

# **Resolving Sports Disputes in Qatar**

**Zachary R. Calo<sup>1</sup>**

---

<sup>1</sup> Professor of Law, Hamad bin Khalifa University College of Law - Qatar; Visiting Professor of Law and Business, The Open University (UK); Adjunct Professor of Law, University of Notre Dame Australia. The author is also on the List of Arbitrators of the Qatar Sports Arbitration Tribunal.

## **Abstract**

International sport relies on a highly developed and coordinated system for resolving disputes. In many cases, this system is a substitute for resolving disputes through domestic courts. Sports disputes are addressed in large measure through binding arbitration. In recent years there has been a proliferation of sports arbitration tribunals at the national level that provide a centralized forum for addressing a range of sport-related issues. This is no more so the case than in the Gulf region, where Qatar, Saudi Arabi, the UAE, and Bahrain have all launched or announced plans to establish such tribunals. This case study gives particular attention to the Qatar Sports Arbitration Tribunal and its relationship to sports initiatives in the country. The case study also considers how the Tribunal fits within Qatar's broader national development objectives.

## **I. Introduction**

This case study considers the work and role of the Qatar Sports Arbitration Tribunal (QSAT), established in 2019. The study situates this institution within the broader framework of sports economics in the Gulf region, international sports law and dispute resolution, and Qatar's strategy for developing its sports sector in coordination with overall national goals for social and economic development.

While sports arbitration bodies have been studied extensively, no concentrated attention has been given to national sports disputes institutions. The focus of the existing literature tends to be on the Court of Arbitration for Sport (CAS), the development of an international *lex sportiva*, and matters such as fairness and due process within proceedings. Moreover, insufficient attention has been given to the broader significance of sports dispute institutions both inside and outside the sports sector. The recent proliferation of national-level tribunals for resolving disputes, most notably in the Gulf region, raises important question about the strategic considerations driving their development.

## **II. Sport strategy and development in Qatar and the Gulf Region**

Gulf countries have been making substantial investment in international sports for a number of years. Billions of dollars have been invested by the governments of Qatar, the UAE, Saudi Arabia, and Bahrain to develop global reputations in the sports sector. The Financial Times described this as “a trend that is rippling through the

sporting world as the region's absolute monarchies splash the petrodollars to lure superstars and top events."<sup>2</sup>

Sport is employed as a strategic tool for advancing a wide range of national development objectives that go beyond sport itself. In many instances, sport is viewed as a means of economic growth and diversification, particularly with respect to infrastructure development, tourism and hospitality.<sup>3</sup> The connection between sport and development is expressly identified as part of Qatar's National Vision 2030. Qatar's Second National Development Strategy (2018-2022), for instance, emphasizes the importance of sport as a driver of economic, social, and human development. Along these lines, the World Cup is characterized by the Ministry of Foreign Affairs as providing "an unprecedented opportunity for local, regional and international businesses" and an occasion to develop infrastructure "that leaves a lasting legacy of sustainable economic, social and human development for Qatar."<sup>4</sup>

---

<sup>2</sup> "Why the Gulf States are betting on sport," *Financial Times* (November 26, 2019).

<https://www.ft.com/content/15bc48b6-0c8c-11ea-b2d6-9bf4d1957a67>

<sup>3</sup> On the role of sports in the Middle East as a tool of economic growth and diversification, see generally Ziad Alrawadieh and Deborah Johnson, "Building Sports Tourism and Events Portfolios: Key Success Factors in Middle East Sports Tourism," *London Journal of Tourism, Sport and Creative Industries* 6:7 (Spring 2012): 30-41. With respect to sports facilities and infrastructure, the Qatar Second National Development Strategy notes the "great achievements" that have allowed Qatar to host many international sporting events and also non-sports events. *Qatar Second National Development Strategy* (2018-2022), 252-253.

<https://www.psa.gov.qa/en/knowledge/Documents/NDS2Final.pdf>.

<sup>4</sup> See Ministry of Foreign Affairs at <https://mofa.gov.qa/en/qatar/2022-fifa-world-cup/opportunities>. While sports are commonly offered as a way to support economic development and diversification, the Second National Development Strategy also acknowledges ongoing challenges with converting massive investment in sport infrastructure into a reliable source of revenue. It observes that "Despite the huge investment made by the State in the areas of cultural and sports infrastructure, the challenge remains for cultural and sports institutions to play their expected role in benefiting from these achievements in diversifying the country's income sources. There is also economic potential in the Culture and Sports Sector that is yet to be discovered." See *Qatar Second National Development Strategy* (2018-2022), 257-258.

