

EFFECTIVE MEDIATION STRATEGY AS A MEANS OF CONFLICT MANAGEMENT AND RESOLUTION IN SPORTS

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Abstract

The article studies the nature of conflicts in sports. It focuses on mediation as a strategy for managing and resolving disputes related to sports. The article identifies five unique kinds or sources of conflicts in sports that are not totally different from the common types of conflict in regular human activities. It projects three mediatory strategies for resolving sports conflicts- win-win, win-lose, and lose-lose approaches. It, however, finds that there are sports conflicts that may be unresolvable by a third party (mediator); hence the need for the founding of the Court of Arbitration for Sports in the early 1980s. The article posits that for the mediatory strategies to gain more grounds in the resolution and management of sports conflicts, stakeholders and all participants in sports must learn to be 'good losers and gracious victors'; a value or principle which sports represent in their entirety.

Keywords: Sports, Conflict, Conflict management, Mediation, Resolution

Introduction

Man is born into a web of interrelationships. All through his existence in the world, he relates with his fellow men by engaging or participating in various forms of human activities. Sports are some of the most common human activities. From the earliest periods of human civilization, man has, in one way or the other, engaged in physical activities that relate to sports. Any kind of human activity that is recreational will hardly fail to meet the requirements for being classified as sports. This indicates how relevant sports are to the human mode of being in the world.

There are multiple types of sporting activities, some of which are: football, basketball, hockey, cricket, cycling track events, etc. These activities are very entertaining and, among other things they can be quite financially, economically, mentally and sociologically rewarding. Today, numerous individuals across the globe have sports to thank for their livelihood, fame and success. Owing to the global attention that some sporting activities have been able to amass, they have been quite instrumental in enhancing global unity and peace. Ironically, though, some sporting activities provide a platform for expressions of some people's deep-seated bias prejudices against others. Such social ills as racism, bribery, corruption, partiality, etc, not only pitch their tents in some institutionalized sports organizations, but mar the beauty and social benefits of some of these sporting activities. Sometimes, the attendant conflicts of some of these social ills in the area of sports appear quite insurmountable. Like every other human endeavor, sports are challenged by conflicts due to disagreements and clash of interests between different individuals or between groups of individuals.

This research reflects on the nature of sports conflicts as well as the management of such conflicts. It exposes the role that mediation as a means of conflict resolution can play in the management of sports conflicts.

Meaning of Conflict

Conflict can simply be described as a clash of interests. Conflict is an outcome of behaviors. It is an integral part of human life. Whenever there is interaction there is conflict. Conflict means expression of hostility, negative attitudes, antagonism, aggression, rivalry, and misunderstanding.ⁱ Rahim notes that there is no single universally accepted definition of conflict.ⁱⁱ He however posits that the term conflict can either refer to a situation or to a mode of behaviour.ⁱⁱⁱ He, thus, defines conflict as “an interactive process manifested in incompatibility, disagreement or dissonance within or between social entities.”^{iv}

Theoretical controversies over the subject of conflict and its resolution have survived a long history of studies. From the very outset, scholars do not agree whether conflict is a disjunctive process or sociation.^v Some scholars have contended that conflict has a divisive effect. For instance, Durkheim (cited in Sipova, 1989) considered conflict as an abnormal phenomenon. He used the term anomie or pathology to describe it. Similarly, Wilson and Kolb (cited in Colser, 1964) believe that conflict has a disjunctive effect.^{vi} Many other scholars have repudiated this view. Park and Burgess (1921) and Simmel (1955), cited in Colser (1964) argue that every interaction among men is a sociation, so is conflict.^{vii} Conflict is a means to solve and avert complete fission, thereby preserving some kind of unity. Similarly, Bohannan characterizes conflict to be as basic as culture is in society, and that it can possibly be controlled and utilized profitably for better cultural development and maintenance of social order.^{viii} Schellenberg states that conflict is neither bad nor good but is one of the essentials in human social life.^{ix} Marxists consider conflict not only as built into the social system but also as the primary stimulus for social change.^x Francis Fukuyama also projects the same view in developing his ideas on political order.^{xi}

There are different types of conflicts. Below is a brief exposition:

Interpersonal conflict: This is a kind of conflict that occurs between two people. Conflicts between people can arise from many individual differences, including personalities, attitude, values, perceptions and other differences. It may be substantive or emotional or both. This is the most common type of conflict.

