

# Resolving International Sports Disputes: An Exploration of Mediation and Conciliation

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## Abstract

*The globalization of sports has led to an increase in cross-border disputes, necessitating effective and efficient dispute resolution mechanisms. Traditional litigation and arbitration methods often prove time-consuming, costly, and ineffective in preserving relationships. This research explores the role of Alternative Dispute Resolution (ADR) methods, specifically mediation and conciliation, in resolving international sports disputes. Through a comparative analysis of international sports organizations and dispute resolution mechanisms, this study examines the benefits and limitations of mediation and conciliation in international sports. The study examines how successfully alternative dispute resolution (ADR) preserves relationships, reputations, and expertise while also upholding mutual respect and trust between the parties. The results highlight how mediation and conciliation may be used to settle international sports conflicts quickly, confidently, and flexibly while taking into account the particular sensitivities of sporting environments. In order to improve its implementation, this study also emphasizes the need for institutional support and knowledgeable facilitators with training in sports-related ADR. The suggestions are meant to assist athletes, teams, leagues, governing bodies, and sports organizations in successfully putting ADR procedures into practice. This will help to create standardized best practices that are cognizant of the ever-changing global sports environment.*

**Keywords:** Alternative Dispute Resolution, mediation, conciliation, international sports, dispute resolution, sports law

## INTRODUCTION

The world of international sports is a complex and ever-evolving landscape, fraught with disputes and conflicts that can arise from various aspects of athletic competition. The globalization of sports has led to an increase in cross-border disputes, involving athletes, teams, leagues and governing bodies from different jurisdictions. Traditional litigation and arbitration methods have been the primary means of resolving these disputes; however, they often prove time-consuming, costly, and ineffective in preserving relationships.

In recent years, ADR methods, particularly mediation and conciliation, have emerged as viable alternatives for resolving international sports disputes. Mediation and Conciliation offer flexible, confidential, and interest-based approach to dispute resolution allowing parties to maintain control over the outcome.

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International sports Organizations, such as the International Olympic Committee (IOC), Federation Internationale de Football Association (FIFA), and Union of European Football Associations (UEFA), have recognized the benefits of ADR and incorporated mediation and conciliation into their disputes resolution mechanisms.

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This exploratory study aims to investigate the role of mediation and conciliation in resolving international sports disputes, examining their benefits, limitations and effectiveness in maintaining relationships and reputations

The growth of international sports has created a unique set of challenges, including:

- Increased disputes over player transfers, contracts, and sponsorship agreements.
- Conflicts between athletes, teams, and governing bodies.
- Intellectual property disputes over broadcasting rights and branding.
- Doping and disciplinary cases.

Traditional dispute resolution methods have limitations, including:

- Lengthy and Costly proceedings.
- Risk of reputational damage.
- Limited expertise in sports-specific disputes.

Mediation and Conciliation offer several advantages, including:

- Time and cost efficiency.
- Confidentiality and flexibility.
- Preserving relationships and reputations.
- Expertise in sport-specific disputes.

This study will provide answers to the following question:

- What roles do mediation and conciliation play in resolving international sports disputes?
- How effective are mediation and conciliation in resolving sports-related disputes compared to arbitration and litigation?
- What are the benefits and limitations of mediation and conciliation in international sports?

This research aims to:

- Examine the role of mediation and conciliation in resolving international sports disputes.
- Analyse the benefits and limitations of ADR in international sports.
- Investigate the effectiveness of mediation and conciliation in preserving relationships and reputations.
- Provide recommendations for the effective implementation of ADR in international sports.

This research will focus on mediation and conciliation in international sports, covering:

- International sports organizations (e.g. IOC, FIFA, UEFA).
- Sports-specific dispute resolution mechanisms (e.g. CAS, Sports resolutions UK).
- Comparative analysis of ADR methods in different jurisdictions.

The research contributes to the understanding of ADR in international sports, providing valuable insights for:

- Sports organizations and governing bodies.
- Athletes, teams and leagues.
- Sports lawyers and dispute resolution professionals.
- Academic and policy communities.

