

# Sports arbitration as a mechanism for upholding sports ethics in the light of resolving sports disputes

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**How to Cite:**

SAÂDA, B. Z., & SALEM, M. (2026). Sports arbitration as a mechanism for upholding sports ethics in the light of resolving sports disputes. *Art Law and Accounting Reporter*, 45(1), 78-93. <https://journalalar.org/index.php/online/article/view/34>

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Submitted: 15 July 2025 | Revised: 27 December 2025 | Accepted: 03 February 2026

**Abstract**---Sports arbitration consistently operates beyond rigid legal rules, seeking instead to establish a balanced equation between conflicting interests while taking into account the specific nature of sport and the need to preserve the integrity of competitions. In doing so, arbitration contributes to the consolidation of sports ethics not only at the level of athletic performance but also in the contractual relations and commercial practices surrounding sporting activity.

**Keywords**---Sports arbitration, conflicting interests, sports ethics, contractual relations.

### **Introduction**

Contemporary sport has witnessed profound transformations that have shifted it from a recreational activity into a global multi-billion-dollar industry. This evolution has generated complex legal relationships and multifaceted disputes that require specialized mechanisms for their resolution.

In this context, sports arbitration has emerged as an indispensable and highly effective legal tool for settling sports disputes and safeguarding the ethical values upon which sport is founded. The significance of this study lies in several fundamental ethical and legal aspects. From an ethical and value-based perspective, sport is inherently rooted in noble human values such as integrity, fairness, and honest competition. Any mechanism that protects these values deserves in-depth examination to understand its functioning and potential for development.<sup>1</sup>

From a legal perspective, sports arbitration represents a unique model of private justice that has evolved outside the framework of traditional national courts. This raises important legal questions regarding its legitimacy, the limits of its authority, and its relationship with national legal systems.<sup>2</sup>

From a practical standpoint, with the increasing number of international sports disputes, understanding the mechanisms of arbitration has become essential for all actors in the sporting field, including athletes, clubs, federations, and agents.<sup>3</sup>

From a social perspective, sport influences the lives of millions of people worldwide, and the preservation of its integrity and fairness carries profound social and cultural implications for societies.

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<sup>1</sup> Casini, Lorenzo. "The Making of a Lex Sportiva by the Court of Arbitration for Sport." *German Law Journal*, Vol. 12, 2011, pp. 1317-1340

<sup>2</sup> Rigozzi, Antonio. "L'arbitrage international en matière de sport." Basel: Helbing & Lichtenhahn, 2005, pp. 678-701.

<sup>3</sup> Blackshaw, Ian S. "The Court of Arbitration for Sport: An International Forum for Settling Disputes Effectively 'Within the Family of Sport'." *Entertainment and Sports Law Journal*, Vol. 2, 2003, pp. 1-14.

The central research problem of this study revolves around the following question: ***"To what extent does international sports arbitration succeed in consolidating sports ethics and protecting the values of integrity and fairness amid the challenges of professionalization, globalization, and commercialization?"***

*Several sub-questions branch out from this main problem:*

- What are the legal and procedural mechanisms employed by sports arbitration to protect sporting integrity?
- How does arbitration balance the protection of athletes' rights with the general interest of sport?
- To what extent is arbitration effective in resolving complex financial and contractual disputes without undermining ethical values?

*This study aims to achieve the following objectives:*

- To examine the legal and institutional structure of sports arbitration and its historical development.
- To evaluate the success of arbitration in protecting sports ethics through practical examples.
- To identify and analyze the obstacles facing arbitration in fulfilling its role.

The research relied on several integrated methodological approaches. The descriptive-analytical method was employed to describe and analyze the sports arbitration system, its mechanisms, and its substantive and procedural rules, as well as to demonstrate how it contributes to refining and regulating the ethics of athletes through the review of relevant legal texts, regulations, and international agreements.

To address this problem and answer the raised questions, the study is divided into two main sections:

*Section One: Sports Arbitration as a Guarantor of Integrity and the Protection of Rights*

- The Role of Arbitration in Protecting Sporting Integrity and Combating Deviations
- Arbitration as a Mechanism for Protecting Athletes' Rights and Dignity

*Section Two: Sports Arbitration as a Tool for Regulating Financial and Contractual Relations*

- Settlement of Contractual Disputes and Regulation of International Transfers
- Resolution of Financial Disputes Related to Agents, Sponsorship, and Media Broadcasting

The study will conclude with a conclusion that includes the main findings and recommendations.

