitration for Sport's Jurisprudence' (2025) <https://www.researchgate.net/publication/305308468_Lex_Sportiva_and_Lex_Ludica_the_Court_Of_Arbitration_for_Sport's_Jurisprudence> accessed 30th May, 2025.

¹³Ojiako, Udechukwu, 'The Finality Principle in Arbitration: A Theoretical Exploration' (2023) *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction* 15.1

¹⁴ Sunday A Fagbemi, 'The doctrine of party autonomy in international commercial arbitration: myth or reality?' *Journal of Sustainable Development Law and Policy* Vol. 6 No. 1 (2015).

¹⁵ Roberts, Anthea, 'State-to-State Investment Treaty Arbitration: a Hybrid Theory of Interdependent Rights and Shared Interpretive Authority' (2014) *Harv. Int'l LJ* 55: 1.

¹⁶ Mitten, Matthew J, 'The Court of Arbitration for Sport and its Global Jurisprudence: International Legal Pluralism in a World without National Boundaries' (2014) *Ohio St. J. On Disp. Resol.* 30: 1.

Together, these theories provide a comprehensive foundation for understanding arbitration's role in sports disputes, showing how it balances party autonomy, legal enforceability, and international neutrality.

5. Legal and Institutional Framework

Relevant Laws Regulating Arbitration in Sports Disputes

The legal framework guiding arbitration in sports disputes is shaped by a combination of international codes, institutional statutes, and national laws. A central instrument is the Code of Sports-related Arbitration (CAS Code), which outlines the procedural rules for arbitration and appeals before CAS. It covers key areas such as jurisdiction, filing procedures, arbitration agreements, and the enforcement of awards. According to Article R27 of the CAS Code, these rules apply when parties agree to submit a sports-related dispute to CAS, either through an arbitration clause in a contract or regulation, or through a later agreement. This may involve ordinary arbitration, where the matter is directly submitted to CAS, or appeal arbitration, where a party challenges a decision made by a sports federation, association, or similar body. By clearly regulating both types of proceedings, the CAS Code ensures a uniform and reliable method for resolving international sports disputes. Further strengthening this framework are FIFA Statutes, particularly Articles 57 and 58, which expressly require disputes within football to be resolved through arbitration. Article 58(2) notably prohibits recourse to ordinary courts unless specifically provided in the regulations. It also provides that recourse to CAS can only be made after all internal remedies have been exhausted, such as those available within FIFA or relevant member associations. Additionally, member associations are mandated to include similar arbitration clauses in their own statutes, reinforcing the autonomy of sport-specific arbitration and affirming CAS as an appellate body in football-related disputes. Similarly, the Olympic Charter, issued by the International Olympic Committee (IOC), recognizes the CAS as the final authority in resolving disputes arising from the Olympic Games. Rule 61 of the Charter provides that "any dispute arising on the occasion of or in connection with the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS), in accordance with the Code of Sports-related Arbitration." This rule binds all athletes, federations, and stakeholders participating in the Olympic Movement to CAS jurisdiction, further entrenching arbitration as the primary dispute resolution method in global sport.

To ensure that arbitration awards are effective across borders, the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) plays a pivotal role. Ratified by over 173 countries as of 2024,¹⁷ the Convention obliges national courts to recognize and enforce foreign arbitral awards, including those issued by CAS, provided certain conditions are met. This facilitates the global enforcement of sports arbitration decisions. National laws also provide the domestic legal backing for international sports arbitration. For instance, Nigeria's Arbitration and Mediation Act 2023, the United Kingdom's Arbitration Act 1996, and South Africa's International Arbitration Act 15 of 2017 govern the enforcement of arbitral awards and facilitate recognition of decisions from bodies such as CAS. In particular, Section 60 of Nigeria's Arbitration and Mediation Act provides for the application of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, ensuring that foreign awards, including those issued by CAS, can be enforced within Nigeria.¹⁸ Moreover, South Africa's legislation expressly incorporates the UNCITRAL Model Law on International Commercial Arbitration, a globally recognized legal framework developed by the United Nations to harmonize and modernize international arbitration procedures. These statutes support the autonomy of sports arbitration while ensuring that arbitral awards are legally recognized within national jurisdictions.