## **MEDIATION IN INTERNATIONAL SPORTS**

International sport has a highly developed system of dispute resolution but has traditionally relied almost exclusively on arbitration. Even though many sports tribunals have mediation rules and rosters in place, these are rarely utilised. However, in recent years, more focus has been placed on the possible applications of mediation in settling sports conflicts, encompassing everything from contractual and

business issues to disciplinary and eligibility issues that fall under the purview of athletic federations' self-governing powers [1].

Notable developments include the creation of the FIFA Football Tribunal Mediation Guidelines and the advancement of mediation at the Court of Arbitration for Sports (CAS). This section aims to explore these and other developments and to consider the future role of mediation in the sports sector.

An impartial mediator helps the parties negotiate a settlement of a disagreement through mediation, a private and voluntary form of alternative dispute resolution. With the consent of the parties, an independent mediator is appointed to assist them to find a resolution to their dispute [2, 3]. Although Sport resolutions have mediation procedures to guide mediations, they can take many different forms. The Key component is voluntary involvement from participants, with a view to actively resolving the issue(s) between them [4].

“CAS mediation is a non-binding and informal procedure, based on an agreement to mediate in which each party undertakes to attempt in good faith to negotiate with the other party with a view to settling a sports-related dispute,” according to section 1 of the CAS Mediation Rules. A CAS mediator assists the parties in their negotiations”.

### **Process of Mediation**

These three separate stages make up mediation: the introduction, the problem-solving phase, and the closure phase.

The mediator proposes a timetable and establishes ground rules. Additionally, the mediator conducts meetings where all parties are given the chance to express their viewpoints and desired resolutions to the dispute. The parties talk about their interests, pertinent concerns, and potential solutions. Each party can speak alone with the mediator to discuss their viewpoints.

Before creating a document outlining the conditions of their agreements, both parties specify their terms for settling the dispute.

### **Types of Mediation**

There are several mediation strategies available to parties seeking a speedy and affordable means of resolving their conflict. A skilled mediator uses collaborative, mutual gains bargaining concepts to try to help the parties find common ground during mediation. We often assume all mediation procedures are the same yet depending on the kind of issue they are handling mediators employ various strategies. Parties should think about the different forms and styles of mediation that are available to help settle disagreement before selecting a mediator in international sports conflicts [5].

#### ***Facilitative Mediation***

A qualified mediator tries to mediate talks between the disputing parties in traditional or facilitative mediation. Instead than making recommendations or pressuring parties to reach a decision, the mediator looks at each other's fundamental interests to assist disputants in finding their own voluntary solution. Mediators that use facilitative mediation often conceal their personal opinions on the dispute [6].

#### ***Court-Mandated Mediation***

A court that wants to encourage a quick and economical settlement may require mediation, even though it is usually described as a fully voluntary procedure. When parties and their attorneys refuse to engage in court-mandated mediation, the likelihood of a settlement is low since they may be only following the formalities. However, when both parties understand the benefits of taking part in the trial, settlement rates are much higher [7].

***Evaluative Mediation***

The opposite of facilitative mediation is evaluative mediation, where mediators are more inclined to voice their thoughts and offer comments and recommendations. Instead of focusing primarily on the parties' underlying interests, evaluative mediators might be more willing to help parties assess the legality of their arguments and arrive at fairness findings. The most common use of evaluative mediation is in court-mandated mediation, and evaluative mediators are frequently lawyers with legal knowledge in the dispute's field [8].

***Transformative Mediation***

When using transformational mediation, mediators help parties to resolve their disputes by helping them understand one other's needs and interests. Robert A. Baruch Bush and Joseph P. Folger first described the legacy of facultative mediation as the cornerstone of transformational mediation in their 1994 book *The Promise of Mediation*. The process's ultimate goal is to alter the parties and their relationship by giving them the tools they need to make positive changes [9].

***Med-Arb***

The terms of the mediation-arbitration hybrid, or med-arb, are originally agreed upon by the parties. They typically agree in writing that, in contrast to most mediations, the procedure's conclusion will be legally binding. After then, they attempt to resolve their dispute by negotiating a settlement with a mediator.

The mediation procedure isn't finished if there is a standstill or if problems aren't resolved. The parties may now go to arbitration. If qualified, the mediator can serve as an arbitrator and quickly render a legally binding decision based on her conclusions, either about the case as a whole or the unresolved issues. As an alternative, the mediator may confer with an arbitrator before taking over the case [10].