Intrapersonal conflict: This type of conflict occurs within the individual person and wrecks a kind of havoc that affects the whole of the individual's lifestyle and activities. Though it is a kind of conflict that arises due to personal crises, the effect may sometimes go beyond the individual. It is the most difficult form of conflict to analyze and manage because it is personal and particular; only the concerned person knows exactly the source of the conflict. Most times, the individual experiencing the conflict may not be ready to open up. It arises when a stimulus evokes two different and incompatible tendencies and the individual is required to discriminate between these tendencies.^{xii} In such a situation it is common for individuals to experience frustrations and to allow their conflict situation to be expressed in a range of behavioral strategies

ranging from apathy and boredom to absenteeism, excessive drinking or destructive behaviour.^{xiii}

Intergroup conflict: This type of conflict occurs among members of different teams or groups. It can arise from such emotional dispositions as jealousy, overzealousness, discontentment, etc. Intergroup conflicts are quite common in organizations, and it can make the coordination and integration of tasks very difficult. A classic example of intergroup conflict is conflict among functional groups or departments- such as marketing and manufacturing-in organizations.

Intragroup conflict: This type of conflict occurs among members of the same group or team. There are two types of intragroup conflict: task conflict and relationship conflict.^{xiv} Task conflict is a perception of disagreement within group members or individuals about the content of their decisions and involves differences in viewpoints, ideas and opinions. For example, task conflict about the distribution of resources, about procedures or guidelines and about the interpretation of facts.^{xv} Relationship conflict is a perception of interpersonal incompatibility and includes annoyance and animosity among individuals.^{xvi}

Inter-organizational Conflict: This occurs between two or more organizations. Competition can heighten inter-organizational conflict. Corporate takeovers, mergers and acquisition can also produce inter-organizational conflict. For example, two major companies dealing on cement in Nigeria can be in conflict over pricing or some other valuable assets. This conflict is strictly inter-organizational. However, inter-organizational conflict can also occur within one complex organization that has many organs. When two different organs of the same organization are in conflict, it is inter-organizational. This could be vertical or horizontal. It is vertical when a higher organ conflicts with a lower organ. It is horizontal when two equally placed organs conflict with each other.

Sports conflicts

Sport is an important aspect of human life, be it on the personal, interpersonal, national or international levels. There are different kinds of sporting activities; some of the most popular sporting activities today are football, basketball, formula one and rugby. Nations and persons from different parts of the globe have earned millions of dollars from organizing or participating in one form of sport activity or the other. Most of the popular celebrities worldwide today are sportsmen and women. In spite of the fun, entertainment, pecuniary gains, and other benefits that are generated by sports, conflicts of various kinds sometimes threaten the continuous existence of sports. Sports conflicts can, therefore, be described as all forms of disputes that arise due to participation in sporting activities. These conflicts can either occur among members of the same team or between members of two different teams. It can occur between coaches and the members of their team or between coaches of two different teams. It may also occur between two organizing bodies of a specific sport activity or even among members of a particular organizing body. For instance, conflict can arise between Nigeria Basketball Association and her counterpart in Ghana. The conflict can also be just among members of Nigeria Basketball Association. This intra-association

form of conflict is perfectly exemplified in the Nigerian Football Federation (NFF) where there are incessant leadership tussles among the executives.

Just as there are different types of conflict in the ordinary human setting, there are also different types of conflict in sports. The types of conflict discussed above are not entirely different from those manifested in sports. Thomas Harvey and Bonita Drolet in *Building Teams Building People*, identified and discussed the following as the types of conflict peculiar to sports:

Values Conflict: This kind of conflict is a consequence of struggles over beliefs, tenets or principles. According to Harvey and Drolet, value conflicts are not easily resolved because to the conflicting parties, their values are both upright and sacrosanct. No human person would like to see the values that they uphold questioned or violated. Harvey and Drolet suggest that in value conflicts, most times both sides simply agree to disagree.^{xvii} Joe Marcos, an athletic administrator recounts his experience of values conflict:

One example I have recently dealt with happened when the parents of a young man complained about a consequence we gave their child for a flagrant violation (fighting) in an athletic contest. The rule policy is clear you are ejected for fighting. The parents, who came in to see me, valued aggressive play. They viewed it as a part of the game. They felt our penalty was excessive. Our belief systems were in opposition.^{xviii}