In addition to economic and development considerations, sport is also framed as a way to advance other national concerns such as global reputation building and enhancement of diplomatic soft power. Qatar's Ministry of Foreign Affairs speaks openly of the country's goals in the area of "sports diplomacy." Sport is framed as a means of "enhancing development, peace, respect and tolerance, achieving an active and healthy community." Hosting mega sporting events offers an occasion for Qatar to enhance its reputation, particularly in contentious areas such as labor and human rights.<sup>5</sup> In fact, the government uses the language of development to refer not only to economics and infrastructure but "national laws which the state of Qatar works to amend and implement, in accordance with international laws and regulations." Sports diplomacy thus includes a strategy of transforming domestic policy in order to bolster international standing. Sport has the potential to "change the image of the Middle East and create an atmosphere of positive interaction between the region and the world."<sup>6</sup>

Hosting major sports events has long been a centerpiece of this development strategy. Gulf countries have successfully attracted a wide range of events in motor racing, horse racing, boxing, handball, tennis, golf, and athletics. In recent years, Qatar has hosted the Asia Games (2006), World Men's Handball Championship (2015), UCI Road World Championships, Artistic Gymnastics World Championships (2018), the FIFA Club World Cup (2019), World Beach Games (2019), and the IAAF World Athletics

---

<sup>5</sup> On the soft power aspects of Qatar's hosting the World Cup see Stanis Elsborg, "Sport as a driving factor in Qatar's National Development Strategy 2018-2022." [https://www.playthegame.org/news/comments/2018/073\\_sport-as-a-driving-factor-in-qatars-national-development-strategy-2018-2022/](https://www.playthegame.org/news/comments/2018/073_sport-as-a-driving-factor-in-qatars-national-development-strategy-2018-2022/).

<sup>6</sup> "Sport Diplomacy," Qatar Ministry of Foreign Affairs. <https://mofa.gov.qa/en/foreign-policy/international-cooperation/sports-diplomacy>.

Championship (2019). The country was recently awarded the right to host the 2030 Asia Games and may bid for the 2032 Olympic Games. The most significant development, of course, was Qatar's having been awarded the right to host the 2022 FIFA World Cup. This marked the culmination of years-long process of reputation building and established Qatar as a "global sports hub."<sup>7</sup>

Hosting mega events has driven sports strategy, both in Qatar and throughout the region, but this should not obscure the broader process at work. Development of sporting infrastructure in Qatar has gone well beyond events. It includes, for instance, prominent sponsorship arrangements in football by entities such as Qatar Airways.<sup>8</sup> In certain respects, the most critical initiatives are more subtle, such as investment in media, sports medicine, anti-doping testing and research, elite sport training, and sports business and tech. Investment has likewise occurred at the level of culture. Qatar now has a holiday, National Sports Day, that brings attention to the importance of sport and wellness. The country is also opening an Olympic and sport museum.

Another recent addition to Qatar's emerging sports landscape is the Qatar Sports Arbitration Tribunal (QSAT), which operates as an independent organization for resolving sports disputes. It aims to position Qatar as a leader in the field of sports law, sports governance, and dispute resolution. This study assesses the QSAT in light of the broader field of sports law and the proliferation of national-level dispute resolution

---

<sup>7</sup> *Qatar Second National Development Strategy* (2018-2022), 251.

<sup>8</sup> See generally, Natalie Koch, "The Geopolitics of Gulf Sport Sponsorship," *Sport, Ethics and Philosophy* 14:3 (2020): 355-376.

bodies. How does the QSAT relate to other forms of investment the country is making in sports and sports-related infrastructure? What role can the tribunal serve in advancing broader development goals? How does pursuing leadership in sports disputes advance Qatar's goal of becoming a global sports hub.

### **III. Sports law and dispute resolution**

#### **A. The concept of sports law**

As a body of law, sports law encompasses the full range of legal matters that arise both on and off the playing field. Broadly speaking, sports law can be divided into two fundamental parts: one internal to sport, one external to sport. Both are properly termed sports law, but they operate in different ways and serve different purposes.

The first is a body of law derived primarily from the rules and regulations of sports federations and governing bodies. Disputes in this area are often of a disciplinary nature and might involve sanctions for conduct in the course of play or violations of anti-doping regulations. They might include team selection or eligibility issues. Because of the self-governing nature of sports, disputes arising from these rules and regulations are ill-suited to resolution through traditional litigation. Courts are not proper or efficient venues for assessing doping violations, suspensions and discipline, or team selection matters. State-based legal institutions lack expertise and jurisdiction to evaluate such issues. As such, relevant law is developed primarily

through private sport-specific institutions and processes that operate outside of public legal institutions.

The second is a body of law derived mainly from the intersection of sport with fields of law not specifically related to sport. Sport touches nearly every major aspect of law in one way or another, although many sports disputes are of a commercial nature. This includes licensing agreements, construction, intellectual property, and commercial contracts. Such disputes can involve athletes, clubs and federations, or parties who are not directly involved with operation of a sporting activity. Law in these areas is applied and developed largely through ordinary adjudicative procedures such as litigation in civil courts. Related to this second aspect of sports law are those laws and regulations narrowly targeting sporting activities, such as regulating agents, health and safety in sport, amateur athletics, or gender equality. These laws directly impact the operation of sport but are imposed externally rather than adopted internally as part of the self-governance of sports entities. All of these different areas of law collectively make up the field of sports law.