## **1. Sports Arbitration as a Guarantor of Integrity and the Protection of Rights**

This section constitutes the fundamental ethical foundation of the role of sports arbitration. It explores how arbitration contributes to preserving the purity of sport on the one hand, and to protecting the dignity and fundamental rights of athletes on the other. Sporting integrity and respect for the human dignity of athletes represent two sides of the same coin—that of genuine sports ethics.

### **1.1. The Role of Arbitration in Protecting Sporting Integrity and Combating Deviations**

Sports arbitration constitutes the primary ethical fortress for safeguarding the integrity of sport. Sporting integrity is the essence and soul of sport; any infringement upon it deprives sport of its meaning and value. This is achieved through the strict and fair application of rules that prohibit cheating and manipulation, and by ensuring that sporting achievements genuinely reflect true talent and legitimate effort. In this way, arbitration preserves the spirit of sport and its value as a noble human activity.

Sports arbitration plays a pivotal role in maintaining this integrity through several mechanisms, which will be examined in this subsection.

#### **1.1.1. The Legal and Institutional Framework for Protecting Integrity**

##### **➤ The World Anti-Doping Code**

The World Anti-Doping Code, issued by the World Anti-Doping Agency (WADA) in 2003 and updated several times, most recently in 2021, constitutes the fundamental unified legal framework at the global level for combating the use of prohibited substances in sport.<sup>4</sup>

The Code is based on several core principles that reflect a profound ethical commitment to sporting integrity. It holds the athlete strictly liable for any prohibited substance found in their body, regardless of its source or the athlete's intention. This principle imposes an ethical duty on the athlete to protect their body and ensure the cleanliness of everything they consume.<sup>5</sup>

It is worth noting that the Code applies to all types of anti-doping violations, ranging from actual use to attempted use, from possession to trafficking, and from evading tests to tampering with samples. This comprehensive approach closes all loopholes that violators might exploit.<sup>6</sup> The rules of the Code apply to all athletes irrespective of their fame, nationality, or sport, with a graduated system of sanctions that takes

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<sup>4</sup> Anderson, Jack. "Modern Sports Law: A Text book." Hart Publishing, 2010, pp. 456-478.

<sup>5</sup> Duval, Antoine. "The Court of Arbitration for Sport and EU Law." T.M.C. Asser Press, 2018, pp. 389-412.

<sup>6</sup> De Weger, Frank. "The Jurisprudence of the Court of Arbitration for Sport: A Critique." T.M.C. Asser Press, 2015, pp. 456-479.

into account the seriousness of the violation and its circumstances. This reflects the ethical values of justice and equality.<sup>7</sup>

➤ **The Role of the Court of Arbitration for Sport in Applying the Code**

The Court of Arbitration for Sport (CAS) in Lausanne plays a central role in the interpretation and application of the World Anti-Doping Code. It has jurisdiction to adjudicate appeals filed by athletes against disciplinary decisions issued by national and international federations. This ensures the existence of an independent and impartial review of disciplinary decisions, thereby protecting against arbitrariness and guaranteeing justice.<sup>8</sup>

Through its accumulated jurisprudence, the Court has developed a rich body of case law that interprets ambiguous concepts in the Code, such as "intentional use," "absence of fault or negligence," and "mitigating circumstances." This jurisprudence enriches sports law and renders it clearer and fairer.<sup>9</sup>

**1.1.2. Anti-Doping Mechanisms and Health Protection**

➤ **The System of Routine and Surprise Testing**

The anti-doping system is based on a comprehensive testing mechanism that includes in-competition testing, whereby winners, top-ranked athletes, and a random selection of participants are subject to mandatory testing immediately after the competition. This ensures that sporting achievements genuinely reflect natural abilities. Testing may also occur out-of-competition and consists of unannounced controls conducted on athletes at any time and in any place without prior notice. This system prevents athletes from planning doping cycles in a way that allows the effects of prohibited substances to disappear before competitions.<sup>10</sup>

➤ **The Role of Arbitration in Ensuring Procedural Fairness**

Sports arbitration ensures that anti-doping procedures are applied in a fair manner that respects athletes' rights through the following mechanisms:

- **Review of the Validity of Sample Collection Procedures:** Arbitration carefully examines whether sample collection procedures were conducted in accordance with international standards and whether any flaw exists that could affect the reliability of the result. If a substantial procedural flaw is proven, the positive result may be annulled.