Value conflicts appear in various forms in sporting activities. It can result on account of intra-team or inter-team conflicts. It can even result on account of inadequately managed inter organizational conflicts. In football, for instance, the referee is a very influential force. Of course there are regulations guiding the referee as he/she officiates at a football game. Be that as it may, the referee is also required to employ his/her personal initiative and personal judgment in decision-making on situations that arise on the pitch. Sometimes, it becomes very controversial in moments when a penalty kick is awarded for a not-so-obvious infringement. Some referees may ignore the supposed infringement and allow play to continue, yet some others would award a penalty kick. This interpretation is strictly based on differences in the values of the referees which firmly affect their judgment. Issues like these have resulted to serious conflicts in football and many other sports. On 31st May 2019, a CAF (Confederation of African Football) champions league final match between Esperance of Tunisia and Wydad Casablanca of Morocco was abandoned as a result of a decision made by a Gambian referee (Bakary Gassama). The decision led to a goal; and a heated conflict ensued between the two teams due to values conflicts. It lasted for over an hour. The game was, therefore, terminated.

Tangible Conflict: Harvey and Drolet suggest that this type of conflict arises from disputes over quantities that can be measured, shared or counted. Conflicts over money, personnel, benefits, or facilities are some examples. Tangible conflicts are more readily resolved than other forms of conflict, suggests Joe Marcos. The reason is that the factor responsible for the conflict is quantifiable and easily redeemable or even renewable, unlike in values conflict where there is almost nothing available to be used

as the fulcrum of negotiation. Hence, when a player is having contractual disagreements with his employers (the club), it is a tangible conflict. When two sports associations are battling for a particular sportsman/woman to represent them in a competition (as with the case of Gloria Alozie, a Nigerian athlete who wished to represent Spain at the Olympics), it is a tangible conflict.

Interpersonal Conflicts: This kind of conflict is very common in human interrelationships. Interpersonal conflict in sports takes similar shape as it does in other facets of human activities. It is a type of conflict that exists between two or more persons working within the same team or different teams. Many factors can catalyze this conflict (see the earlier discussion above). Joe Marcos suggests that interpersonal conflict is very common in sports and they are the second most difficult to resolve.^{xix} According to him, “The most important thing to remember is that interpersonal conflict is most often the secondary result of another conflict. Take your time and look for the possibility of another conflict.”^{xx} He offers two examples of this:

I sometimes hear a coach verbalize dislike for another coach. The coach says something like, ‘he is a jerk’ or they don’t just talk to each other. At first you may label this as an interpersonal conflict. The real reason they don’t speak to each other, however, is that one coach is upset because he feels the coach is not allowing his athletes to participate in the other’s sport. Another example presents itself when parents come to me and complain that a particular coach does not like their child. As the conversation develops, the true complaint surfaces as lack of playing time. Both of these scenarios originate in other types of conflicts.^{xxi}

Boundary Conflicts: This is the kind of conflict that arises in sports when concerned parties feel that their rights to some property or asset have been abused due to encroachment or intrusion. Harvey and Drolet identify two types of boundary conflicts-boundary penetration and boundary expansion. Boundary penetration occurs when an individual or a team intrudes into the affairs of another individual. For instance, when a coach seeks information about the plan or tactic of the opposing team unethically or when he seeks to control the members in the team of another coach. Such things as these can lead to serious conflicts. Boundary expansion occurs when the benefits accruing to some persons are tampered with without their permission. Consider the disputes that struck some sports clubs across all sporting activities in the globe in the wake of the Covid 19 pandemic. As a result of almost total seizure of all human activities due to the pandemic, most clubs ran into economic crises. Sporting activities were also brought to a stop. The consequence was that most sports clubs could not cope with the payment of their staff salaries. They embarked on rapid cut downs of their staff strength. Some even went as far as attempting to cut down the wages or salaries of the primary members of their staff- those constituting the players in the teams- thus undermining their welfare. This led to serious conflicts in some quarters where the attempted cut down was made without the knowledge or permission of the players. This is an example of boundary conflict.

