

## **CONCEPTUALISING CONFEDERATION OF AFRICAN FOOTBALL AND OPERATIONALISING SPORTS ARBITRATION IN AFRICA**

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### **Abstract**

*Disputes are inevitable in human interaction. The Court of Arbitration for sports is a platform for dispute resolution. This paper examined the legal and institutional framework governing sports arbitration in Africa, focusing on the Confederation of African Football (CAF). It analyzed CAF and FIFA's internal dispute-resolution mechanisms and the appellate role of the Court of Arbitration for Sport (CAS). The paper also explored national legal frameworks, highlighting recurring challenges such as lex arbitri, enforcement barriers, limited access to justice and political interference. Representative case law was assessed to illustrate these dynamics. The paper proposed practical reforms for a more coherent and accessible Africa-centered arbitration system, advocating a balanced approach that retains CAS's neutrality while enhancing continental capacity through harmonized legislation, regional arbitration networks and inclusive access measures.*

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## 1.0 INTRODUCTION

The management of sports, especially football, goes beyond the excitement of the game, it involves intricate systems of governance, administration and legal regulation. Inevitably, these structures sometimes give rise to disputes, whether over player transfers, eligibility concerns, contract disagreements or even political interference within national football bodies.<sup>1</sup> In Africa, the Confederation of African Football (CAF) stands at the center of this governance landscape, serving as the main authority responsible for overseeing and resolving such disputes.<sup>2</sup>

CAF operates through a layered dispute-resolution structure that interacts with national football associations, FIFA's regulatory framework and ultimately, the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.<sup>3</sup> This multi-level arrangement provides several advantages: it brings specialized knowledge, ensures procedural consistency and allows for a sense of finality through CAS rulings.<sup>4</sup> However, it is not without its challenges. Many African stakeholders face barriers such as high arbitration costs, limited access to justice, inconsistent enforcement across

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<sup>1</sup> Mark James, *Sports Law* (London: Palgrave Macmillan, 2021), 55-58

<sup>2</sup> Confederation of African Football (CAF). *Statutes of the Confederation of African Football, 20222*, Art.59

<sup>3</sup> FIFA, *Statutes of the Federation International de Football Association, August 2023*, Arts. 57-59; Courts of Arbitration for Sport (CAS), *Code of Sports-related Arbitration, 2023*

<sup>4</sup> Richard McLaren, "The Court of Arbitration for Sport: An Independent Arena for the World's Sport Disputes", *Marquette Sports Law Review* 12, No. 2 (2002)

jurisdictions and persistent conflicts over which body holds proper authority.

This paper critically examines the legal framework governing sports arbitration in Africa, with emphasis on CAF's rules, its relationship with FIFA and the Court of Arbitration for Sport (CAS) and the supporting roles of African national laws and regional institutions.<sup>5</sup> This paper therefore seeks to examine these systems critically, exploring how they function in practice and identifying their challenges and ways they can be improved. The essence of the paper is to promote reforms that make sports dispute resolution in Africa fairer, more inclusive and better aligned with the realities of the continent's sporting environment.<sup>6</sup>

## **2.0 CONCEPTUAL CLARIFICATION**

Concepts such as arbitration, sports law, dispute resolution and institutional framework are central to this discussion. The focus of this paper is football disputes and wherever sports is mentioned in the generic sense, football is actually the focal point. Clarifying them ensures that the paper's reasonings and views rest on clear and consistent contextual meanings rather than assumptions or ambiguity.<sup>7</sup>

### **2.1 Arbitration**

Arbitration refers to an alternative dispute resolution method where the parties in dispute agree to have their case heard by a qualified

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<sup>5</sup> Antoine Duval, "Lex sportive and Transnational Sports Law," *European Law Journal* 21, no. 4 (2017)

<sup>6</sup> James A. R. Nafziger, *International Sport Law* (Leiden: Brill Nijhoff, 2018), 243-246

<sup>7</sup> *Ibid.*, p. 15

arbitrator out of court.<sup>8</sup> Decisions reached through arbitration are binding just like a court case is and pursuing a claim through arbitration precludes you from also raising it in the traditional court system. Arbitration is used because it is often much less expensive than litigation due to its less stringent procedural requirements.<sup>9</sup> It allows parties in conflict to present their case before an independent and neutral third party (the arbitrator), who listens to both sides and makes a binding decision. In the sports context, arbitration offers a faster, more confidential and more flexible approach than litigation. It recognizes the unique nature of sports where timing, reputation and fairness are critical. Instead of lengthy court procedures, arbitration provides an efficient platform that respects both legal principles and the spirit of sportsmanship.

