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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **MEDIATION IN SPORTS DISPUTE SETTLEMENT: A CONSTRUCTIVE APPROACH TO RESOLVING MULTI-LATERAL CONFLICTS**

AUTHORED BY - DR. HARMAN SHERGILL

## **Abstract**

Sports dispute settlement has gained significant momentum through mediation as a preferred method for resolving complex, multi-party conflicts in the modern era. While various outcomes surface when sports disputes are approached through mediation, the multi-dimensional results influence decision-makers on whether to pursue this path. Mediation involves a neutral third party—a trained mediator—who facilitates resolution by encouraging consensus and mutual agreement. When viewed in conjunction with the economic stakes of the sports industry, mediation emerges as an efficient, cost-effective, and reputation-preserving alternative to traditional litigation or arbitration. This paper examines the efficacy of mediation in sports dispute resolution and suggests frameworks for its optimal application, offering an early remedy before disputes escalate into deeply entrenched grievances.

## **1. Introduction**

Disputes in the sports domain are inevitable, arising from a myriad of issues such as contract breaches, selection controversies, doping allegations, governance concerns, and disciplinary actions. Traditional mechanisms like litigation or arbitration—though structured—are often time-consuming, costly, and rigid. In contrast, mediation, which emphasizes consensual, confidential, and creative solutions, has emerged as a viable alternative.

With sports now embedded in high-stakes economic, political, and social contexts, dispute resolution must evolve to meet these complex needs. Mediation, with its collaborative approach, offers a timely resolution mechanism, preserving relationships, careers, and the integrity of sport itself.

## 2. The Nature of Sports Disputes

Sports disputes may be classified broadly into Commercial disputes (e.g., broadcasting rights, sponsorship contracts), Regulatory disputes (e.g., doping violations, eligibility criteria), Team and athlete disputes (e.g., internal selection, salary disagreements) and Governance disputes (e.g., election irregularities, compliance with national/international statutes). These disputes often involve multiple stakeholders, including athletes, agents, clubs, governing bodies, sponsors, and regulators—each with diverging interests. Consequently, an adversarial approach may exacerbate tensions, whereas mediation can facilitate collaborative outcomes.

## 3. Understanding Mediation in Sports

Mediation is a voluntary, non-binding, and confidential process in which a neutral third party—the mediator—facilitates dialogue and helps parties reach a mutually acceptable agreement (Menkel-Meadow, 2016). It is distinguished by its flexibility, informality, and focus on interests rather than positions. Unlike litigation or arbitration, which focus on legal rights and liabilities, mediation in sports aims to identify underlying concerns, such as reputational risk, emotional injury, and future relationships. This focus makes it particularly suitable for the sports context, where personal reputation and career longevity are critical.<sup>1</sup> Unlike arbitration or court judgments, mediation does not impose a decision; rather, it empowers the parties to craft their own outcomes.

The redeeming features of mediation including voluntariness, confidentiality, neutrality of the mediator, informal and non-adversarial process and above all, preservation of relationships are highly suited to the ever-evolving field of sports.

## 4. Institutional Framework and Global Models

### 4.1. Court of Arbitration for Sport (CAS)

The CAS Mediation Rules, introduced in 1999, offer a dedicated framework for resolving sports disputes through mediation. However, CAS mediation is limited to commercial disputes and excludes disciplinary or doping-related cases (CAS, 2023). Despite this limitation, CAS has played a pioneering role in embedding mediation in international sports law.

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<sup>1</sup> “In mediation, the goal is not to declare winners or losers but to help everyone walk away with some sense of victory.” (Moore, 2014, p. 76)

## 4.2. Global and National Perspectives

### a) International Level

The Court of Arbitration for Sport (CAS), based in Lausanne, Switzerland, offers mediation as a recognized method under its rules. While it is primarily used for commercial disputes, CAS has helped create global legitimacy for sports mediation.

### b) United Kingdom and Australia

The UK Sport Resolution and the Australian National Sports Tribunal have specialized mediation panels, resolving hundreds of disputes annually with a high success rate.

### c) India

India is still evolving in this area. The Mediation Act, 2023 provides a legal framework for general mediation, but sports-specific mediation remains underutilized. Integrating mediation within sports federations and leagues could prevent escalation of disputes and promote a culture of dialogue.