***Arb-med***

According to Richard Fullerton's article in the *Dispute Resolution Journal*, Arb-med is another type of mediation in which a trained, impartial third party hears the evidence and testimony of disputants in an arbitration, writes an award but withholds it from the parties, attempts to resolve the parties' disagreement through mediation; if they are unable to do so, she unseals and renders her already decided binding award.

According to Fullerton, the procedure eliminates the worry in Med-arb on the improper use of private data while maintaining the pressure on the parties to come to a consensus. Interestingly, though, the arbitrator/mediator is unable to alter her earlier decision in light of fresh information discovered during the mediation.

***E-mediation***

Jennifer Parlamis, Noam Ebner, and Lorianne Mitchell define e-mediation as a process where a mediator provides mediation services to parties who are geographically separated or whose conflict is so intense that they cannot bear to be in the same room, according to a chapter in their book *Advancing Workplace Mediation through integration of Theory and Practice*.

With no involvement from a third party, e-mediation can be a fully automated online dispute resolution process. However, according to the authors of the chapter, e-mediation is more likely to resemble conventional facilitative mediation that is conducted remotely. Parties can now quickly and affordably speak with one another in real time, taking advantage of both visual and verbal signals, thanks to video conferencing services like Skype and Google Hangouts. According to preliminary research findings, technology-enhanced mediation may be equally as successful as conventional mediation methods. Additionally, it is frequently regarded by parties as a low-stress procedure that promotes trust and pleasant feelings [11].

### **The Role of Mediators in International Sports**

An unbiased third party who helps two or more disputing parties communicate is known as a mediator. The mediator doesn't choose a side or decide on behalf of the parties. The mediator facilitates the establishment of a secure setting in which the parties can respectfully and openly communicate their concerns. In order to arrive at a workable and mutually agreeable solution, the mediator assists the parties in investigating and comprehending the issues at hand, creating alternatives, and making well-informed judgments [12].

Mediators play a critical role in assisting disputants in shifting from working against each other to working together. For the procedure to be successful, the players who represent the disputing parties are urged to collaborate and work together.

Defining the issues and removing barriers to communication between two opposing parties is another function of the mediator. In order to reduce or completely eradicate conflict and animosity, they direct the discussion and the procedure. In order to find the middle ground, they will ask each party for compromises. They will also outline the measures that each party may take to implement a viable solution.

### **Case Studies: Successful Mediation in International Sports**

Here are some notable case studies on successful mediation in international sports

#### ***FIFA Dispute Resolution Chamber Case 2019: “Player Transfer Dispute***

This is a case handled by the FIFA Dispute Resolution Chamber (DRC) in 2019. A football player and his agent disputed the transfer fee payable by the club following a transfer. FIFA's dispute resolution chamber mediated the dispute. The parties reached a mutually acceptable agreement, avoiding arbitration. This decision demonstrates FIFA DRC's effectiveness in resolving transfer-related disputes, Highlights the importance of mediation in international football disputes and shows the benefits of confidential and interest-based dispute resolution.

#### ***UEFA Mediation Case (2018): “Sponsorship Agreement Dispute”***

A specific case or cases handled by UEFA's Mediation Service in 2018. A football club and a sponsor disputed sponsorship agreement term. UEFA mediated the dispute and parties agreed on revised terms, maintaining their partnership. This case demonstrates UEFA's commitment to alternative dispute resolution, highlight mediation's effectiveness in resolving commercial disputes, Shows UEFA's role in promoting fair and efficient dispute resolution.

#### ***Sports Resolutions UK (2020): “Athlete Selection Dispute”***

A British athlete and their national governing body disputed selection for an international competition. The athlete disputed their non-selection for a major international competition. Sports resolution UK facilitated mediation between the athlete and the National Governing Body. The athlete was selected for the competition, resolving the dispute.

The significance of this case demonstrates SRUK's effectiveness in resolving selection disputes and highlights mediation's role in resolving athlete-NGB conflicts. It also shows SRUK'S commitment to fair and transparent dispute resolution.