Perceptual Conflicts: This point to the form of conflicts that arise as a result of misunderstanding due to a wrong perception of the motive of another. It is the easiest type of conflict to resolve in sports. Most times, once the wrong perception leading to the misunderstanding surrounding the conflict is cleared, the conflicting parties are reconciled. It must, however, be noted that perceptual conflicts can lead to worse forms of conflict if the coast is not cleared early enough. This is because the misunderstanding may lead to more injuries that can enlarge the gulf between the parties; leading to more acrimony. Joe Marcos recounts his experience on perceptual conflicts:

Perceptual conflicts are the result of a mutual misunderstanding. Most of the parent/coach conflicts are in the perceptual area. This type of conflicts usually results from a failure to communicate. When parents come in to complain about playing time, they usually do it under the guise of the coach not treating their child/children fairly. In most cases, this is resolved when the coach explains to the parent that the reason for the lack of playing time is because their child has missed practice, or has not been hustling, or in some cases, is not academically eligible. Communication is the preferred strategy to resolve this.^{xxii}

Perceptual conflicts are very common in sports. It can lead to the failure of a team if not properly managed. Sports activities are all about promoting team spirit. This is why all sports activities, even the individual events, are built around teams. Take for instance a boxer, though he goes into the ring alone, there are training, welfare, and medical staff at the background that prepare him and ensure his success. Without this team, he ends up as a failure. In fact, he cannot be without them. Communication is key to building a formidable team spirit. Hence, any team that lacks good communication culture may be having problems due to occasional conflicts. A coach with poor communication skills will always generate perceptual conflicts from his players. A player agent, say in football, who lacks quality communication skills will continue to constitute a nuisance to the player he represents, thus, undermining the player's relationship with his clubs and members of his team. A player too with poor communication skills would be easily misunderstood, and this might lead to perceptual conflicts between him, his fellow players and even the fans. Cases of this nature abound plentifully in soccer and other team events.

Conflict Management and Resolution

Conflict management may be described as the process of limiting the negative aspects of conflicts while increasing the positive aspects.^{xxiii} It is the process of limiting the factor catalyzing conflicts by introducing an element(s) that will help placate the parties involved. The aim of conflict management is to enhance performance and group outcomes. Conflict resolution involves the reduction, elimination or termination of all the forms and types of conflict. Conflict management and conflict resolution are related, but they are not entirely the same. Conflict management minimizes the negative outcomes of conflicts and promotes the positive outcomes; the goal is to improve learning within an organization and enhance performance output. The target is not necessarily to resolve or terminate the conflict as is the case with conflict

resolution. The target in conflict management is to find a way (ways) for the conflicting parties to continue to perform optimally even in the midst of the conflict; whereas conflict resolution aims squarely at terminating the conflict and reintroducing peace between the conflicting parties. Conflict management aims at containing conflict while conflict resolution aims at resolving conflicts. Both conflict management and conflict resolution are critical to conflict mediation in sports.

With good conflict management, the members of a sports team may be acrimonious with one another, yet they would be able to put their differences aside and unite as one to win games and push forcefully to win the championship being contested. One of the best methods for conflict management and resolution both in sports and other facets of human endeavour is mediation.

What is mediation?

In legal parlance, mediation is a form of Alternative Dispute Resolution (ADR) that resolves disputes between two or more parties with concrete effects. Generally, mediation is a term used in reference to any instance in which a third party helps others to resolve a conflict. It may also be described as a dynamic, structured, interactive process where an impartial third party assists disputing parties in resolving conflicts through the use of specialized communication and negotiation techniques.^{xxiv} The mediator is considered the “qualified neutral” or unbiased individual who helps the parties communicate.^{xxv}

It should be noted that mediation is not entirely the same as -or limited to- negotiation. Negotiation is just a constitutive part of mediation. “Mediation has a structure, timetable, and dynamic that “ordinary” negotiation lacks.”^{xxvi} The process is both private and confidential and sometimes, could be enforced by law. Participation is usually voluntary, although openness is key during the process of mediation. The mediator acts as a neutral third party and facilitates rather than direct the process. The main goal of mediation is for the parties in conflict to come to a mutual agreement about the issues that have arisen between them.^{xxvii} Mediators have a very important and delicate position in the mediation. They must simultaneously control the progression of the mediation, while also giving the parties control over the agreements, decisions and discussions between the parties. The parties participating in the mediation can be the individuals in conflict (such as the couple in a divorce mediation), the lawyers representing the individuals, or even the parties with their lawyers.^{xxviii} Each of these circumstances requires a different approach, according to the mediation’s specific needs. This involves a great deal of flexibility - on the mediator’s part - in creating the approach that is necessary for the specific moment within each mediation. Since mediations are centered on conversation and communication between the parties facilitated by the mediator, the mediator must have very adaptive language skills. An important quality of mediation and the job of a mediator is ‘being evaluative’. This is because in mediation, the mediator analyses issues and relevant norms (reality-testing), while refraining from providing prescriptive advice to the parties (e.g., you should do...).^{xxix}