## **B. Arbitration and sports disputes**

This study is concerned with the first aspect of sport law, that is the body of law internal to sport, especially the private dispute resolution processes associated with it. Dispute resolution in international sport is built around a web of contractual relationships, rules, processes, and institutions. The system relies especially on a



network of specialized tribunals designed to address sports-related disputes. These tribunals typically employ arbitration.

In the most basic sense, arbitration is a process in which parties submit their dispute to an independent arbitrator or panel of arbitrators to render an award. Arbitral awards, although arising from a form of private dispute settlement, are enforceable as legal judgments both domestically as well as internationally under the framework of the 1958 New York Convention.<sup>9</sup> A decision arising from the arbitral process is final and binding. Although parties have rights under domestic legislation to request a court vacate an award, the grounds for doing so are extremely narrow and courts are deferential to the outcome of the arbitral process.

The authorization to submit a dispute to the arbitral process is derived from consent of the parties.<sup>10</sup> This typically occurs through inclusion of an arbitration clause in the relevant contract. Most sports arbitrations, however, occur pursuant to mandatory arbitration provisions that athletes accept as a term of participation.<sup>11</sup> Thus, while athletes have freely accepted these terms, they do so without any real alternative.

---

<sup>9</sup> The Court of Arbitration for Sport notes on its website that “An award pronounced by the CAS is final and binding on the parties from the moment it is communicated. It may in particular be enforced in accordance with the New York Convention on the recognition and enforcement of arbitral awards, which more than 125 countries have signed.” <https://www.tas-cas.org/en/general-information/frequently-asked-questions.html>. On the extent to which a CAS award is enforceable internationally under the New York Convention see, Roger Alford, “Are CAS Arbitrations Governed by the New York Convention?” *Kluwer Arbitration Blog* (March 8, 2009). <http://arbitrationblog.kluwerarbitration.com/2009/03/08/are-cas-arbitrations-governed-by-the-new-york-convention/>

<sup>10</sup> On the contractual foundations of arbitration see, Jay Folberg et al., *Resolving Disputes: Theory, Practice, and Law* 3rd Edition (WoltersKluwer, 2016): 574-575.

<sup>11</sup> The topic of consent in sports arbitration is much discussed and debated, and has also been the subject of litigation. See generally, Girish Deepak, “Compulsory consent in Sports Arbitration: Essential or Auxiliary,” *Kluwer Arbitration Blog* (April 12, 2016). <http://arbitrationblog.kluwerarbitration.com/2016/04/12/compulsory-consent-in-sports-arbitration-essential-or-auxiliary/>

Moreover, by agreeing to submit a dispute to arbitration, parties forgo the right to pursue other civil remedies. As a result, athletes effectively waive their right to access courts simply by virtue of participating in their sport.<sup>12</sup>

There are a variety of reasons why sport has turned to arbitration.<sup>13</sup> While these considerations apply to other areas as well, they have a particularly significant bearing on sports disputes.

First, many sports disputes are ill-suited to being resolved through ordinary civil dispute resolution. Sport is self-governing and needs internal processes to apply its rules. Reliance on a private dispute resolution system allows sports leagues and federations to maintain an autonomous system in which rules are made, adjudicated, and enforced without recourse to state authorities.

Second, utilizing private means of dispute resolution can be more efficient than traditional courts. As Richard McClaren observes, “The fleeting nature of sport makes expeditious, impartial, and independent dispute resolution essential to the continuing

---

<sup>12</sup> Nick De Marco observes that such “compelled consent” is deeply concerning, especially for the players forced to submit, but it is almost certainly necessary for the effective and consistent resolution of international sports disputes. He adds that “Sport is not like other private commercial disputes and requires a tailor made arbitral approach that reflects the combined requirements of consistency, equality, transparency, efficiency and fairness.” De Marco, “The dichotomy and future of sports arbitration – Domestic arbitration,” *LawInSport*.  
<https://www.lawinsport.com/topics/features/item/the-dichotomy-and-future-of-sports-arbitration-domestics-arbitration>

<sup>13</sup> For a general discussion of the advantages of arbitration within sport see, Antonio Rigozzi and William McAuliffe, “International Sports Arbitration,” *Global Arbitration Review* (April 20, 2017).  
<https://globalarbitrationreview.com/review/the-middle-eastern-and-african-arbitration-review/the-middle-eastern-and-african-arbitration-review-2017/article/international-sports-arbitration>  
See also, Michael Lenard, “The Future of Sports Dispute Resolution,” *Pepperdine Dispute Resolution Law Journal* 10:1 (2009): 175-176.

prosperity and growth of elite sport.”<sup>14</sup> Speed can be particularly critical in a sporting dispute. For instance, it might be necessary to determine eligibility in advance of an upcoming match or event. For this reason, the Court of Arbitration for Sport operates a special ad hoc tribunal to hear urgent cases that arise during the Olympic Games and the FIFA World Cup.