Institutional Framework for Arbitration in Sports Disputes

The institutional framework for arbitration in sports disputes is anchored by several key bodies, both internationally and within national contexts. CAS, based in Lausanne, Switzerland, is the foremost international body for resolving sports-related disputes through arbitration and mediation. It operates under the Code of Sports-related Arbitration and serves as the final authority for appeals from international federations, national associations, and the International Olympic Committee. CAS ensures neutrality, uniformity, and expertise in the resolution of global sports disputes. While its awards are considered final and binding, limited appeals may be lodged before the Swiss Federal Supreme Court under strict procedural grounds.¹⁹ CAS ensures neutrality, uniformity, and expertise in the resolution of global sports disputes. FIFA, as the global governing body for football, plays a pivotal role in regulating dispute resolution within the sport. It has established internal mechanisms such as the Dispute Resolution Chamber and the Players' Status Committee to address conflicts involving clubs, players, and other stakeholders. These bodies are responsible for handling football disputes. FIFA encourages the internal resolution of disputes through arbitration, with decisions from its legal bodies subject to appeal before CAS. By promoting arbitration over litigation, FIFA helps maintain consistency, autonomy, and efficiency in football-related dispute resolution at both the national and international levels. The International Olympic Committee (IOC) further supports the arbitration structure through the Olympic Charter, particularly Rule 61, which stipulates that any disputes arising in connection with the Olympic Games must be submitted exclusively to CAS. This provision obliges all participants in the Olympic Movement, including athletes, officials, and federations, to submit to arbitration, thereby ensuring consistency in dispute resolution across Olympic sports. Additionally, the Swiss Federal Supreme Court plays a crucial supervisory role in this framework. While CAS awards are generally final and binding, dissatisfied parties may, under Swiss law,²⁰ appeal to the Swiss Federal Supreme Court on limited procedural grounds,

¹⁷ Vinson & Elkins, 'Guide to Arbitral Institutions and the Seat of Arbitration in France' (2025) <<https://www.velaw.com/insights/guide-to-arbitral-institutions-and-the-seat-of-arbitration-in-france/>> accessed 30th May, 2025.

¹⁸ See also the United Kingdom's Arbitration Act, 1996, s.100, s.101.

¹⁹ Swiss Private International Law Act (PIL Act), art 191(1).

²⁰ Swiss Private International Law Act (PILA)

such as violation of public policy or lack of jurisdiction. This judicial oversight reinforces the legitimacy of CAS while preserving a minimal avenue for review. At the national level, efforts have been made to establish a domestic forum for sports arbitration in Nigeria. Recognising the recurring issue of sports disputes, the Nigerian Olympic Committee (NOC), with the endorsement of the National Council on Sports (NCS), initiated the creation of the Nigerian Court of Arbitration for Sport (NCAS) over a decade ago. A Planning Committee was formed and a report was presented. However, it appears that no further steps have been taken to operationalise NCAS.²¹

6. Role of Arbitration in Sport's Disputes

Challenges in the Use of Arbitration for Sports

Despite its central role in resolving disputes, arbitration in sports is not without criticism. A key concern is the perception of bias, as arbitrators often have close professional or institutional ties to the sporting world. This familiarity, while useful for expertise, can raise doubts about neutrality, especially in disputes involving major federations or high-profile stakeholders, where power dynamics may appear to influence outcomes. The issue of perceived bias was reflected in *Cape Town City Football Club v. Christofer David & FIFA*,²² where the player argued that the Arbitration Tribunal did not meet the requisite standards of independent and impartial tribunals. Another pressing issue is limited access to justice. The procedural complexity and financial costs associated with arbitration can discourage or can be a burden to athletes, particularly those from underrepresented regions, grassroots levels, or financially constrained environments. This creates an imbalance in who can fully engage with or benefit from the arbitration process. There's also growing attention on the lack of diversity in arbitration panels. The system has been criticised for not reflecting the multicultural and inclusive nature of global sport. Panels often remain dominated by individuals of similar demographic, geographic, and professional backgrounds, which may affect both perception and substance of fairness in proceedings. Another challenge is the limited finality of CAS decisions. While CAS decisions are generally seen as final and binding, they are subject to limited judicial review by the Swiss Federal Supreme Court. Grounds such as procedural irregularity or conflicts with Swiss public policy may justify an appeal. This undermines the notion of complete finality and shows that arbitration, even in sport, exists within a broader legal ecosystem. Lastly, jurisdictional tensions sometimes arise between arbitral decisions and domestic legal orders. National courts may resist enforcing awards that conflict with public interest, local statutes, or constitutional provisions. This creates uncertainty, particularly when international arbitral decisions need to be recognised or implemented at the national level.