Conflict Mediation in Sports

Mediation is an important method for the management and resolution of conflicts in sports. Bargaining and negotiation are two important principles in conflict mediation in sports. Bargaining refers to discussions between people in order to reach agreement on an issue such as prices, wages, working condition, etc. Negotiation is a dialogue between two or more persons or parties intended to reach a beneficial outcome over one or more issues where a conflict exists with respect to at least one of these issues. It is an interaction between entities that compromise to agree on matters of mutual interests, while optimizing their individual utilities.^{xxx}

Bargaining takes three forms- it can be hard, soft or principled. In hard bargaining, the parties involved are competitive, there is distrust and the use of threats by the parties involved. In soft bargaining, there is display of trust and friendship from the conflicting parties. In principled bargaining there is no demonstration of trust or distrust by the parties involved; both simply work for their mutual benefit. These forms of bargaining have led to the classification of bargaining into two broad classes; distributive and integrative. Distributive bargaining is an approach in which the goals of one party are in direct conflict with the goals of the other party. It is a competitive or win-lose approach to negotiations. Integrative negotiation focuses on the merit of the issues and is a win-win approach. Both parties hold positive attitude, understand the needs of one another and focus on establishing long term relationship.

It is the function of the mediator to resolve conflicts. The conflicting parties cannot do this on their own; that is why they are in conflict, after all. He (the mediator) decides on the procedure to take in the management and resolution of conflict depending on the nature of the task he is confronted with. That is, the approach the mediator chooses depends on whether the conflict is distributive or integrative. There are three orientations the mediator may choose from while mediating over a sports conflict. These three approaches are drawn from the foregoing discussions. They are:

- **The Lose-Lose Approach:** this is a type of conflict that the mediator knows has the tendency to end negatively to the parties involved. None of the parties involved in such conflicts stand to benefit from the conflict no matter how far they push their individual positions. The mediator, as a professional, is quick to identify this. In some occasions, the parties are aware of what they stand to lose at the end, but driven by their ego they continue to push their positions, thus, aggravating the conflict. In some other occasions, they may not be aware that they stand to gain nothing from the conflict. In both cases, the function of the mediator is to call their attention to the loss they stand to incur on themselves as a result of the conflict, and make them see reasons for a truce. Once this is done, egos are self-crushed and conflict resolved.

We see this manner of conflict play out routinely in sports. Let us illustrate with a common experience in soccer. A coach enters into serious ego clash with a top player in his football team that results into a serious conflict between the coach and the player. This, if not resolved, leads to dire consequences that mar the performance of the entire team. Some coaches may decide to bench such a player no matter how good he is; a way of exercising control and authority over the player. The player, meanwhile, knowing how

important he is to the team refuses to meet with or apologize to the coach. The team performance gets worse every day because the best player is not allowed to feature by the coach. The entire team suffers as a result. They lose matches after matches and may even lose the championship as a result. The player concerned could also lose his value and contention to win the best player award as a result of his continuous stay outside the team. In this scenario, everyone is losing; yet the conflict is maintained. A third party must be invited here to mediate and resolve the dispute on time; else the whole team is destroyed. A mediator invited into this case would simply employ the lose-lose approach to help the conflicting parties see their losses and bury the hatchet.

- **The Win-Lose Approach:** This approach is applied in resolving conflicts that the mediator knows only one of the conflicting parties may benefit from at the end. A win-lose orientation results in one victorious party, often at the expense of the other. This is a very tricky kind of conflict resolution and it demands thorough expertise to handle and resolve. Of course, given the competitive nature of man, no one would prefer to be the loser in a contest, let alone a contest in which egos have been strained. Such conflicts, if not carefully handled, can endanger the life of the mediator who may be misconstrued by the losing party as being biased. However, in certain conflicts, it may be the case that going by the nature of the matter in contention it would only be possible that one party would have to benefit from the situation even after thorough and unbiased resolution. The disadvantaged party may be aware of the situation, but the pains of loss may becloud his sense of judgment, thus, aggravating the conflict. In this case, the mediator needs to have a lot of personal encounters and frank conversations with the disadvantaged party, helping him/her to consider the situation from a more holistic and realistic point of view. This would help prepare this party to let go and allow peace to reign. Meanwhile, the advantaged party must also be made to understand that he is only fortunate to be at the privileged position. Hence, the mediator must make him to see reasons to share some of his benefits with the other party (a demonstration of understanding and peaceful pact). This will help soothe the pains felt by the disadvantaged party.