Third, this system allows for decisions to be made by experts with specialized experience. This is especially critical in areas like doping.

### **C. The uniqueness of sports arbitration**

Sports arbitration operates under the same legal scheme as ordinary commercial arbitration. At the same time there are important differences that highlight unique characteristics of sports arbitration. Commercial arbitral awards are generally not released, with confidentiality being one of the most attractive features of arbitration for parties. The awards of sports tribunals by contrast are often published by sport governing bodies and arbitral tribunals. In certain instances, the adjudicative hearings themselves are also public. A recent decision of the European Court of Human Rights held that proceedings of the Court of Arbitration for Sport must under certain circumstances be public.<sup>15</sup> Stakeholders have an interest in sports disputes being resolved with transparency. Fans and consumers, advertisers and investors, athletes and clubs all want assurances that the enterprise is governed fairly. Publicizing

---

<sup>14</sup> Richard McClaren, “The Court of Arbitration for Sport,” in James A. R. Nafzinger and Stephen F. Ross, eds., *Handbook of International Sports Law* (Edward Elgar, 2011): 32.

<sup>15</sup> Judgment of the European Court of Human Rights in *Mutu & Pechstein v Switzerland* (2 October 2018, nos. 40575/10 and 67474/10)

decisions contributes to an overall culture of legitimacy within the sports field. The need to maintain such legitimacy informs the sports arbitration process in ways that distinguish it from general commercial arbitration.

Another feature of sports arbitration is the importance given to harmonizing awards, particularly with respect to disciplinary matters such as doping. As Moroney and Rahman observe, the need for harmony in sports decisions “is largely due to the overriding objective to facilitate consistency of decisions and public sanctioning, so as to uphold the integrity of sport in the eyes of fellow athletes and the general public.”<sup>16</sup>

Uniformity of outcome is all the more important given the transnational nature of many sports. Writing for instance about international football, Nick De Marco observes that a uniform and private system of dispute resolution allows for “consistency...across the worldwide game” that “would be impossible to achieve, or at least be greatly eroded if disputes were instead subject to the courts of FIFA’s 211 member associations.”<sup>17</sup>

Harmonization of jurisprudence is not required by rule or principle but has rather emerged out of the structure of the sports dispute resolution process and the needs of international sport. The preponderant role of the Court of Arbitration for Sport, discussed further below, also facilitates achieving a degree of harmonization that would

---

<sup>16</sup> Andrew Moroney, “An introduction to sports arbitration in the UAE,” *LawInSport* (June 20, 2019). <https://www.lawinsport.com/topics/item/an-introduction-to-sports-arbitration-in-the-uae>

<sup>17</sup> Nick De Marco, *Football and the Law* (Bloomsbury, 2018): 484.

be difficult to realize in other fields of law.<sup>18</sup> Arbitration is not precedential in the sense that an arbitral panel is bound by prior decisions of other panels, yet sports arbitral awards often reference previous awards in framing their conclusions. This self-referential methodology encourages the practice of treating like cases alike and produces a more internally consistent and predictable body of decisions.<sup>19</sup>

#### **D. Sport arbitration institutions**

There is an extensive network of institutions that adjudicate sport disputes. Some institutions have jurisdiction specific to a single sport, such as the FIFA Dispute Resolution Chamber (FIFA DRC) and the Basketball Arbitration Tribunal (BAT). The Olympic movement has dispute resolution processes that operate through the International Olympic Committee, national Olympic committees, national and international sport governing bodies, and ultimately the Court of Arbitration for Sport.<sup>20</sup> In the United States, for instance, the United States Olympic Committee has designated the American Arbitration Association (AAA) to handle Olympic disputes, including those related to athlete eligibility, selection, and anti-doping. In the United Kingdom, Sports Resolution serves a similar role as the provider arbitral services for Olympic-related disputes.<sup>21</sup>

---

<sup>18</sup> On harmonization of sports law, particularly through the CAS, see McClaren, “The Court of Arbitration for Sport,” in *Handbook of International Sports Law* (Edward Elgard, 2011): 49-51.

<sup>19</sup> It also contributes to the development of what is termed the *lex sportiva*, the set of established principles and rules applied to the governance of international sport. Lorenzo Casini, “The Making of a *Lex Sportiva* by the Court of Arbitration for Sport,” *German Law Journal* 12:5 (2011): 1320.

<sup>20</sup> Matthew Mitten et al., *Sports Law and Regulation: Cases, Materials, and Problems* 4th Edition (Wolters Kluwer, 2017): 269-272.

<sup>21</sup> Jeffrey Benz, “A Look At Olympic-Level Dispute Resolution” (August 2, 2016).