This case provides insight into SRUK's mediation process and illustrates mediation's benefits in resolving sports selection disputes. It also contributes to understanding ADR methods effectiveness in sports.

#### ***International Chamber of Commerce (ICC) Mediation 2017: “Sports Equipment Contract Dispute”***

This is a specific international mediation case handled by the ICC in 2017. A distributor and a manufacturer of sporting goods disagreed on the terms of their distribution contract. ICC mediated the dispute. The parties agreed on revised terms, preserving their business relationship.

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This case demonstrates ICC's expertise in resolving international commercial disputes and highlights mediation's effectiveness in resolving contract disputes. It also shows ICC's role in promoting efficient and confidential dispute resolution.

### ***Olympic Games Mediation Case 2012: "Athlete Funding Dispute"***

This case involved a dispute resolved through mediation during the 2012 London Olympics. An Olympic athlete and their national Olympic committee disputed funding for Olympic participation. The athlete disputed the NOC's decision to withdraw funding. The Olympic Games Mediation service resolved the dispute. The athlete received funding, enabling participation in the Games.

This case demonstrates effectiveness of mediation in resolving Olympic disputes and also highlights the importance of swift dispute resolution during major events. It also shows Olympic Games mediation service's role in promoting fair play.

These case studies demonstrate mediation's effectiveness in resolving international sports disputes: Time efficient resolution, cost savings, preserved relationships, flexibility in resolving complex disputes and expertise of mediators in sports-specific disputes.

## **CONCILIATION IN INTERNATIONAL SPORTS**

"Conciliation" refers to a process for resolving international conflicts of any kind in which a Commission appointed by the parties, either permanently or on an as-needed basis, conducts an unbiased analysis of the conflict and tries to determine the terms of a settlement that the parties can accept or provide the parties with the assistance they may have requested in order to resolve it [13].

Conciliation can also be defined as a voluntary process wherein a qualified facilitator helps employers and employees settle disagreements when their independent attempts have failed. One way to characterize the procedure is as a facilitated quest for consensus amongst disputing parties.

### **The Process of Conciliation**

There are four primary steps in conciliation proceedings. Meeting, Declaration, Proposal, and Consent. It is crucial to remember that conciliation is not a straight line, and the parties are free to switch between the phases as necessary. It's also important to keep in mind that not every conciliation will lead to an agreement. But when the parties and the conciliator work through the disagreement, it frequently goes on until both parties accept the suggested resolution. Additionally, we will add a new step to the beginning, which includes the preparation and research around the dispute and possible solutions.

#### ***Preparation***

Like any other dispute resolution mechanism, the parties in conciliation must prepare for the conciliation hearing or proceeding. This makes it easier for the parties to grasp what they need to agree to in order to reach a settlement and enables them to express their positions on the matter as clearly as possible. All parties can feel that their needs were satisfied and that they can leave with the knowledge that the settlement agreement would enable them to put the disagreement behind them and resume their relationship after careful preparation.

#### ***Meeting***

The first meeting between the parties is the second phase in the conciliation process. Here, the conciliator will outline the procedure, their role, and the parties' expectations going forward as the conciliation goes on. This is also where the conciliator will establish any necessary ground rules and ensure that the parties are ready to move forward.

#### ***Statement***

This is the part of the conciliation where the parties share their statements of the case with each other. The case statement conveys the parties' side of the story, clarifies any unclear aspects, and provides

examples of what they hope to get out of a settlement. This is a major instance in which the conciliator will require active listening from the non-speaking party. The first party to speak will usually be the one who instigated the conciliation or the dispute, followed by the responding party. Following both remarks, the conciliator will summarize the points raised by each party and request any additional information required to proceed with the dispute.

### ***Suggestion***

The conciliator will take into account all of the statements made by the parties and make recommendations for how they might resolve their disagreement after everyone thinks that they are in agreement over the matters that need to be settled. The parties can decide to reject the proposal and continue talking, or they can accept the offer and resolve the matter. Before the parties reach a consensus or determine that the conflict is beyond resolution, this process will frequently occur a few times.