## 2.2 Sports Law

Sports law is not a single codified legal system but a blend of various legal principles drawn from contract law, employment law, competition law and international regulations that apply specifically to sports.<sup>10</sup> It governs relationships among athletes, clubs, associations, sponsors and regulators. In recent decades, sports law has evolved into a recognized field of study and practice, driven by the professionalization and commercialization of sports globally. In Africa, the field is still developing, but bodies like CAF and national federations have increasingly adopted sports-specific legal mechanisms to promote discipline, transparency and justice.<sup>11</sup>

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<sup>8</sup> Cornell Law School, Arbitration, (June 2022), available at <<https://www.law.cornell.edu/wex/arbitration>>, accessed 6 October 2025.

<sup>9</sup> *Ibid*

<sup>10</sup> Nafziger, International Sports Law, 22-25

<sup>11</sup> Confederation of African Football (CAF), Statutes of the Confederation of African Football, 2022, Arts. 55-59

Sports law goes beyond organizing competitions; it includes ensuring ethical conduct, fair treatment and accountability. The legal oversight of sports institutions provides checks and balances that prevent abuse of power and safeguard the rights of all stakeholders, players, clubs and officials alike. Clarifying this concept is important, as the study aims to explore how legal and institutional reforms can improve governance and promote confidence in sports arbitration.

### **2.3 Sports Arbitration**

Sports arbitration refers to the process of resolving disputes that arise within the sporting industry through specialized arbitral mechanisms rather than through national courts. These disputes may involve contractual disagreements, disciplinary issues, match-fixing allegations or governance challenges.<sup>12</sup> The Court of Arbitration for Sport (CAS) has become the apex body for sports arbitration worldwide, setting the gold standard for fair play and consistency.<sup>13</sup> Within Africa, CAF has created internal dispute-resolution structures that align with CAS principles while adapting to regional realities such as limited resources, weak legal infrastructure and political interference in sports administration.<sup>14</sup>

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<sup>12</sup> Oseni Taiwo Afis and Olabisi D. Akingbue, “Sports Dispute Resolution in Africa: Challenges and Prospects, *African Journal of International and Comparative Law* 28, No. 4 (2020): 589-611

<sup>13</sup> Court of Arbitration for Sport (CAS), Code of Sports-related Arbitration, 2023, Introduction and R47

<sup>14</sup> Ian S. Blackshaw, Reforming the Governance of African Football: Legal and Institutional Perspectives, “*The International Sports Law Journal* 19, no. 4 (2019): 256-270

In Africa, some aspects of football law and arbitration framework includes CAF's legal department, disciplinary committees and appeal boards, as well as national sports tribunals and connections to FIFA and CAS.<sup>15</sup> These institutions work together though sometimes imperfectly to ensure that disputes are handled efficiently and transparently. However, differences in national legal systems, financial capacity and governance standards often create inconsistencies in how arbitration decisions are enforced or respected.

At the international level, sports arbitration is anchored in the FIFA Statutes, the Olympic Charter and the Code of the Court of Arbitration for Sport (CAS).<sup>16</sup> These instruments create a uniform dispute resolution system that ensures consistency across countries and sporting bodies.

The FIFA Statutes, particularly Articles 57 to 59, recognize CAS as the supreme body for resolving sports-related disputes of an international nature.<sup>17</sup> By signing on to FIFA membership, CAF and its member associations agree to be bound by this global arbitration structure. This arrangement provides legal certainty and promotes uniformity but also raises questions about autonomy and accessibility for African federations and athletes, who may find the process expensive or geographically distant.<sup>18</sup>

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<sup>15</sup> Confederation of African Football (CAF), Statutes of the Confederation of African Football (Cairo: CAF, 2023), Arts. 58-61

<sup>16</sup> Courts of Arbitration for Sports (CAS), Code of Sports-related Arbitration (Lausanne: CAS, 2023), Introduction

<sup>17</sup> FIFA, FIFA Statutes: Regulation Governing the application of the Statutes (Zurish: FIFA, 20230, Arts.57-59.

<sup>18</sup> Mike Morgan, "Access to Justice in International Sports Disputes: Barriers Facing Developing Nations, *Sports Law Review* 14, no. 2 (2020): 107-119

The Olympic Charter, through its fundamental principles, further embeds arbitration within the global sports governance model.<sup>19</sup> It establishes the independence of sports from political interference and mandates arbitration as the primary mechanism for resolving disputes.<sup>20</sup> As a result, the CAS, headquartered in Lausanne, Switzerland, has become the final arbiter for many African sports conflicts that transcend national borders.<sup>21</sup>

### **3.0 SIGNIFANCE OF THE SPORTS INDUSTRY TO THE AFRICAN ECONOMY**

Sports today have grown far beyond the idea of simple recreation; it has become a multi-billion-dollar global enterprise with far-reaching economic, social and political implications. On the African continent, football stands as the most dominant and unifying sport, capable of transcending ethnic, cultural and national boundaries to bring millions together under a shared passion.<sup>22</sup> Yet, the increasing professionalization and commercialization of sport have also led to a corresponding rise in disputes covering issues such as contractual breaches, disciplinary actions, match manipulation, eligibility controversies, player transfers and administrative conflicts. Ensuring that these disputes are resolved fairly and efficiently is essential for safeguarding the integrity, transparency and credibility of sports governance.