[https://www.jamsadr.com/files/uploads/documents/articles/benz\\_law350\\_a-look-at-olympic-level-dispute-resolution\\_2016-08-02.pdf](https://www.jamsadr.com/files/uploads/documents/articles/benz_law350_a-look-at-olympic-level-dispute-resolution_2016-08-02.pdf)

The Court of Arbitration for Sport (CAS), headquartered in Lausanne, Switzerland, is the most significant sport dispute institution. The CAS was established in 1987 by the International Olympic Committee and now plays an integral role in resolving disputes that arise within FIFA, the Olympic movement, and the World Anti-Doping Association system, among others. CAS has a wide jurisdiction. According to its Code, CAS is authorized to hear disputes that “may involve matters of principle relating to sport or matters of pecuniary or other interests relating to the practice or the development of sport and may include, more generally, any activity or matter related or connected to sport.”<sup>22</sup> The requirement that a dispute be “related or connected to sport” is understood to encompass not only issues involving athletes and athletic competitions but any matter that touches on sport. The Ordinary Division operates as a tribunal of first instance in which the parties have agreed to submit the dispute to CAS. These disputes can involve purely commercial matters. The Appeals Division of CAS operates primarily to rule on disputes arising from sports federations. It is in this capacity especially that CAS functions as the “supreme court” for sports by issuing final appellate decisions on matters arising from governing bodies.<sup>23</sup>

CAS resolves disputes involving many of the most important global sports bodies. Its authority to do so arises because sports governing bodies requires athletes to agree that disputes be submitted to an arbitral process that might include CAS. The

---

<sup>22</sup> Court of Arbitration for Sport, “Code of Sports-related Arbitration,” R27 (in force from July 1, 2020). [https://www.tas-cas.org/fileadmin/user\\_upload/CAS\\_Code\\_2020\\_EN\\_.pdf](https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2020_EN_.pdf)

<sup>23</sup> On the history and organization of CAS see, Ian Blackshaw, “ADR and Sport: Settling Disputes through the Court of Arbitration for Sport, the FIFA Dispute Resolution Chamber, and the WIPO Arbitration and Mediation Centre,” *Marquette Sports Law Review* 24:1 (2013): 1-57.

Olympic Charter, for instance, provides that “Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport, in accordance with the Code of Sports-Related Arbitration.”<sup>24</sup> All Olympic athletes agree to grant CAS this jurisdiction as a condition of participation in the Olympic Games. CAS also maintains a central role in the global anti-doping movement as established by the World Anti-Doping Agency (WADA). CAS operates an Anti-Doping Division that hears matters as a first instance and also hears anti-doping appeals through its Appeals Division. CAS is the most important institution for adjudicating anti-doping issues and holds this authority “pursuant to the delegation of powers from the International Olympic Committee (IOC), International Federations of sports on the Olympic programme (Olympic IFs), International Testing Agency (ITA) and any other signatories to the World Anti-Doping Code (WADC).”<sup>25</sup> FIFA has similarly granted CAS a role in its internal dispute resolution processes, authorizing “the independent Court of Arbitration for Sport (CAS) with headquarters in Lausanne (Switzerland) to resolve disputes between FIFA, member associations, confederations, leagues, clubs, players, officials, intermediaries and licensed match agents.”<sup>26</sup>

While CAS holds a particularly important status place within the architecture of global sports law, domestic sport dispute tribunals also play a significant role. A notable

---

<sup>24</sup> International Olympic Committee, “Olympic Charter,” 61 (in force from July 17, 2020). [https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf#\\_ga=2.26234361.552249188.1606348220-842467066.1606348220](https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf#_ga=2.26234361.552249188.1606348220-842467066.1606348220)

<sup>25</sup> CAS Anti-Doping Division, Arbitration Rules, A1. <https://www.tas-cas.org/en/arbitration/cas-anti-doping-division.html>

<sup>26</sup> FIFA Statutes (June 2019), 59. <https://resources.fifa.com/image/upload/fifa-statutes-5-august-2019-en.pdf?cloudid=ggyamhxxv8jrdfbekrrm>

development has been the recent proliferation of independent sport-specific institutions operating at the national level. These institutions offer several advantages:

- They promote a degree of uniformity in decision-making difficult to attain under more decentralized models.
- They allow for specialized panels to deal with such issues as doping, where it is particularly important to operate in coordination with the international system.
- They making it unnecessary for national sports federations to maintain and operate their own dispute resolution processes, assuming such federations delegate authority to the national dispute resolution tribunal. This is particularly beneficial to smaller sports that lack resources or capacity for effectively handling dispute resolution internally.
- They provide cost-efficiencies because having a national institution can obviate the need for certain disputes to be addressed by CAS, the expenses of which can be prohibitive for certain athletes.<sup>27</sup>
- 

Some existing national-level institutions have been in operation for a time. This includes Sport Resolutions (UK) founded in 1997, the Sports Tribunal of New Zealand founded in 2003, and the Sport Dispute Resolution Centre of Canada founded in 2004. Others are much newer. Kenya's Sports Disputes Tribunal was founded pursuant to the Sports Act of 2013. Australia established the National Sports Tribunal in 2019 as part of