Hence, countries like the UK and Australia have integrated sports mediation mechanisms under national dispute resolution frameworks (e.g., UK Sport Resolution, National Sports Tribunal of Australia). In India, while arbitration receives some recognition in the Sports Code, mediation remains underutilized, despite the Mediation Act, 2023, providing statutory recognition.

## 5. Advantages of Mediation in Sports Disputes

### 5.1. Time and Cost Efficiency

Mediation is significantly faster and cheaper compared to formal litigation or arbitration. For athletes whose careers are time-bound, swift resolution is critical. Athletes' careers are short and seasonal. Lengthy legal procedures can stall their professional growth and earnings. Mediation, being quick and informal, suits this context perfectly. Moreover, given the financial disparity between top-tier athletes and others, especially in grassroots and women's sports, mediation provides an accessible and less expensive alternative to arbitration or litigation.

### 5.2. Preservation of Relationships

In team sports or athlete-management relationships, maintaining trust is essential. Mediation allows parties to resolve issues without severing ties. In Indian sports culture, where hierarchies and affiliations matter, mediation helps maintain professional relationships—between athlete and coach, franchise and player, or among officials.

### **5.3. Confidentiality**

Media exposure can damage reputations. Mediation provides a private setting, protecting all parties from unnecessary public scrutiny (Foster, 2006). In a media-sensitive environment, mediation protects the public image of sportspersons, clubs, and governing bodies by ensuring privacy in dispute resolution.

### **5.4. Creative Solutions**

Unlike courts, mediators can guide parties toward non-legal remedies—such as public apologies, renegotiated terms, or future commitments.

## **6. Challenges and Limitations**

Despite its promise, mediation in sports faces hurdles:

**Lack of Awareness:** Many stakeholders are unfamiliar with mediation or skeptical about its efficacy.

**Power Imbalances:** Athletes may feel compelled to accept unfair settlements due to the influence of federations or sponsors.

**Absence of Enforceability:** Unlike arbitral awards, mediated settlements are not automatically enforceable unless formalized through legal channels.

**Limited Scope in India:** Despite the enactment of the Mediation Act, 2023, there is a gap in integrating sports-specific mediation mechanisms.

## **7. The Indian Context: A Growing Opportunity**

India, a growing sports power, faces increasing disputes in leagues such as the IPL (cricket), ISL (football), and Pro Kabaddi League. Yet, the absence of a specialized National Sports Mediation Body leaves a void.

India's sporting ecosystem is undergoing a significant transformation—from being largely amateur-driven to becoming a professional, commercial, and high-stakes sector. With the proliferation of leagues like the Indian Premier League (IPL), Pro Kabaddi League (PKL), and Indian Super League (ISL), the scope for disputes has grown multifold. From contractual

disagreements and disciplinary issues to team selection and governance-related conflicts, the need for efficient and athlete-friendly dispute resolution mechanisms is more pressing than ever.

While arbitration has found limited space in Indian sports law through institutional contracts and sports codes, **mediation remains largely underexplored**. However, with the enactment of the **Mediation Act, 2023**, India has a golden opportunity to formally integrate **mediation as a primary tool for resolving sports disputes**.

The Mediation Act, 2023, with its recognition of pre-litigation mediation, opens the door for institutional innovation. Sports federations and leagues could adopt mandatory mediation clauses in contracts and code of conduct documents.

There is also potential for universities and legal aid clinics to provide sports mediation training, further professionalizing this niche sector.

## 8. Recommendations

**Incorporate Mediation in Sports Codes:** National sports bodies should adopt mediation-friendly dispute resolution clauses.

**Establish Sports Mediation Panels:** Panels comprising trained mediators with sports expertise must be developed under bodies like CAS, BCCI, or the Sports Authority of India.

**Promote Awareness:** Workshops and outreach programs targeting athletes, coaches, and managers should demystify the mediation process.

**Leverage the Mediation Act, 2023:** Utilize its provisions to institutionalize pre-litigation mediation across sports organizations.

## 9. Conclusion

Mediation offers an inclusive, empathetic, and pragmatic approach to resolving sports disputes—one that aligns with the collaborative spirit of sport itself. As the Indian sports ecosystem matures and legal frameworks evolve, embracing mediation can transform the

culture of conflict resolution in the sports industry. The future lies not in contentious battles but in consensual, timely, and lasting solutions.

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