

Framework for Alternative Dispute Resolution for Sports in Singapore (ADR Sports)

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BACKGROUND (1 of 1)

❖ Mediation

- Facilitation for a negotiated settlement.
- Agreement to a settlement becomes binding.



❖ Arbitration

- Legal basis – Governing laws provided for in AA & IAA.
- Substantive Law – e.g.
 - Commercial: Contract law, Tort, etc.
 - Sports: Constitutions of NSAs, Rules of WADA, IFs.
- Binding & enforceable internationally.

❖ Litigation



SINGAPORE INTERNATIONAL ARBITRATION CENTRE (SIAC) (1 of 1)



❖ Company limited by guarantee , non-profit.

➤ Inception in 1991.

➤ Close collaborations with Singapore Business Federation.

SIAC

❖ Services:

➤ Appointment of Arbitrators.

➤ Secretariat – Scheduling, documentation, hearing rooms.

➤ Repository of cases (Confidential. Not for public consumption.)

❖ International counterparts: LCIA, London; ICC, Paris; CIETAC, China; DIAC, Dubai; KLRCA, Kuala Lumpur.



SINGAPORE MEDIATION CENTRE (SMC) (1 of 1)



❖ Company limited by guarantee, non-profit, independent.

- Founded in 1997.
- Non-profit company guaranteed by the Singapore Academy of Law.



❖ Services:

- Appointment of Mediators.
- Consultancy of mediation.
- Secretariat – Scheduling, documentation, hearing rooms.
- Administered > 1000 cases since inception. 75% resolved.
Cases administered include: Commercial, construction, tenancy, insurance, divorce, family dispute, personal injury, etc.



SINGAPORE INSTITUTE OF ARBITRATORS (SIArb) (1 of 1)



❖ Professional body.

- Established in 1981.



❖ Services:

- Fellowship.
- Professional upgrading.
- Also acts as the appointing authority, upon requests.

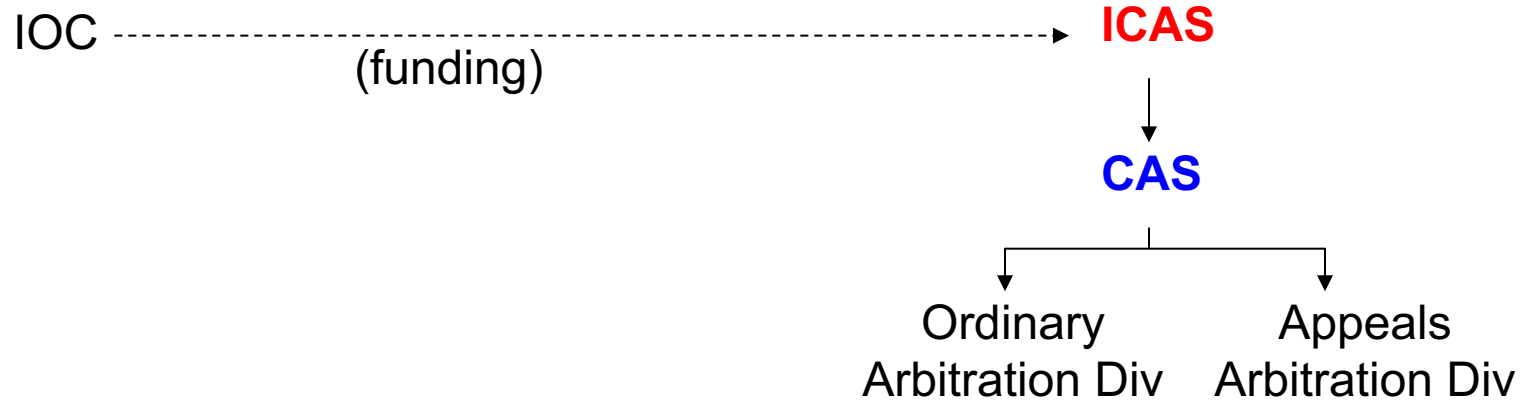
❖ Counterparts:

- Chartered Institute of Arbitrators, UK.
- Chartered Institute of Arbitrators, Malaysian Chapter.
- Hong Kong Institute of Arbitrators.
- Etc.



INTERNATIONAL BENCHMARKS (1 of 5)

- ❖ Court of Arbitration for Sports
 - Founded by IOC in 1984.
 - Based in Lausanne
 - Enhancement in 1994 – Creation of “International Council of Arbitration for Sport” (ICAS).