A good instance of this type of conflict resolution in sports is the conflict perplexing many football associations in the world due to the termination of the football season because of the Covid 19 pandemic. In France, PSG was awarded the French league title about ten games before the actual end of the season. Some clubs benefited from the abrupt end to the season while others were at the losing end. Club sides like *PSG*, who were at the top of the league table and therefore had sealed their place in the next European championship were happy with the decision. Others, like *Olympic Lyon, Nice and Reim* who were still struggling to gain European positions were not pleased with the decision. The worst hit were such club sides like *Amiens and Toulouse* who were fighting relegation at the time of the abrupt break. As a consequence of the sudden end to the football season, they were automatically relegated to the French League 2. The attendant loss and damage are enormous and almost

unbearable, especially because with the remaining ten matches (not played), they stood a fair chance of escaping relegation. The situation now is that Olympic Lyon and Amiens are preparing to take the French Football Association to court for the damages caused. A mediator can however be invited to resolve the dispute amicably. The case now is between the football association and aggrieved clubs. It is a win-lose situation as it is. The termination of the season was influenced by a pandemic no one expected and which mankind as a whole is suffering. The termination of the league was also done to protect the players and their families from the novel Covid 19 pandemic. Also, the act of terminating the season is not peculiar to France; other leagues across the globe are taking similar measures. More so, the body in charge of football globally (FIFA) was in fact, the one that first suggested that individual national football associations may terminate their football season if they cannot complete it due to the virus. Hence, there is hardly a way the aggrieved clubs could win the case even if they sought hearing in the Court of Arbitration for Sports (CAS). That same court is governed by FIFA rules. The mediator must make the clubs see these variables and thus give them a clearer picture of the situation. This will help them accept their fate and welcome the decision of the governing body instead of investing time, money and other valuable resources in pursuit of a case that they will necessarily end up losing. With effective mediation, even though they are at the losing end, the French Football Association may still be prompted to offer some incentives to them as a compensation for their loss. This they may not get if they decide to push the case to CAS.

- **The Win-Win Approach:** this is the most pleasant approach to conflict resolution. It is a kind of approach adopted when it is certain that both parties can benefit from a dispute. However, if it is the case that both conflicting parties can benefit, one wonders why the conflict would occur in the first instance? The conflict (in spite of the implicit possibility of just benefit for both, if settled) can continue for centuries due to such human factors as greed, ignorance and superiority/inferiority complex. The task of the mediator in such a situation is to help the parties overcome their greed and ignorance and see the other side of the picture- “oh, we can actually share this between ourselves and still make much benefit from it.” As soon as this awareness is made and consciously accepted by the parties, the conflict is resolved. In fact, the parties may even shift from the position of enemies to that of best of friends and associates.

An example of a win-win situation in sports conflict is made evident also during the Covid 19 pandemic. Some football associations, instead of opting for a win-lose approach- as was the case in France and Scotland- decided to go for a win-win decision. That was the case with the Dutch football association. The season was terminated but the top team Ajax Amsterdam was not awarded the title. Also, no teams were relegated. It was therefore more of a win-win situation for all the parties involved- the Football association, the clubs and the fans. They all recorded similar losses and gains as a result of the

termination imposed due to Covid 19. The 2019/2020 football season in the Netherlands was thus considered null and void.

It should be noted that any conflict that pertains to any sports, if not successfully arbitrated by a third party (mediator) has the potential of being taken to court. However, the courts where such cases are tried are not the normal secular courts found all over the place in different countries. The Court of Arbitration for Sports is the universal body charged with the responsibility of resolving those sports-related disputes that defy resolution outside the four walls of a court of law.

The Court of Arbitration for Sports

Juan Antonio Samaranch (1981), as the Head of the International Olympic Committee, advocated the idea of establishment of the Court of Arbitration for Sports (CAS) to adjudicate in sports-related disputes in the sporting environment in specialized and fast manners. Hence, the CAS was established in 1983 and began its work in Lausanne, Switzerland. The court's system of operation has been changed a lot during its lifetime and the most important changes include independence of the court from National Olympic Committee and the establishment of International Council of Arbitration for Sport (ICAS).^{xxxii} Later on, the Supreme Court of Switzerland confirmed the CAS as an independent court through two cases in 1992 and 2003^{xxxiii}. Such renowned global sporting organizations as the International Olympic Committee and international federations gradually provided more supports for the court and the jurisdiction of the court was accepted by all stakeholders. CAS began its work in 1986 through the handling of just a case, but had a register of about 408 requests for arbitration by 2014. The number was increased to 500 cases in 2015 and this shows acceptance and vote of confidence on CAS by the global sports community.