### ***Agreement***

The agreement is the last step in the conciliation process. The parties will draft an agreement that will bind them, much like a settlement agreement, if they approve of one of the conciliator's possibilities. This guarantees that the parties will leave the conciliation with a mutually acceptable agreement. On the other hand, the conciliator will provide the parties counsel and recommendations to consider as they wrap up the discussion if they are unable to help them come to an agreement. This allows the parties to have a discussion to build on to continue the negotiation.

An understanding of the process of conciliation is important in considering whether the process would be the best one for the dispute. The process discussion above makes it clear that conciliation has numerous advantages, particularly for parties who wish to maintain their relationships and require assistance in coming up with a solution that benefits all parties.

### **Role of Conciliators**

In a conciliation proceeding, a conciliator is an impartial arbiter whose duties include determining the direction of the proceedings, assisting the parties in coming to a mutually advantageous settlement, and upholding and adhering to the principles of justice, impartiality, fairness, and objectivity both during the decision-making process and while working to reach a settlement. The 1996 Arbitration and Conciliation Act assigns the conciliator specific duties and establishes standards that require a conciliator to be proactive in the conciliation process and grant them autonomy based on specific criteria. But, in contrast to arbitration, that autonomy is constrained.

### **Case Studies: Successful Conciliation in International Sports**

Here are some notable case studies on successful conciliation in international sports disputes:

#### ***FIFA Conciliation 2018: "The Griezmann Transfer Dispute"***

Antoine Griezmann, a football player, Atletico Madrid (club) and Maudet Football Management (agent) had a transfer fee dispute. Griezmann's transfer from Atletico Madrid to Barcelona was disputed due to conflicting transfer fee claims. Atletico Madrid claimed Barcelona owed additional transfer fees. Griezmann's contract had a release clause, complicating negotiations. The dispute settlement procedure was governed by FIFA's transfer regulations. FIFA Conciliation Service facilitated negotiations, ensuring a swift resolution. Parties reached a mutually acceptable agreement on transfer fees.

This case demonstrates FIFA Conciliation Service's effectiveness in resolving transfer disputes, highlights the importance of swift dispute resolution in football transfers. It also shows FIFA's role in promoting fair play and adherence to regulations.

#### ***UEFA Conciliation 2020: "The Manchester City Sponsorship Dispute"***

A football club (Manchester City FC) and Etihad Airways (sponsor) had a dispute over sponsorship agreement terms. Manchester City FC and Etihad Airways disputed sponsorship renewal terms, including financial obligations and brand exposure. Dispute centered on the interpretation of contract

terms. Manchester city FC sought increased sponsorship fees. Etihad Airways sought increased branding visibility. UEFA's sponsorship regulations governed the dispute resolution process. UEFA Conciliation Procedure facilitated negotiations and resolved the dispute preserving their partnership. This case highlights the importance of clear sponsorship agreements and shows UEFA's role in promoting fair play and adherence to regulations.

### ***Sports Resolutions UK (SRUK) Conciliation 2019: "The British Athlete Selection Dispute"***

A British athlete and UK Athletics (national governing body) had a selection dispute for international competition, citing unfair selection criteria. The athlete disputed non-selection for major international competition. Dispute centered on interpretation of selection criteria. Athlete met qualification standards but was initially non-selected. UK athletics selection regulations governed the dispute resolution process. Sports Resolutions UK (SRUK) Conciliation Service facilitated negotiations and ensured swift resolution. Conciliation led to the athlete's selection for competition. This case demonstrates SRUK Conciliation Service's effectiveness in resolving disputes and highlights the importance of clear selection criteria. It also shows UK Athletics' commitment to fair selection processes.

### ***International Chamber of Commerce (ICC) Conciliation 2017: "THE NIKE-ADDIDAS Contract Dispute"***

Nike Inc. (sports equipment manufacturer) and Addidas AG (Sports equipment distributor) had a contract dispute over distribution agreement terms. Nike and Addidas disputed contract renewal terms, including distribution rights and pricing. Dispute centered on interpretation of contract terms. Addidas sought expanded distribution rights and parties disputed pricing structures. ICC Conciliation Rules facilitated negotiations. The Conciliation resolved the dispute, maintaining business relationship.