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<sup>7</sup> Parrish, Richard, and Samuli Miettinen. "The Sporting Exception in European Union Law." T.M.C. Asser Press, 2008, pp. 234-256

<sup>8</sup> Al-Bishri, Mohammad al-Amin. Obstacles to accessing justice in sports arbitration. *Journal of International Law and Development* 9 (2021): 289-312.

<sup>9</sup> Duval, Antoine. "The Olympic Charter: A Transnational Constitution Without a State?" *Journal of Law and Society*, Vol. 45, 2018, pp. 245-269.

<sup>10</sup> Siekmann, Robert C.R. "Introduction to International and European Sports Law." T.M.C. Asser Press, 2012, pp. 456-478.

- **Evaluation of Scientific Evidence by Independent Experts:** In scientifically complex cases, arbitration seeks the assistance of independent experts in biochemistry and sports medicine to assess the evidence. This guarantees that convictions are based on sound scientific grounds rather than assumptions.<sup>11</sup>
- **Balancing Public Interest and Individual Rights:** Arbitration strives to achieve a fair balance between the need to protect the integrity of sport (the public interest) and the athlete's right to a fair hearing and the presumption of innocence (the individual right). This balance reflects both ethical and legal maturity.<sup>12</sup>

### 1.1.3. Protecting the Integrity of Competition and the Fairness of Results

#### ➤ Annulment of Results and Reallocation of Titles

If an athlete has used prohibited substances, arbitration annuls all results achieved during the period of the violation. All accomplishments, medals, and titles obtained by the athlete from the date the violation began are erased, and the results are re-ranked. The clean athlete who placed behind the offender is awarded the ranking they rightfully deserve. This action does justice to law-abiding athletes, restores recognition to their efforts, and sends a clear message that success built on cheating has no value.

It should be noted that violations are recorded in the athlete's permanent record, which affects their professional reputation and serves as a warning to others. This creates a powerful moral deterrent in addition to material sanctions.<sup>13</sup>

#### ➤ Deterrent and Graduated Sanctions

Arbitration imposes graduated sanctions according to the seriousness of the violation:

- **Short-term suspension (1-2 years)** in cases of unintentional use or when the athlete proves they bear no significant fault or negligence. This approach takes into account the principles of justice and proportionality.
- **Long-term suspension (4 years)** in cases of intentional use, which constitutes the standard penalty and is considered both deterrent and fair.
- **Lifetime ban** in cases of repeat offenses or involvement in organized doping networks. This maximum penalty protects sport from professional criminals.<sup>14</sup>

<sup>11</sup> Boudjema, Abd al-Rahman. Towards a regional Arab sports arbitration. *The Arab Journal of Legal Studies* 8 (2020): 234-267.

<sup>12</sup> McLaren, Richard H. "The Court of Arbitration for Sport: An Independent Arena for the World's Sports Disputes." *Valparaiso University Law Review*, Vol. 35, 2001, pp. 379-405.

<sup>13</sup> Moḥammad, Khaled Ḥusayn. The need for a supervisory body over international sports arbitration. *The Egyptian Journal of International Law*, no. 78 (2020): 345-378.

<sup>14</sup> Ulrich Haas, the role and future of the court of arbitration for sport, in: Blackshaw et al. (eds), *The court of arbitration for sport 1984*, t.m.c. Asser Press, 2006, p79

#### 1.1.4. Combating Match-Fixing and Sports Corruption

The role of arbitration is not limited to combating doping; it extends to confronting other forms of deviance in the sporting environment. With regard to match-fixing, if attempts to manipulate match outcomes for betting or other purposes are confirmed, arbitration imposes severe sanctions that may extend to a lifetime ban and forfeiture of prizes.<sup>15</sup>

Arbitration also holds sporting officials accountable when they are involved in bribery or administrative corruption cases. This safeguards the integrity of sporting institutions themselves and contributes to their good governance.<sup>16</sup>

In addition, the scope of arbitration includes violations of sporting conduct, such as physical violence and racial discrimination. In such cases, it imposes sanctions aimed at protecting the ethical spirit of sport and maintaining disciplinary order.<sup>17</sup>