---

<sup>27</sup> Shaun Star and Sarah Kelly, "A level playing field in anti-doping disputes? The need to scrutinize procedural fairness at first instance hearings," *The International Sports Law Journal* (August 28, 2020). <https://link.springer.com/article/10.1007/s40318-020-00176-6>



the National Sports Tribunal Bill. The National Sports Tribunal has been described as “part of a bigger push by the federal government to reform the governance of sport.”<sup>28</sup>

A particularly notable development has been establishment or planned-establishment of a number of national-level tribunals throughout the Gulf region. The Saudi Sport Arbitration Centre located in Riyadh was launched in 2016 and has exclusive jurisdiction over sports disputes in the country.<sup>29</sup> The Qatar Sports Arbitration Tribunal (QSAT) began operation in 2019. The Emirates Sports Arbitration Center will soon commence operation and hear appeals from sports federations in the UAE.<sup>30</sup> Abu Dhabi already hosts a chamber of the Court of Arbitration for Sport. An initiative to develop a sport dispute tribunal is also under development in Bahrain.<sup>31</sup> The confluence of these events in the Gulf region can be seen as part of a global trend to launch national sports dispute tribunals. It also speaks to regional dynamics and the competitive nature of the sports market in these neighboring countries. Not only are Qatar, Saudi Arabia, the UAE, and Bahrain competing to attract similar events, they are competing to bolster their comparative global reputations in sport. In the concluding section, the QSAT is considered in more detail, with particular attention given to the structure of the institution and assessing how it might contribute to the overall development of Qatar’s sport sector.

---

<sup>28</sup> “New National Sports Tribunal chief a welcome arrival,” *The Age* (March 2, 2020).

<https://www.theage.com.au/sport/new-national-sports-tribunal-chief-a-welcome-arrival-20200302-p545xs.html>

<sup>29</sup> Bandar Al Hamidani, “Introduction to the Saudi Sport Arbitration Centre (SSAC).”

<https://www.tamimi.com/law-update-articles/introduction-to-the-saudi-sport-arbitration-centre-ssac/>

See Rules for the SACC at <http://ssac.sa/a/wp-content/uploads/2018/02/en.pdf>

<sup>30</sup> For an overview of the situation in the UAE see Moronoey, “An introduction to sports arbitration in the UAE.”

<sup>31</sup> “Sports Arbitration Centre to be Launched in Kingdom,” *The Daily Tribune – News of Bahrain* (January 22, 2017). <https://www.newsofbahrain.com/bahrain/29693.html>.

#### **IV. The Qatar Sports Arbitration Tribunal**

The QSAT is incorporated as “private institution for public benefit...with the primary purpose of resolving disputes in the sports sector through arbitration and mediation, which shall be carried out by the QSAT.”<sup>32</sup> Its governance structure is modelled in significant ways on CAS, with an Ordinary Arbitration Division and an Appeals Arbitration Division. QSAT also hosts a Mediation Division.<sup>33</sup>

The QSAT has the goal of providing a forum for resolving sports disputes in Qatar. It offers an independent and centralized alternative to a more ad hoc approach in which individual sports entities establish their own dispute resolution processes. To this end, the QSAF was established with the cooperation of the Qatar Olympic Committee, Qatar Football Association, Qatar Stars League, and Qatar Players Association.<sup>34</sup> This arrangement ensures that the major sports entities in Qatar will utilize the QSAT from the outset.

Much of QSAT’s work is presently focused on football disputes, as well as issues arising from national Olympic sports. QSAT will serve as the headquarters of the CAS ad hoc division during the 2022 World Cup.<sup>35</sup> The QSAT has already been incorporated into rules governing the Qatar Football Association (QFA). QFA Regulations on the

---

<sup>32</sup> Statutes of the Qatar Sports Arbitration Tribunal, Article 2. <https://www.qsaf.qa/wp-content/uploads/2019/07/QSAF-Statutes-English.pdf>

<sup>33</sup> Statutes of the Qatar Sports Arbitration Tribunal, Article 8.

<sup>34</sup> Statutes of the Qatar Sports Arbitration Tribunal, Article 6.

<sup>35</sup> “QSAF collaborates with ICAS/CAS.” <https://www.qsaf.qa/en/qsaf-collaborates-with-icas-cas/>

Status and Transfer of Players provide that a player, “by the act of registering,” agrees to abide by decisions and awards of identified institutions including the QSAT.<sup>36</sup> Moreover, the QSAT is given a broad jurisdictional charge within QFA’s dispute resolution system, having been named as “competent to deal with any dispute related to these Regulations insofar as the competence is not assigned otherwise to QFA, a QFA body or a QFA judicial body.”<sup>37</sup> The QSAT is also integrated into the QFA’s Disciplinary Code, which provides that decisions of the Disciplinary Committee are to be appealed directly to the QSAT.<sup>38</sup> Domestic tribunals like the QSAT have authority under FIFA rules to adjudicate certain disputes and thus hold an important role within international football’s dispute resolution system. For instance, FIFA Regulations on the Status and Transfer of Players provide that in “employment-related disputes between a club and a player of an international dimension; the aforementioned parties may...explicitly opt in writing for such disputes to be decided by an independent arbitration tribunal that has been established at national level within the framework of the association and/or a collective bargaining agreement.”<sup>39</sup> This provision, among others, provides that the QSAT can arbitrate football disputes of both a domestic and international nature.