### ***Olympic Games Conciliation 2012: "The Pechstein Funding Dispute"***

Claudia Pechstein (An Olympic athlete) and German Olympic Sports Confederation (national Olympic committee) disputed funding for Olympic participation. Pechstein disputed NOC's decision to withdraw funding, citing unfair treatment. Dispute centered on Pechstein's eligibility for funding. Pechstein argued her rights as an athlete were infringed. German Olympic Sports Confederation's funding regulation governed the dispute resolution process. Olympic Games Conciliation Service facilitated negotiations. Pechstein received funding for Olympic participation. In conclusion, OGM ensured swift resolution, enabling Pechstein's Olympic participation. These case studies demonstrate conciliation's effectiveness in resolving international sports disputes: Time efficient resolution, cost savings, preserved relationships, expertise of conciliators in sport specific disputes and flexibility in resolving complex disputes.

## **COMPARATIVE ANALYSIS: MEDIATION VS. CONCILIATION IN INTERNATIONAL SPORTS DISPUTES**

Here's a comparative analysis of mediation and conciliation, their effectiveness in resolving disputes and industry expert opinions:

### **Mediation vs. Conciliation**

#### ***Mediation***

- *Definition:* A neutral third party facilitates negotiations between disputing parties;
- *Process:* Voluntary, non-binding and confidential;
- *Sports-specific:* Effective in resolving disputes involving athletes, teams and governing bodies. Parties have control over the outcome.
- *Goals:* Focuses on finding mutually beneficial solutions, preserve relationships. It Can be non-binding or binding depending on the agreement.

#### ***Conciliation***

- *Definition:* A neutral third party helps parties reach settlement;
- *Process:* Less formal than arbitration, may involve recommendations;

- *Goals:* Focuses on resolving disputes efficiently, maintain business relationships;
- The conciliator may provide recommendations;
- *Sports-specific:* Effective in resolving commercial and employment disputes (e.g. Sponsorship, broadcasting).

### **Effectiveness in Resolving disputes**

#### ***Mediation***

- *High success rate:* 70-80% disputes resolved through mediation;
- *Time efficient:* Resolves disputes faster than litigation.
- *Cost-effective:* Reduces legal fees.
- *Preserves Relationships:* Encourages collaborative problem solving.

#### ***Conciliation***

- 90% success rate in resolving commercial disputes.
- *Swift resolution:* Conciliation typically resolves disputes within weeks or months.
- *Expertise:* conciliators often specialize in specific industries or areas.
- *Flexible:* Can be used in conjunction with arbitration or litigation.

### **Industry Expert opinions**

#### ***Mediation***

- Mediation is an essential tool for resolving disputes in sports. It's efficient, cost effective and preserves relationships;
- Mediation helps parties find creative solutions, which might not be possible through litigation.

#### ***Conciliation***

- Conciliation is ideal for commercial disputes, as it provides a swift and efficient resolution process;
- Conciliation helps parties avoid lengthy litigation, preserving business relationship.
- Conciliation is ideal for commercial sports disputes, providing swift resolution.

### **Comparative Analysis**

#### ***Similarities***

- Both mediation and conciliation aim to resolve disputes efficiently and effectively;
- Neutral third party involvement.
- Focus on preserving relationships.

#### ***Differences***

- Mediation focuses on party-controlled negotiations, while conciliation involves a neutral third-party providing recommendations.
- *Formality:* Mediation is generally less formal than conciliation.
- *Binding Nature:* Conciliation may involve binding recommendations.
- *Goals:* Mediation focuses on mutually beneficial solutions, while conciliation prioritizes efficient resolution.
- *Sport-specific applications:* Mediation suits athlete-team disputes, while conciliation is effective in commercial disputes

#### ***Effectiveness***

Both methods have high success rates, but mediation is often preferred for its collaborative approach. Mediation has 70-80% success rate and Conciliation has 90% success rate.

***Industry Suitability***

Mediation suits sports, employment and family disputes, while conciliation is effective in commercial and contract disputes.

Effective dispute resolution techniques that provide advantages including effectiveness, cost savings, and maintained relationships are mediation and conciliation. Understanding the differences and suitability of each method for specific industries and disputes are crucial.