#### 1.2. Arbitration as a Mechanism for Protecting Athletes' Rights and Dignity

While the first subsection focused on protecting the objective integrity of sport, this subsection emphasizes the human dimension: the protection of athletes themselves as human beings who possess dignity and rights that must be respected. Athletes are not merely instruments for achieving results; they are individuals who deserve fair and humane treatment.<sup>18</sup>

##### 1.2.1. The Right to a Fair Hearing and Procedural Safeguards

###### ➤ Fundamental Principles of Procedural Justice

Sports arbitration guarantees athletes accused of violations a set of basic procedural safeguards that reflect universal principles of human rights. The first of these principles is the **presumption of innocence**, whereby an athlete is not considered guilty until proven so by sufficient and compelling evidence.<sup>19</sup>

The athlete is also entitled to be notified of all details concerning the alleged violation, including the evidence and the legal basis of the accusation, in order to enable them to mount a robust defense. Furthermore, the athlete has the right to appear before a fully independent and impartial arbitral tribunal, which constitutes a

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<sup>15</sup> John T.HOLDEN ?prohibited and Regulated :Relating Fantasy Sports For The Gambling Market, Texas Review of Entertainment and sport Law, Vol18,N 2,2017,p105

<sup>16</sup> Andrew Peter, Sport Gouvernance and Anti Corruption In ALM(éd.),Routledge Handbook of sport, Routledge, 2019,p234,

<sup>17</sup> Pamela R , Jackman ,Sport Discipline and the Integrety of Game ,Journal of Legal Aspects of sport ,Vol 25,N°1,p58.

<sup>18</sup> Philippe Laliéve, Droit Fondamentaux du sportif et autonomie du sport, in, Jean Philippe chevalier (dir), Le sport et le droit, LGDJ ;2018, p156.

<sup>19</sup> Dam Riggs, the Presumption of Innocence in sport Arbitration ,international sport Law Review, Issue 3,2015,p42

fundamental guarantee for the hearing of their positions and defenses, ensuring that the arbitral award is based on facts and law.

To strengthen their defense, the athlete may be assisted by a lawyer or any expert to help prepare responses, present arguments and evidence, examine witnesses, and challenge the opposing party's claims—particularly since the opposing party is often a federation possessing substantial resources.<sup>20</sup>

#### ➤ **Balanced Standards of Proof**

Sports arbitration adopts a balanced standard of proof known as the “comfortable satisfaction” standard, which lies between the civil and criminal standards of proof. These flexible standard balances the need to protect the integrity of sport with the need to protect athletes from hasty convictions. The burden of proof lies with the accusing party (the federation or agency), and the athlete is not required to prove their innocence. This protects the athlete from bearing an evidentiary burden that might be unduly onerous.<sup>21</sup>

### **1.2.2. Protection of Human Dignity and Personal Rights**

#### ➤ **Respect for Privacy and Data Protection**

Arbitration protects athletes' privacy through several mechanisms, the most important of which is the confidentiality of medical information. Such information may not be disclosed, even in doping cases, except within very narrow limits.<sup>22</sup> The athlete may request that the arbitral hearing be held in private to protect their reputation and privacy. The Court of Arbitration for Sport ensures the protection of the athlete's personal data, which may be used only within the scope of the sports dispute.<sup>23</sup>

#### ➤ **Protection Against Discrimination and Abuse**

Arbitration takes a firm stance against all forms of racial discrimination and any form of abuse based on race, color, language, or origin, whether committed by athletes, officials, or spectators. It confronts such acts with strict sanctions aimed at preserving the ethics of equality among all athletes without exception.<sup>24</sup>

## **2. Sports Arbitration as a Tool for Regulating Financial and Contractual Relations**

In recent decades, sport has undergone a radical transformation from an amateur recreational activity into a global industry estimated in hundreds of billions of dollars.

<sup>20</sup> Friderico Navarro, Athlete Representation before sport Tribunals, in: Anderson & Blackshaw (eds.) Sport, Law and practice, Butterworths, 2012, p3

<sup>21</sup> James Wies, the World Anti Doping Code : A Legal Analysis, Walters Kluwer, 2019, p156

<sup>22</sup> Anja hessart, Medical Data Protection in Elite Sport, European Sport Law Review, Vol 7, N°2,2016, p135.

