
TABLE OF CONTENTS

Foreword , by <i>Judge Keba Mbaye</i>	V
Preface	VII
Acknowledgements	IX
List of Acronyms	XV
Chapter I – General Introduction	1
The Business of Sport	1
The Need for Alternative Dispute Resolution Mechanisms in Sport	2
Chapter II – The Courts and Sports Disputes	3
Generally	3
The Position in England	3
The Position in the US	4
The Position in Canada	4
The Position in the European Civil Law Countries	5
– Generally	5
– Switzerland	5
– Spain	5
– Italy	6
Chapter III – Alternative Dispute Resolution (ADR)	7
What is ADR?	7
– Generally	7
– The ‘Woolf Reforms’ in England	8
Advantages of ADR	8
Forms of ADR	18
– Conciliation	18
– Mediation	18
– The Mini-Trial	18
– Neutral Evaluation	19
– Expert Determination	19
– Med-Arb	19
Chapter IV – Mediation in General	21
Introductory	21
Advantages of Mediation	21
The Concept of Mediation	22
What is Mediation?	23
Common Concerns about Mediation Answered	23

When is Mediation Appropriate?	24
When should a Dispute be Referred to Mediation?	25
Dispute Management	25
Chapter V – Mediation in Practice	27
How to start a Mediation	27
Qualities required by a Mediator	28
– Generally	28
– Particular Qualities	28
– Professionality of Mediator	30
– Codes of Conduct	30
The Agreement to Mediate	31
– CPR European Model Mediation Agreement	31
– ‘Ground Rules of Proceeding’	33
How to prepare for Mediation	33
How Mediation works in Practice	34
– Getting Started	34
– The Role of the Mediator	34
– General Steps in the Mediation Process	35
– The Role of the Parties in the Mediation	36
The Costs of Mediation	37
Chapter VI – Mediation ‘On Line’	39
The Rise of the Internet	39
Telephone Mediation	46
Internet Disputes Mediation	47
Chapter VII – Mediation by Sports Bodies	49
Introductory	49
The Court of Arbitration for Sport (CAS)	50
– General Introduction	50
– Cas Mediation Service	61
– Cas Mediation Rules	62
– Cas Mediation Costs	63
– Cas Mediation Symposium	63
The UK Sports Dispute Resolution Panel (SDRP)	94
– Background	94
– SDRP Mediation Rules	95
– SDRP Advisory Opinions	97
– SDRP First Two Years’ Report	97
– Final Comment	101

The Australian National Sports Dispute Centre (NSDC)	101
– Background	101
– Legal Status of the NSDC	103
– NSDC Mediation Services	103
– NSDC Dispute Resolution Clauses	104
– NSDC Mediation Agreement and Procedure	105
– Role of NSDC Registrar	107
– NSDC Mediation Costs	107
– Sports Disputes Mediated	108
– Mediation in ‘Racial Vilification’	108
– Other matters handled by the NSDC	111
The FIFA Football Arbitration Tribunal	111
– Background	111
– FIFA Circular No. 769	112
– The International Court for Football Arbitration	114
– Final Remarks	114
Chapter VIII – American Arbitration Association (AAA)	117
Background	117
Should CAS replace AAA?	117
Article 74 of the Olympic Charter	124
International Sports Arbitration Generally	124
Chapter IX – The International Chamber of Commerce (ICC)	145
Introductory	145
ICC Mediation Service	145
– Background	145
– ICC Mediation Rules	146
– Advantages of ICC Mediation Rules	147
Why use ICC Mediation?	148
Chapter X – Mediation in Sports Disputes	169
Informal Survey on Sports Mediation by ISFS & NGBS	169
General Advantages of Sports Mediation	181
Case Study: The Woodhall/Warren Case	182
Other Sports Mediation Cases	183
Sports Mediation Limitations	184
Criteria for Mediating	186
Chapter XI – Sports Mediation in the Peoples’ Republic of China	195
Background to the New Chinese Sports Law	195
New Chinese Sports Mediation and Arbitration Body	196
Evaluation of Article 33 of the New Chinese Sports Law	196

Chapter XII – Sports Ombudsman	199	
Background	199	
Advantages	199	
The Role of the Sports Ombudsman	200	
The Athletes Ombudsman	203	
Chapter XIII –Evaluation of Sports Mediation	205	
Chapter XIV – Final Remarks	209	
Appendices – Documentation	211	
Appendix I	ADR Group Code of Practice for Solicitors	213
Appendix II	ADR Group Mediation Procedure	219
Appendix III	CPRR Institute for Dispute Resolution: Model Mediation Agreement: Europe	223
Appendix IV	CPR Institute for Dispute Resolution: Model Mediation Procedure for Business Disputes in Europe	225
Appendix V	The CAS Code of Sports-Related Arbitration Including The Advisory Opinion Rules	229
Appendix VI	The CAS Mediation Rules	241
Appendix VII	The SDRP Mediation Procedure	247
Appendix VIII	The SDRP Model Mediation Agreement	251
Appendix IX	The CEDR Code of Conduct for Mediators and Other Third Party Neutrals	255
Appendix X	The SDRP Advisory Opinion Rules	259
Appendix XI	The NSDC Standard Mediation Agreement	261
Appendix XII	The NSDC Accreditation Policy and Application Form	265
Appendix XIII	New Article 63 of the FIFA Statutes – The FIFA Football Arbitration Tribunal Rules	269
Appendix XIV	The FIFA Regulations for the Status and Transfer of Players	271
Appendix XV	American Arbitration Association International Arbitration and Mediation Rules	275
Appendix XVI	ADR Rules of the International Chamber of Commerce	291
Appendix XVII	International Paralympic Committee Protest Rules	299
Appendix XVIII	Sports Law of the People’s Republic of China of 29 August 1995	309
Select Bibliography	319	
Table of Cases	320	
Index	321	
About the Author	325	
Previous publications by or in cooperation with Asser International Sports Law Centre	327	