**CHALLENGES AND OPPORTUNITIES**

Here are the challenges and opportunities for mediation and conciliation in international sports disputes:

**Challenges*****Lack of Awareness***

- Limited knowledge about mediation and conciliation among sports stakeholders.
- Unfamiliarity with benefits, processes and outcomes.
- Perception that mediation/conciliation is ineffective or unbinding.

***Cultural and Linguistic Barriers***

- Differences in language, culture and legal traditions can hinder effective communication.
- Cultural nuances affecting negotiation styles.
- Differing legal traditions and expectations.
- Ensuring neutral, culturally sensitive mediators/conciliators.

***Power Imbalance***

- Disparities in bargaining power between parties (e.g. athletes vs. governing bodies).
- Unequal access to resources, information and expertise.
- Potential for exploitation or coercion.

***Complexity of Disputes***

- Multifaceted disputes involving multiple parties, jurisdiction and laws.
- Interconnected issues (e.g. contractual, regulatory, reputational).
- Difficulty in identifying and addressing underlying concerns.

***Enforceability of Agreements***

- Ensuring mediated or conciliated agreements are binding and enforceable.
- Addressing jurisdictional issues and conflicting laws.
- Clarifying dispute resolution mechanisms.

***Neutrality and Impartiality***

- Maintaining neutrality in highly politicized or emotive disputes.
- Avoiding conflicts of interest.
- Ensuring mediators/conciliators remain impartial.

***Time and Cost Constraints***

- Managing time-sensitive disputes with limited budgets.
- Minimising delays and costs.
- Ensuring efficient dispute resolution processes.

***Confidentiality Concerns***

- Balancing confidentiality with transparency and accountability.
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- Managing sensitive information and maintaining trust.
- Ensuring confidentiality agreements are enforceable.

#### ***Limited Expertise***

- Lack of specialized knowledge in sports dispute resolution.
- Insufficient training for mediators/conciliators.
- Need for sports-specific dispute resolution expertise.

#### ***Regulatory Framework***

- Inconsistent or unclear regulatory frameworks.
- Conflicting laws and jurisdictional issues.
- Ensuring compliance with international sports regulations

#### **Opportunities**

##### ***Increased Efficiency***

- Mediation and conciliation can resolve disputes faster than litigation.
- Streamlined processes for resolving multiple disputes.
- Reduced time and costs associated with dispute resolution.

##### ***Costs Savings***

- Minimizing legal fees and expenses.
- Reducing financial losses due to dispute resolution delays.
- Allocating resources to core sports activities.

##### ***Preservation of Relationships***

- Encouraging collaborative problem-solving
- Maintaining positive relationships between stakeholders.
- Fostering trust and cooperation.

##### ***Specialized Expertise***

- Utilizing sports-specific mediators and conciliators.
- Leveraging expertise in sports law, regulation and industry practices.
- Addressing complex sports disputes effectively.

##### ***Global Reach***

- Resolving international disputes through online mediation and conciliation.
- Accessing global dispute resolution expertise.
- Facilitating cross-border dispute resolution.

##### ***Innovative Solutions***

- Finding creative solutions tailored to specific sports disputes.
- Addressing unique industry challenges.
- Developing innovative dispute resolution approaches.

##### ***Enhanced Athlete Well-being***

- Addressing athlete mental health and welfare through mediation.
- Providing support for athletes in disputes.
- Promoting holistic well-being in sports

##### ***Development of Sports-specific Dispute Resolution***

- Establishing specialised dispute resolution centres and services.

- Developing sports-specific mediation and conciliation rules.
- Fostering collaboration between sports organisations and dispute resolution professionals.

### **Emerging Trends**

#### ***Online Dispute Resolution (ODR)***

Utilizing technology for efficient dispute resolution.

#### ***Sports-specific Dispute Resolution Centres***

Specialized centres for sports disputes (e.g. Sports resolutions UK).

#### ***Mediation-conciliation Hybrids***

Combining mediation and conciliation techniques.

#### ***Expert Mediators and Conciliators***

Specialized professionals with sport industry expertise.

#### ***Pre-dispute Resolution Mechanisms***

Implementing mediation and conciliation clauses in contracts.