<sup>23</sup> Antonio Rigozzi, Confidentiality in CAS Arbitration, in : Bernasconi (eds.), the CAS at the Crossroads, Ed Weblaw, 2017,p78

<sup>24</sup> Jane Robertson, Gender Equality in sport Law ,Oxford University Press,2018, p452

This transformation has resulted in the full professionalization of sporting practice and the emergence of complex contractual relationships involving multiple parties: athletes, clubs, agents, sponsors, media outlets, and sports federations. These contractual relationships give rise to various financial and legal disputes that require effective mechanisms for their resolution.

## **2.1. Settlement of Contractual Disputes and Regulation of International Transfers**

Sports arbitration emerges as a pivotal tool for resolving these disputes in a swift, specialized, and binding manner. This subsection provides a detailed examination of the various types of contractual disputes and the regulation of international transfers, along with how arbitration addresses them.

### **2.1.1. The Role of Arbitration in Resolving Contractual Disputes**

The Court of Arbitration for Sport adjudicates sports-related matters by applying the general principles of contract law, such as the principle that contracts constitute the law of the parties (*pacta sunt servanda*), the principle of good faith in performance, and the principle of balance between rights and obligations. At the same time, it takes into account the specific characteristics of sport when applying these principles.<sup>25</sup> In certain cases, arbitration seeks to reconcile the parties and reach an amicable solution that satisfies all involved, particularly when the continuation of the relationship remains possible and beneficial. In such instances, it may propose the modification of certain contractual terms rather than the complete termination of the contract.<sup>26</sup>

In cases of breach of contractual obligations, arbitration assesses appropriate compensation based on the actual damages suffered by the injured party. This includes material damages (such as unpaid salaries), moral damages, and lost profits.<sup>27</sup>

### **2.1.2. Disputes Concerning International Transfers**

Football provides the most prominent example of the complexities surrounding player transfers. The Fédération Internationale de Football Association (FIFA) has developed a sophisticated system to regulate these transfers, stipulating that players may only move during specific periods of the year known as "transfer windows." This regulation aims to ensure team stability during the season; however, it also creates legal complications when a player wishes to transfer outside these periods. Furthermore, when registering a player coming from another country, the new club must obtain an International Transfer Certificate from the previous national

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<sup>25</sup> Kaufmann-Kohler, Gabrielle. "Arbitration at the Olympics." Kluwer Law International, 2001, pp. 156-178.

<sup>26</sup> Blackshaw, Ian S. "Mediating Sports Disputes." T.M.C. Asser Press, 2002, pp. 112-134.

<sup>27</sup> Nafziger, James A.R., and Stephen F. Ross. "Handbook on International Sports Law." Edward Elgar, 2011, pp. 401-423

federation. The refusal to issue such a certificate is among the most common disputes.

When a player moves from one club to another, clubs that contributed to the player's training are entitled to a portion of the transfer fee (training compensation). This generates complex disputes regarding the identification of entitled clubs and the proportion due to each.<sup>28</sup>

Disputes also arise when the former club or federation refuses to issue the transfer certificate on grounds of outstanding debts or improper completion of procedures. In such cases, arbitration examines the legitimacy of the refusal and may order the reluctant party to issue the certificate if no valid legal justification exists. Arbitration further intervenes in disputes concerning the determination of the transfer fee value when the selling and buying clubs fail to agree. In most cases, conflicts emerge between the player and the clubs that contributed to his training, which claim their share of the transfer fee. Arbitration resolves these disputes based on the player's historical registration records.<sup>29</sup>

It should be noted that sports arbitration balances the principle of freedom of movement against contractual stability. It weighs the player's right to choose their workplace (freedom of movement) against the clubs' right to long-term planning. A player is not permitted to terminate their contract arbitrarily; however, a club may not indefinitely detain a player against their will.<sup>30</sup> Consequently, arbitration requires that any contract termination be based on a legitimate sporting reason. If a transfer is deemed unlawful—such as when a player is induced to breach their contract—the Court may impose financial and sporting sanctions on all involved parties, including the player, the new club, and potentially the agents.<sup>31</sup>

## **2.2. Resolution of Financial Disputes Related to Agents, Sponsorship, and Media Broadcasting**

### **2.2.1. Disputes Concerning Agents and Intermediaries**

Player agents have become an integral part of the modern sports industry. They negotiate contracts, arrange transfers, and manage the financial and media affairs of athletes. An athlete may sign a comprehensive representation agreement granting the agent exclusive negotiation rights in all matters, or limited agreements for specific

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<sup>28</sup> Anderson, Jack. "Modern Sports Law." Hart Publishing, 2010, pp. 334-356.