Opportunities in Sports Arbitration

While sports arbitration faces criticisms, it also presents important opportunities that enhance the integrity and efficiency of dispute resolution in sport. One of the main strengths is its specialisation. Arbitral tribunals such as the Court of Arbitration for Sport (CAS) are composed of individuals with expertise in sports law and industry practice. This specialised knowledge allows disputes to be addressed more efficiently and with greater contextual understanding than in regular courts, which may lack familiarity with the fast-paced and unique nature of sports. Another significant opportunity lies in its global neutrality. Arbitration offers a forum that transcends national legal systems, which is especially valuable in international disputes involving parties from different countries. Institutions like CAS, seated in Switzerland, provide a consistent legal framework through the application of transnational arbitration rules, enhancing predictability and reducing the influence of local bias. Confidentiality is also a major benefit. Unlike litigation, which is public, arbitration allows disputes, especially those involving sensitive issues like doping, contractual disagreements, or disciplinary sanctions, to be handled privately. This protects the reputation of athletes, teams, and federations while also encouraging open participation in the process. Moreover, arbitration creates a foundation for innovation and reform, particularly in promoting inclusion and diversity. Growing global attention to these values has opened up opportunities to diversify arbitral panels and ensure broader representation across gender, race, and geographic lines, and this help to align the dispute resolution process with the inclusive ideals of sport itself. Finally, the introduction of mediation options alongside arbitration (as seen with CAS's mediation rules) provides a more flexible and amicable route for parties to resolve disputes, particularly when preserving relationships is important. This reflects a broader shift toward cooperative resolution methods in sports law. In essence, while arbitration in sport is not without flaws, it remains a crucial tool for delivering fair, fast, and informed resolutions to disputes in an increasingly complex sporting landscape.

7. Case Studies: Illustrating the Role of Arbitration in Sports Dispute Resolution²³

Arbitration has played a crucial role in resolving complex disputes in sports, and it offers an independent forum for decisions on matters ranging from contract terminations to regulatory compliance. However, case law also reveals persistent challenges related to impartiality, legal complexity, and access to justice. The case of *Webster v FIFA*²⁴ marked the first application of Article 17 of FIFA's Regulations on the Status and Transfer of Players (RSTP), which permits players to terminate contracts after a protected period. However, Andy Webster unilaterally terminated the contract before the expiration of the period and left Heart of Midlothian to join Wigan Athletic, leading to a dispute over compensation. FIFA's Dispute Resolution Chamber initially awarded £625,000 to Hearts, but CAS later reduced it to £150,000. This decision clarified the calculation of compensation under Article 17 and brought to light tensions between maintaining contractual stability and allowing player mobility. It also highlighted the complexity of sports regulations and the evolving role of arbitration in striking a balance

²¹Daily Champion, 'Nigeria: National Council of Sports Endorse Court of Arbitration in Sports' (2011) <<https://allafrica.com/stories/201112090463.html>> accessed 30th May, 2025.

²² CAS 2021/A/8018.

²³ Please visit www.tas-cas.org to access all decisions of Court of Arbitration for Sports

²⁴ CAS 2008/A/1485

between the club interests and individual rights. Similarly, the *Cape Town City FC v Christofer David & FIFA*²⁵ case illustrates the importance of fair and independent arbitral mechanisms. The player challenged the validity of the South African Football Association (SAFA) Arbitration Tribunal, since it acted as an appeal body for decisions from the National Soccer League's Dispute Resolution Chamber. This raised concerns about whether the process was fair and unbiased. The case highlights broader issues about the structure of local arbitration systems, especially when decisions can be appealed to bodies that may not meet international standards of fairness. The *FC Midtjylland v FIFA*²⁶ dispute, brought before CAS, focused on the illegal international transfer of minor Nigerian players. FIFA, relying on Article 19 of the RSTP, ruled against the club, and CAS upheld the decision. This case demonstrates the effectiveness of arbitration in enforcing international regulatory standards and protecting vulnerable athletes, particularly minors. It also shows how arbitration can serve as a tool for upholding ethical practices in football governance. However, it also highlights access and representation issues, especially for athletes from underrepresented regions. The Nigerian minors at the centre of the dispute were not direct parties to the case and likely had little influence over the process or its outcome. This raises concerns about whether young athletes from less-resourced regions have adequate legal support, advocacy, or a voice in proceedings that deeply affect their futures. These cases show both the benefits and challenges of using arbitration in sports. While CAS and other tribunals help resolve disputes and enforce rules, there are still concerns about fairness, transparency, and whether all parties, especially weaker ones, are treated equally. For arbitration to truly work in sports, the process must not only be effective but also fair and open to everyone.