The Procedural Rules of the court are composed of two parts, including Ordinary Arbitration Procedure and Appeal Arbitration Procedure that are dominant on hearing method in the court, with a few differences.^{xxxiii} According to article 27 of Code of Arbitration for Sport-related Disputes, these procedural rules apply whenever the parties have agreed to refer a sport-related dispute to the CAS.^{xxxiv} Such disputes may arise out of an arbitration clause inserted in a contract or regulations or of a later arbitration agreement (ordinary arbitration proceedings) or involve an appeal against a decision rendered by a federation, association or sports-related body where the statutes or regulations of such bodies, or a specific agreement provides for an appeal to the CAS (appeal arbitration proceedings). Such disputes may involve matters of principle relating to sport, pecuniary matters or other interests brought into play in the practice or the development of sport and, generally speaking, any activity related or connected to sport. These procedural rules also apply where the CAS is called upon to give an advisory opinion (consultation proceedings).^{xxxv}

Conclusions

Human beings are competitive by nature. Scholars like Francis Fukuyama (*The Origins of Political Order, End of History*) have established that it is the competitive nature of man that has led to the many scientific and technological breakthroughs that have attended human civilizations all through history. This competitive nature of man is also the reason for which conflicts are common phenomena in human interrelationships.

Such social vehicles of meaning as law, customs, religion and even education are there to help checkmate conflict in the society.

Sports are an important part of human existence, especially in the contemporary world. Like other facets of human life, sports are sometimes disturbed by conflicts. This research has demonstrated that there are unique ways for effectively handling sport-related disputes. Three important approaches to mediation were identified and exposed as the strategies to be employed in mediating over sports-related conflict outside the court of law. The research also identified the CAS (Court of Arbitration for Sports) as a specialized law institution where those sports-related disputes sports that cannot be resolved by a third party (individual mediator) are resolved. The implication of this is that sports conflicts are not arbitrated in such ordinary sub-national courts as the various High Courts, Supreme Courts, Appeal courts etc in different nations of the world. All issues related to sports are arbitrated at the CAS which has its headquarters in Switzerland.

Recommendations

Sports are a unique form of enterprise. They are both competitive and pleasurable; appealing to almost all manner of human persons. They have the capacity of either bringing individuals together as friends or drawing them apart as enemies- depending on a number of variables- due to the force and strong passion/excitement it elicits. Sports are supposed to be an instrument that promotes friendship, not enmity and acrimony. The research makes the following recommendations:

- Sportsmen and women should learn to imbibe the principle of ‘just rivalry’ in competition and avoid issues that may lead to violence and disagreement.
- Sports stakeholders should learn to appreciate the role of a mediator in settling sports disputes. This will help save time and resources wasted at the Court of Arbitration for Sports.
- There are always winners and losers in every sports finale; sports stakeholders and participants should therefore learn to be good losers and gracious victors. These qualities will help to quicken the processes of conflict resolution.

Endnotes

ⁱD. Thakore, “Conflict and Conflict Management,” *IOSR Journal of Business and Management (IOSR-JBM)*, Volume 8, Issue 6 (Mar. - Apr. 2013), 7-16, p. 7.

ⁱⁱ M. A. RAhim, *Managing Conflicts in Organizations* (Transact Publishers, 2010), p. 15, retrieved 10/05/2020.

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v D. Thakore, “Conflict and Conflict Management,” *IOSR Journal of Business and Management (IOSR-JBM)*, p. 7.

^{vi} Ibid.

^{vii} Ibid.

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- viii See, Bohannan (1967: XI - XIV) in D. Thakore, "Conflict and Conflict Management," *IOSR Journal of Business and Management (IOSR-JBM)*, p. 7.
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- xi See, F. Fukuyama, *The Origins of Political Order, The End of History*.
- xii D. Thakore, "Conflict and Conflict Management," *IOSR Journal of Business and Management (IOSR-JBM)*, p. 9.
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