<sup>29</sup> Mavromati, Despina, and Matthieu Reeb. "The Code of the CAS." Kluwer, 2015, pp. 378-401.

<sup>30</sup> Duval, Antoine. "L'ex Sportiva and Free Movement." *European Law Review*, Vol. 41, 2016, pp. 433-456.

<sup>31</sup> Siekmann, Robert C.R. "Introduction to International Sports Law." T.M.C. Asser Press, 2012, pp. 289-312.

deals only. Disputes frequently arise regarding the scope of the agent's authority and the duration of the contract.<sup>32</sup>

In some cases, an agent may represent multiple parties in the same transaction (e.g., the player and the selling club), creating potential conflicts of interest and disputes over the agent's priorities.<sup>33</sup>

The most common types of disputes involving agents include the following:

- **Non-payment of agreed commissions:** One of the most frequent disputes occurs when an athlete or club refuses to pay the agreed commission to the agent, either claiming that the agent failed to perform the required work or that the commission is excessive.<sup>34</sup>
- **Early termination of the representation contract:** An athlete may wish to terminate the relationship with their agent before the contract expires due to dissatisfaction with performance or a desire to engage another agent. Disputes then arise concerning the legitimacy of such termination and the amount of compensation due to the agent.<sup>35</sup>
- **Allegations of mismanagement of funds:** In some cases, the athlete claims that the agent mismanaged their funds, misappropriated part of them, or invested them in failed projects without consent. These disputes are complex and require careful examination of financial records.<sup>36</sup>

In resolving agent-related disputes, arbitration applies the general principles of commercial agency law while considering the specific nature of the sporting field. The agent is bound by duties of loyalty and good faith toward the principal and must always act in the best interest of the athlete.

Arbitration pays particular attention to protecting young and inexperienced athletes from unscrupulous agents who may exploit their lack of legal and financial knowledge. In such cases, unfair contracts may be declared null and void or their terms modified.<sup>37</sup>

When a commission claimed by an agent appears excessive, arbitration compares it with prevailing market practices and the actual effort expended by the agent, and may reduce the commission to a reasonable level.

### 2.2.2. Disputes Related to Sponsorship Contracts and Commercial Rights

<sup>32</sup> Lenoir, Mathieu, and Nicolas Strychacz. "The Regulation of Agents in Professional Football." *Entertainment and Sports Law Journal*, Vol. 11, 2013, pp. 1-18.

<sup>33</sup> Lewis, Adam, and Jonathan Taylor. "Sport: Law and Practice." Bloomsbury, 2014, pp. 456-478.

<sup>34</sup> Boudjemaa, Abd al-Rahman. *Op. cit.* (2020): 234-267.

<sup>35</sup> Mitten, Matthew J. "Sports Law in the United States." Kluwer, 2011, pp. 345-367.

<sup>36</sup> Towneley, Simon, et al. "Sports Agents and Labour Markets." Routledge, 2015, pp. 178-201.

<sup>37</sup> David, Paulo. "Human Rights in Youth Sport." Routledge, 2005, pp. 156-178.

### ➤ **Individual Sponsorship Contracts**

Many sponsorship contracts include clauses linked to the athlete's performance (such as reaching the finals of specific tournaments). When an athlete's performance declines significantly or they suffer a long-term injury that prevents them from competing, the sponsoring company may wish to terminate the contract. Arbitration examines whether the decline in performance justifies termination in accordance with the contract terms.

The same applies to the athlete's conduct: if the athlete becomes involved in an ethical or legal scandal that damages their reputation and, consequently, their marketing value, the company may seek to terminate the contract. Arbitration scrutinizes whether the alleged conduct actually reaches a level that justifies termination.<sup>38</sup>

Violation of these clauses gives rise to disputes concerning the continuation of the contract.<sup>39</sup>

On the other hand, conflicts may arise between the athlete's obligations toward their personal sponsor and their obligations toward their club or national team sponsors. For example, the team may wear a particular brand while the player is contracted to a rival brand. In such cases, arbitration seeks practical solutions that respect both sets of obligations, such as allowing the player to wear their personal sponsor's products outside the field of play while requiring them to adhere to the team's kit during competitions.<sup>40</sup>

### ➤ **Disputes Related to Media Broadcasting Rights**

Broadcasting rights—both television and digital—for major sporting events have become a primary source of revenue for most federations and major tournaments, sometimes reaching billions of dollars, as seen with the broadcasting rights of major leagues such as the English Premier League or the UEFA Champions League.<sup>41</sup>

However, the distribution of broadcasting revenues among participating clubs continues to generate ongoing disputes—whether revenues should be distributed equally, according to the number of matches broadcast for each club, or based on each club's popularity. The emergence of digital streaming platforms and social media has further complicated matters, giving rise to new disputes concerning ownership of broadcasting and publishing rights on these platforms and the methods of their valuation.<sup>42</sup>

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<sup>38</sup> Shropshire, Kenneth L., and Timothy Davis. "The Business of Sports Agents." University of Pennsylvania Press, 2008, pp. 123-145.