Case Studies: Role of Arbitration in Sports in Nigeria

Two cases will be briefly analysed to illustrate how arbitration functions and sometimes falters within Nigeria's sports sector. The case of *Baribote v. Nigeria Football Federation (NFF)* highlights both the use and limitations of arbitration in resolving sports disputes in Nigeria. It stemmed from a contentious football league board election, where the outcome was challenged and subsequently referred to an arbitration panel by the relevant football authority. The tribunal nullified the election, but the aggrieved party sought to overturn the arbitral award in court. The High Court dismissed the suit, citing abuse of court process and *res judicata*, as a similar matter had already been resolved by another court, which upheld the arbitral decision. The case illustrates challenges such as forum shopping, reluctance to accept arbitral outcomes, and repeated recourse to litigation. It reinforces the need for a more credible institution that supports the role of arbitration in dispute resolution in sports, one that minimizes judicial interference and promotes trust in the finality of arbitral resolutions. Similarly, in a contract termination dispute between a footballer and their club,²⁷ the High Court of the Federal Capital Territory, Abuja, was faced with a case where the agreement mandated arbitration before court action. The player bypassed this requirement, relying on the concerns over the effectiveness of the NFF Player Welfare and Arbitration Committee. However, the court upheld the arbitration clause as binding under Section 2 of the Arbitration and Conciliation Act²⁸ and stayed the proceedings, emphasizing that mere dissatisfaction with the enforcement history of arbitral decisions did not justify ignoring agreed dispute resolution procedures. This case highlights the courts' support for internal arbitration in sports and highlights the legal obligation to exhaust such mechanisms before turning to litigation.

8. Conclusion and Recommendations

Sports arbitration offers a unique and valuable way to resolve disputes in the sporting world. Its specialised, confidential, and internationally neutral nature makes it well suited for the complexities of modern sports. Institutions like the Court of Arbitration for Sport have contributed to consistency and professionalism in handling disputes, and there is growing potential for innovation, especially with the inclusion of mediation and diverse representation. However, there are real challenges to the role of arbitration in sports dispute resolution. Case studies reveal ongoing concerns around fairness, access, and enforcement, particularly for athletes from underrepresented regions. In Nigeria, arbitration is often undermined by a lack of trust in internal mechanisms and frequent resort to litigation, even when arbitration is required. These issues must be addressed to make arbitration a more credible and accessible option for all stakeholders in sports. The following measures are necessary:

Strengthen the legal and institutional framework of sports arbitration in Nigeria: The NFF's internal arbitral bodies, such as the Players' Welfare and Arbitration Committee, play a central role in resolving sports disputes. However, their effectiveness is limited by questions about the NFF's legal status and independence. For example, a 2012 Federal High Court ruling²⁹ declared the NFF illegal due to a lack of statutory recognition—though later reversed, it exposed deeper institutional issues.³⁰ FIFA has also raised concerns about the NFF's compliance with its statutes.³¹ Clarifying the legal status of the NFF and creating stronger statutory backing for its dispute resolution mechanisms would improve trust in the system and reduce the tendency to bypass arbitration in favour of litigation.

Promote legal support for athletes: Athletes, especially young and less-resourced ones, need access to legal guidance and fair representation in arbitration to ensure their rights and voices are protected.

Enhance diversity in arbitration panels: Global bodies like CAS should continue to expand the diversity of their panels across gender, race, and geography to reflect the inclusive values of sport.

Encourage the use of mediation: Mediation should be promoted alongside arbitration as a more collaborative, relationship-friendly option for resolving disputes in sports.

Raise awareness and provide training: Athletes, coaches, and officials need better education about how arbitration works and why it is important to respect dispute resolution clauses in contracts.

²⁵ CAS 2021/A/8018

²⁶ CAS 2008/A/1485

²⁷ *Amarachi Ukaegbu v. Heartland FC & Ors*

²⁸ It is currently known as the Arbitration and Mediation Act 2023.

²⁹ *Baribote v Nigeria Football Federation (NFF)* (2012)

³⁰ This Day (Lagos), 'Nigeria: Fresh Crises Hits the Country's Football as Court Declares NFF, NPL Illegal Bodies' (2012) <<https://allafrica.com/stories/201201230459.html>> accessed 30th May, 2025.

³¹ RFI, 'Nigeria facing possible FIFA ban' (2016) <<https://www.rfi.fr/en/africa/20160412-nigeria-facing-possible-fifa-ban>> accessed 30th May, 2025