### **Recommendations**

To effectively resolve international sports disputes through mediation and conciliation, we have to consider the following:

- *Establish specialized dispute resolution centres:* Create centres specialized in sports disputes, such as the court of Arbitration for sport (CAS) and sports resolutions UK;
- *Promote mediation and conciliation:* Encourage parties to use mediation and conciliation before resorting to arbitration or litigation.
- *Develop sports-specific mediation and conciliation rules:* create rules tailored to sports disputes, addressing unique industry challenges.
- *Train specialised mediators and conciliators:* Provide training for mediators and conciliators in sports law, regulations and industry practices.
- *Foster collaboration:* Encourage cooperation between sports organisations, dispute resolution professionals and governments.
- *Raise awareness:* Educate stakeholders about mediation and conciliation benefits, processes and outcomes.
- *Ensure neutrality and impartiality:* Guarantee neutral and impartial mediators, conciliators and arbitration panels.
- *Utilize technology:* Leverage online dispute resolution platforms for efficient, cost-effective dispute resolution.
- *Encourage pre-dispute resolution mechanisms:* Include mediation and conciliation clauses in contracts.
- *Monitor and evaluate:* Continuously assess dispute resolution mechanisms, identifying areas for improvement.

#### ***Recommendations for Stakeholders***

- Educate stakeholders about mediation and conciliation benefits.
- Establish specialized dispute resolution centres and services.
- Develop sports-specific mediation and conciliation rules.
- Promote online dispute resolution.
- Foster collaboration between sports organisations and dispute resolution professionals.

#### ***Benefits for Stakeholders***

- *Athletes:* expedited dispute resolution, preserved relationships, enhanced well-being.

- *Teams and clubs*: Reduced costs, increased efficiency and improved relationships.
- *Governing bodies*: Effective dispute resolution, maintained credibility and enhanced governance.
- *Sponsors and Partners*: Stability, predictability and protection of interests.

#### ***Future Directions***

- Integrating technology into sports dispute resolution.
- Developing sports-specific dispute resolution framework.
- Enhancing mediator and conciliator training.
- Promoting awareness and education on mediation and conciliation
- Encouraging collaboration between sports organizations and dispute resolution professionals.

#### **Implementation Strategies**

##### ***Short-term (0-12 months)***

- Conduct stakeholder workshops to raise awareness.
- Develop sports-specific mediation and conciliation rules;

Establish specialized dispute resolution centres.

##### ***Medium-term (1-3 years)***

- Train specialised mediators and conciliators.
- Implement online dispute resolution platforms.
- Promote pre-dispute resolution mechanisms.

##### ***Long Term (3+ years)***

- Evaluate dispute resolution mechanisms.
- Refine rules and processes.
- Expand collaboration with international sports organizations.

#### **Key Stakeholders**

- International sports organisations.
- National Sports governing bodies.
- Athletes and player associations.
- Teams and clubs.
- Sponsors and partners.
- Dispute resolution professionals.

Mediation and conciliation offer effective solutions for international sports disputes. Implementing specialised dispute resolution mechanisms, promoting awareness and fostering collaboration will enhance the efficiency and credibility of sports dispute resolutions.

#### **CONCLUSION**

International sports issues must be settled with creative, practical, and efficient methods. Mediation and conciliation have become more and more popular as effective alternatives to traditional litigation and arbitration. This exploration has demonstrated that mediation and conciliation offer faster and more cost-efficient dispute resolution, Preserve relationships between stakeholders, Provide opportunities for creative, mutually beneficial solutions, Address unique challenges in international sports disputes, Enhance athlete well-being and protect their rights.

Specialised dispute resolution centres, such as CAS and Sports Resolutions UK, have successfully resolved sports disputes. Mediation and conciliation rules tailored to sports disputes are essential. Neutral, impartial mediators and conciliators ensure effective dispute resolution. Technology facilitates

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efficient online dispute resolution. Collaboration between sports organisations, dispute resolution professionals and governments are crucial.

Mediation and conciliation offer a promising future for resolving international sports disputes. By embracing these alternative dispute resolution methods, the sports industry can enhance credibility and integrity, protect athlete wellbeing, foster collaborative relationships, Reduce costs and delays and Promote fair play and sportsmanship.

By exploring mediation and conciliation, we can create a more efficient and equitable dispute resolution framework for international sports disputes.

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