---

<sup>36</sup> QFA Regulations on the Status and Transfer of Players, Article 5. <https://www.qfa.qa/wp-content/uploads/2020/01/Status-and-Transfer-Regulations2020-en.pdf>

<sup>37</sup> QFA Regulations on the Status and Transfer of Players, Article 35.

<sup>38</sup> QFC Disciplinary Code, Article 80.2. Article 87 further provides that “According to the QFA Statutes, certain decisions passed by the judicial bodies may be appealed against before the Qatar Sports Arbitration Tribunal.”

<sup>39</sup> FIFA Regulations on the Status and Transfer of Players, Rule 22(b). This Rule further provides that “The independent national arbitration tribunal must guarantee fair proceedings and respect the principle of equal representation of players and clubs.” Guidelines for meeting these criteria were addressed in Circular No. 1010 (2015), available at [http://goldengate-law.com/pdf/fifa\\_circular/fifa\\_circular\\_1010.pdf](http://goldengate-law.com/pdf/fifa_circular/fifa_circular_1010.pdf). On the criteria governing when a national dispute resolution chamber is authorized to adjudicate disputes see, “Competency of National Dispute Resolution Chambers.” <https://www.morgansl.com/en/latest/competency-national-dispute-resolution-chambers>

What is the future of the QSAT beyond its already established role in Qatar's domestic sport environment? Two questions are particularly important. First, can the QSAT play a larger role in international sport, especially as a regional dispute resolution center? Second, can the QSAT contribute to the development of Qatar's overall international sports profile.

Expansion of the QSAT's impact will need to come through developing a larger regional footprint, especially in football. The regional market will be competitive. New and planned sport dispute tribunals in Saudi Arabia, Bahrain, and the UAE all likely have ambitions beyond their borders. Yet especially when looking across the MENA region as a whole, there are growing sports industries in countries without dispute resolution institutions of comparable quality. As one commentator observes, there is "scope for growth of sports dispute resolution in the MENA region" that should "match the enormous expansion of professional sport and sporting events in the region."<sup>40</sup>

This same commentator observes that "For a body with apparent regional ambitions, the structure of the QSAF and the QSAT appears turned more inward towards Qatar than outward towards the rest of the MENA region and the wider world."<sup>41</sup> This characterization, to the extent it accurately frames the current situation, reflects the QSAT still being in its infancy rather than any settled institutional characteristics. The QSAT's first arbitration awards were only recently issued and it will

---

<sup>40</sup> Stewart, "CAS and Sport Dispute in the MENA Region," 30.

<sup>41</sup> Stewart, "CAS and Sport Dispute in the MENA Region," 28.

need to build outward gradually.<sup>42</sup> It is premature to advance any strong position on the long-term ambitions and prospects for the QSAT based on its founding structure or early operations. In fact, it would seem that the QSAT is well-positioned to expand the scope of its influence. Doing so will depend in part on being able to leverage Qatar's overall global reputation in sport. Just as important, however, will be the success of the QSAT in developing a reputation for quality, fairness, independence, and expertise that distinguishes its work from other regional institutions.<sup>43</sup> Contributing to this is a closed list of arbitrators that is highly international and with many holding existing affiliations with CAS.<sup>44</sup>

In addition to contributions in the area of sports disputes, the QSAT is also positioned to enhance the overall development of Qatar's sports infrastructure. While the benefits of national tribunals have been considered in relation to sports law and disputes, no significant attention has been given to potential spillover effects to other sectors. While it is difficult to measure such benefits, the QSAT should bolster Qatar's ongoing investment in sports as well its broader national development strategy.

The QSAT provides a form of soft power and influence-building within the sports sector. Becoming a leading hub for dispute resolution would allow Qatar to accentuate

---

<sup>42</sup> "QSAT Publishes its Awards," (September 5,2020). <https://www.qsaf.qa/en/qsat-publishes-its-awards/>

<sup>43</sup> The QSAT President has made references to such considerations in speaking to the founding objectives of the Tribunal: "With the rapid developments in the sports sector, the need for judicial proceedings available for this sector became evident. We believe that the creation of a specialized, independent body for the sports sector with the authority to oversee and resolve sport-related disputes has become a necessity to ensure that the separation of powers is achieved in resolving sports-related disputes, and that such disputes are settled and resolved by virtue of mechanisms and procedures that guarantee to safeguard their specificity and in accordance with international practices in this area." <https://www.qsaf.qa/en/president-message/>

<sup>44</sup> The list of arbitrators is available at <https://www.qsaf.qa/en/list-of-arbitrators/>

its role within the sports governance and integrity field. In this respect, the QSAT serves a similar role as the Qatar Anti-Doping Laboratory. The Anti-Doping Laboratory is the only World Anti-Doping Association (WADA) accredited institution in the region and thus gives Qatar a prominent international platform. The QSAT, like the anti-doping laboratory, contributes to establishing a critical mass of complementary institutional initiatives in this key strategic area.