<sup>39</sup> Chapelet, Jean-Loup. "Autonomy of Sport in Europe." Council of Europe, 2010, pp. 89-112.

<sup>40</sup> Vieweg, Klaus. "Consensus in Sports Law." *International Sports Law Review*, Vol. 5, 2006, pp. 67-84.

<sup>41</sup> Gratton, Chris, and Peter Taylor. "Economics of Sport and Recreation." Routledge, 2000, pp. 234-256.

<sup>42</sup> Hutchins, Brett, and David Rowe. "Sport Beyond Television." Routledge, 2012, pp. 145-167.

Disputes also frequently center on exclusive broadcasting rights and which party holds such rights, leading to conflicts over breaches of exclusivity and the amount of compensation due.<sup>43</sup>

Importantly, arbitration plays a central role in resolving disputes related to broadcasting rights. It interprets these contracts, assesses the financial damages suffered by the rights holder, and determines the appropriate compensation based on expert opinions in media and financial matters.<sup>44</sup>

### **Conclusion**

Sports arbitration plays a pioneering role in consolidating noble sporting values while settling the complex contractual and financial disputes generated by modern professional sport.

Sports arbitration consistently operates beyond rigid legal rules, striving instead to establish a balanced equation between conflicting interests, while duly considering the specific nature of sport and the necessity of preserving the integrity of competitions. In doing so, arbitration contributes significantly to the consolidation of sports ethics—not only at the level of athletic performance, but also in the contractual relations and commercial practices surrounding sporting activity.

The most important findings of this study can be summarized as follows:

- Sports arbitration is characterized by its ability to adapt to the particular nature of sports disputes, both in terms of the speed required for their resolution and in its understanding of the technical and sporting context in which they arise. This flexibility makes arbitration the most appropriate tool for resolving sports disputes compared to traditional courts.
- Sports arbitration plays a decisive role in the application of the World Anti-Doping Code by ensuring fair hearings for accused athletes and imposing deterrent sanctions on violators.
- Through the annulment of results obtained by doping athletes and the reallocation of titles and prizes, arbitration ensures that sporting achievements reflect genuine effort and natural talent rather than cheating and manipulation.
- Arbitration contributes to the development of unified ethical standards at the international level that define what is acceptable and unacceptable in sporting behavior. These standards transcend national borders and foster a global sporting culture based on noble values.
- Arbitration protects the economic rights of athletes by enforcing contracts, ensuring the payment of financial dues, and regulating transfers in a fair

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<sup>43</sup> Evens, Tom, et al. "Sports Rights and Media Trade." Palgrave Macmillan, 2013, pp. 178-201.

<sup>44</sup> Andreff, Wladimir. "Globalisation of the Sports Economy." *Rivista di Diritto Ed Economia dello Sport*, Vol. 4, 2008, pp. 13-32.

manner. It also safeguards their social rights relating to health, education, and protection from exploitation.

- Arbitration achieves a fair balance between the interests of the various parties in the sports industry: athletes, clubs, agents, sponsors, and federations.

These findings are linked to the following recommendations aimed at strengthening the wise role of arbitration in establishing sports ethics:

- Simplifying arbitral procedures and making them less complex, particularly in straightforward cases that do not require protracted proceedings.
- Establishing regional sports arbitration centers across different continents that are less costly and more accessible to athletes in those regions, while maintaining the same standards of quality and independence enjoyed by the Court of Arbitration for Sport in Lausanne.
- Adopting stricter criteria for the selection of arbitrators to ensure their complete independence from all parties, along with clear mechanisms for the recusal of arbitrators when doubts arise concerning their impartiality.
- Creating a fully independent supervisory body to oversee the work of the Court of Arbitration for Sport and to receive complaints regarding any breach of independence or impartiality.

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