INTERNATIONAL BENCHMARKS (2 of 5)

➤ Types of cases:

- Commercial in nature
 - Staging of events.
 - Transfer of player, coaches.
 - Employment and agency contracts (clubs, agents).
 - Civil liability, e.g. athletes accident and injury.

- Disciplinary in nature.
 - Doping related.
 - Violence, abuse of referees or ill treatment of horses.

- Also hear appeals, e.g. those arising from decisions made by the IFs, NOCs, etc.



INTERNATIONAL BENCHMARKS (3 of 5)

❖ Canada

- Legal Entity – Sports Dispute Resolution Centre of Canada.
- Provided for by an Act; the Board is appointed by the Minister.
- Services: Resource Centre, Mediation and Arbitration.

❖ UK

- Sports Disputes Resolution Panel (SDRP).
- Started in 1999.
- Current members include: British Olympic Assoc, British Paralympic Assoc; Inst of Professional Sport; & Inst of Sports Sponsorship.
- Service: Resource Centre, Mediation and Arbitration.



INTERNATIONAL BENCHMARKS (4 of 5)

❖ NZ

- Sport and Recreation New Zealand Act Section 8(i):
 - Sports Dispute Tribunal of New Zealand.
 - Jurisdiction is specific to disputes at national level sports.
 - Decisions are final and binding.

❖ Australia

- CAS Oceania Registry
 - Compulsory use of this as its linked to funding.
- Services:
 - Dispute Resolution: Mediation and Arbitration.
- Appeal possible to CAS's Appeal Arbitration Division.



INTERNATIONAL BENCHMARKS (5 of 5)

❖ US

➤ Laws:

- Amateur Sports Act, 36 US Code s383.
- Ted Stevens Olympic and Amateur Sports Act.

➤ USOC → Constitutional provision for AAA be responsible for the administration of amateur sports disputes.

➤ Two types of disputes:

- Eligibility of an athlete to compete.
- Rights of an organisation to be declared a NSO.

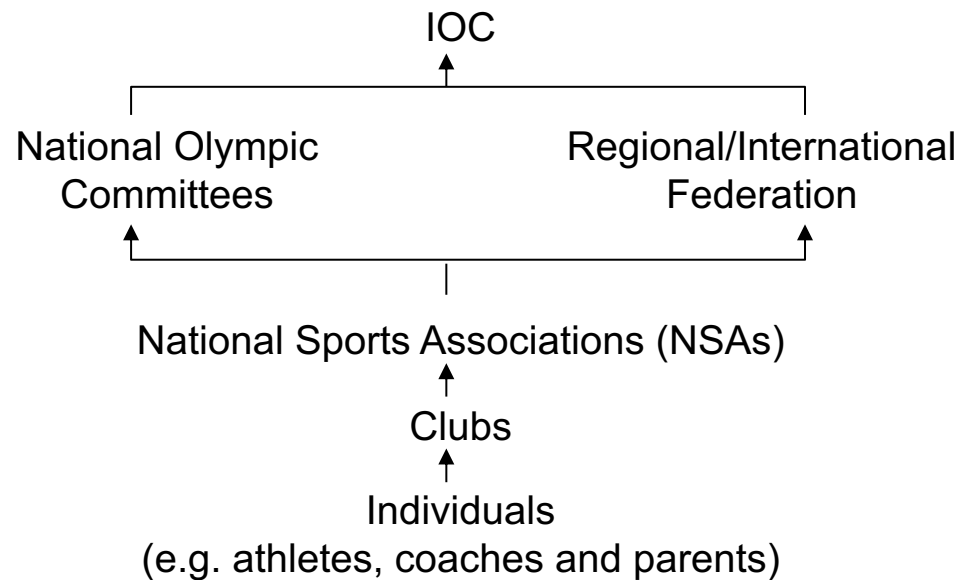


ALTERNATIVE DISPUTE RESOLUTION FOR SPORTS (ADR SPORTS) IN SINGAPORE (1 of 10)



❖ Structure of sports administration

- NGOs, people's sector.
- Contribution from sports: nation building, community bonding, national pride, economic development.
- Governments supports: funding, policies, legislation, provision of infrastructure, etc.



ADR SPORTS (2 of 10)

- ❖ There are currently 60 NSAs in Singapore and several hundreds of affiliated clubs under the NSAs.