Institutions like the QSAT have impact beyond their narrow sphere of operation. They contribute to the enhancement of Qatar's overall sports governance framework in ways that meet domestic needs while projecting a commitment to international best practices.<sup>45</sup> All the more so for emerging countries like Qatar, having an effective and transparent system of sport governance is critical for continued growth in the sports field. Along these lines, Stanis Elsborg proposes that "a solid governing framework for sport is essential in building a modern and progressive state." Qatar's investment in institutions like the QSAT can thus be seen as part of a larger state-building project.<sup>46</sup> The QSAT is one of many initiatives that Qatar has launched in recent years to enhance its legal and judicial infrastructure and construct a modern state committed to rule of law. In the respect, the QSAT reflects the same state-building impulse as the Qatar Financial Center, the Qatar International Court and Dispute Resolution Center, and the Qatar Free Zones Authority. The QSAT contributes to Qatar's development of a

---

<sup>45</sup> See "The Growth of Sport Law in the UAE." <https://www.lawinsport.com/topics/features/item/the-growth-of-sports-law-in-the-uae>.

<sup>46</sup> Stanis Elsborg, "Sport as a driving factor in Qatar's National Development Strategy 2018-2022." [https://www.playthegame.org/news/comments/2018/073\\_sport-as-a-driving-factor-in-qatars-national-development-strategy-2018-2022/](https://www.playthegame.org/news/comments/2018/073_sport-as-a-driving-factor-in-qatars-national-development-strategy-2018-2022/).

sophisticated and diverse legal landscape that enhances its overall business and commercial environment. It signals to both internal and external stakeholders that the country is connecting initiatives in sport to a broader legal culture. Regardless of how the QSAT develops and takes shape in the coming years, it serves an important symbolic and substantive role in the sports sector and beyond.

## **Study Questions**

1. What is the structure of sports dispute resolution and why has it taken this form?

What are its advantages and limitations?

- Sports disputes are a largely private undertaking.
- They are part of the self-governance system of international sport.
- Arbitration is the principal mechanism employed.
- Sports disputes can be resolved efficiently by experts.
- Some concerns have been expressed that this system unfairly limits the rights of athletes who typically do not have a choice to pursue remedies through other means.

2. What role do national dispute resolution tribunals have within the framework of international sports?



- National-level dispute tribunals are becoming increasingly common, particularly in the Gulf.
- They offer a centralized institutional location for resolving many disputes and are well-positioned to provide high quality panels.

3. What role can the QSAT have within a broader strategy for enhancing Qatar's position within international sport?

- The QSAT contributes to Qatar's institution-building initiatives within sport.
- It highlights Qatar's growing involvement in aspects of sports governance.
- The institution has an international and outward-focused character that enhances the country's reputation within sports law.

4. What impact might the Qatar Sports Arbitration Tribunal have within Qatar's legal and business landscape? How can the institution be leveraged to support broader national development objectives?

- The QSAT demonstrates Qatar's commitment to developing legal institutions that evidence a commitment to rule of law.

- The QSAT is part of a broader pattern within the country of launching specialized legal institutions that build confidence in Qatar's business and investment environment.

### **Further Reading**

Jeffrey Benz, "Common Issues in International Sports Arbitration," *Pepperdine Dispute Resolution Law Journal* 10:1 (2019): 165-171.

I.S. Blackshaw, "Sports' Governing Bodies," in Blackshaw, *International Sports Law: An Introductory Guide* (Asser, 2017): 21-29.

Lloyd Freeburn, *Regulating International Sport: Power, Authority, and Legitimacy* (Brill, 2018).

Neil King, *Sport Governance: An Introduction* (Routledge, 2016).

Johan Lindholm, *The Court of Arbitration for Sport and Its Jurisprudence* (Asser, 2019).

Nick De Marco, *Football and the Law* (Bloomsbury, 2018).

David McArdle, *Dispute Resolution in Sport: Athletes, Law and Arbitration* (Routledge, 2014).

Richard H. McLaren, "The Court of Arbitration for Sport," in Nafzinger and Ross, eds., *Handbook on International Sports Law* (Edward Elgar, 2011): 32-64.

Matthew J. Mitten, "The Court of Arbitration for Sport and its Global Jurisprudence: International Legal Pluralism in a World Without National Boundaries," *Ohio State Journal on Dispute Resolution* 30:1 (2014): 1-44.

James A.R. Nafzinger, "A Comparison of the European and North American Models of Sports Organisation," *The International Sports Law Journal* 3-4 (2008): 100-108.

Antonio Rigozzi and William McAuliffe, "International Sports Arbitration," *Global Arbitration Review* (April 20, 2017).

Mohammed Ben Sulayem, Sean O'Connor and David Hassan, eds., *Sport Management in the Middle East* (Routledge, 2013)