- ❖ Issues faced by NSAs
 - Athlete selections
 - Disciplinary issues
 - Contending parties to become the NSA
 - Contractual disputes



ADR SPORTS (3 of 10)

- ❖ How cases in NSAs are dealt with now (based on empirical observations):
 - Just accept decisions.
 - Informal mediation, with/without SSC/MCYS.
 - Disciplinary Committees within the NSAs
 - Appeal to SSC, MCYS, MPs (Ad-hoc)
 - Lobbying.
 - Civil suit at court.



ADR SPORTS (4 of 10)

- ❖ The setting up of a Framework for Alternative Dispute Resolution Sports in Singapore (ADR Sports).
 - To cater to mediation and arbitration.

- Cater to domestic cases.
 - An integral part of the enabling programmes of the NSA Organisational Excellence Framework.
 - Less need for individual NSAs to form their own tribunals → Independent.
 - Assured of professional practices → more consistent standards.
 - Help timely resolution and pre-empt prolonged problems in NSAs.



- Cater to international cases
 - Enhance Singapore's attractiveness for CAS, IFs and IOC related institutions to locate in Singapore or refer cases to be heard in Singapore.
 - Synergistic with Singapore's intention to be an international hub for Arbitration.
 - Synergistic with Singapore's commitment to develop the sports industry; ADR Sports supports a conducive environment for:
 - Vibrant international sporting calendar – Events, MICE,
 - Sports expertise - Event consultants, sports broadcasters, athlete managers, sports law practitioners, etc.



ADR SPORTS (6 of 10)

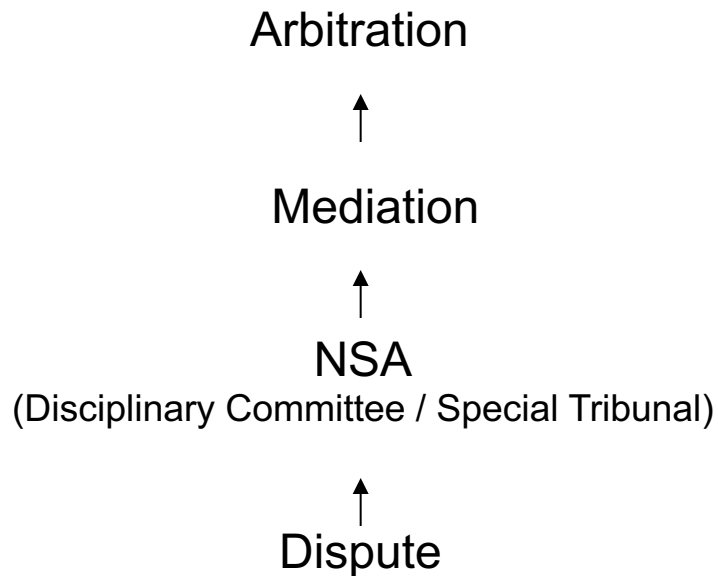
- ADR process particularly relevant to sports:
 - Preservation of relationships (due to confidentiality).
 - The IOC, each IF, each NSA is unique.
 - Their collaborations with their fraternity should last beyond occasional disputes.



ADR SPORTS (7 of 10)

❖ Framework for ADR Sports in Singapore:

- Key – Independence.
- Instead of setting up new organisations, the strategy is to leverage on the expertise and established infrastructure, systems of the SIAC, SMC, and SI Arb.



ADR SPORTS (8 of 10)

- MOU to be signed by SSC, SIAC, SMC and SI Arb. Intention of the MOU will include:
 - SIAC, SMC and SI Arb will provide arbitration and mediation services for sports-related cases, which includes
 - Appointment of sports arbitrators and mediators.
 - Institute separate rules and/or SOPs for the administration of sports-related cases, where applicable
 - Design and conduct training programmes to enhance awareness or knowledge on sports mediation / arbitration.



- Matters excluded from this Framework are:
 - Government's grants to NSAs (discretion of the Government).
 - Criminal cases – to be handled by the law.
 - Conclusive decisions or finality already achieved in the arbitral provisions of various organisations. Examples of these include:
 - SNOC – finality on the athlete selection or related disciplinary matters.
 - WADA / NADO – finality on doping cases.
 - Various IFs – which may have their own arbitral provisions.



- Costs
 - General principle: All costs (including fees) to be borne by parties.
 - Fees at the mediation and arbitral institutes, or at the NSAs, if any, to be determined by these organisations respectively.



Thank you

Q & A