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<sup>19</sup> International Olympic Committee (IOC), *Olympic Charter* (Lausanne: IOC, 2023), Fundamental Principle 4

<sup>20</sup> *Ibid.*, Rule 59

<sup>21</sup> CAS, *Adamu v. Federation International de Football Association (FIFA)*, CAS 2011/A/2426 (Lausanne: CAS, 2011).

<sup>22</sup>Paul Darby, “Africa, the FIFA World Cup and the Global Politics of Sport,” *The round Table: The Commonwealth Journal of International Affairs* 99, No. 408 (2010): 531-542

The Confederation of African Football (CAF) occupies a pivotal role within Africa's sports governance framework. Since its establishment in 1957, CAF has functioned as the continent's supreme football authority, overseeing the regulation, promotion and administration of the game across its 54-member associations.<sup>23</sup> Operating in alignment with the global regulatory structure of the Fédération Internationale de Football Association (FIFA), CAF has developed internal mechanisms for handling disputes through its Disciplinary Board and Appeals Board. However, these organs function within a broader international arbitration system that ultimately culminates in the Court of Arbitration for Sport (CAS), located in Lausanne, Switzerland.

The emergence of sports arbitration as a specialized form of dispute settlement has played a crucial role in promoting fairness and expertise in sports justice. The creation of CAS in 1984 marked a transformative moment in global sports jurisprudence, providing a neutral and expert-driven forum for resolving both professional and amateur sports disputes.<sup>24</sup> African football stakeholders including clubs, players, federations and officials routinely engage with CAS, either directly or through appeals arising from CAF and FIFA decisions.

Nonetheless, the African experience with sports arbitration is not without challenges. Many athletes and clubs face barriers to accessing arbitration due to high procedural costs, limited awareness and the physical distance

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<sup>23</sup> Confederation of African Football (CAF), *Statutes of the Confederation of African Football*, 2022, Arts 2-5

<sup>24</sup> Richard McLaren, "The Court of Arbitration for Sports: An Independent Arena for the World's Sports Disputes," *Marquette Sports Law Review* 12, no. 2 (2002): 515-546

of CAS's headquarters in Europe.<sup>25</sup> Additionally, inconsistencies in national legal systems, coupled with political interference in sports administration, have weakened the credibility of arbitration outcomes. These factors often lead to delayed enforcement of arbitral awards and a perception that justice in African sport is neither swift nor impartial.<sup>26</sup>

Against this backdrop, there is a compelling need for institutional reform and capacity building within Africa's sports arbitration system. Strengthening CAF's internal dispute resolution mechanisms, promoting alignment with international best practices and enhancing collaboration between CAF, FIFA and CAS are key to building a more autonomous and credible system. This study therefore seeks to critically assess the strengths, weaknesses and reform prospects of Africa's sports arbitration architecture, with the ultimate aim of developing a fair, accessible and independent framework that reflects both African realities and global standards.

Sports is a major alternative to armed conflict issues across Africa which has been largely destructive. Africa is blessed with millions of youthful populations whose energy could be deployed to several aspects of sports. This is because sports as it is, is unifying and beneficial in terms of return on investment. It is in the light of this fact that CAF should be given the attention it deserves by African leaders because the bulk of the resources channeled into purchase of arms and ammunition could be redirected to

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<sup>25</sup> Oseni Taiwo Afis and Olabisi D. Akingbue "Sports Dispute Resolution in Africa: Challenges and Prospects," *African Journal of International and Comparative Law* 28, no. 4 (2020): 589-611

<sup>26</sup> Aisha J. Abdullahi, "The Politics of Sports Arbitration in Africa: Assessing Access to Justice for African Athletes," *African Sports Law and Policy Review* 5, no. 1 (2022): 67-85

strengthening legal and institutional framework challenges bedeviling CAF operations across Africa.

#### **4.0 CHALLENGES OF SPORTS ARBITRATION IN AFRICA**

Dispute resolution within sports, particularly football, requires efficiency, fairness and independence to preserve the integrity of the game. While the international sports community has largely embraced arbitration as the preferred method for resolving sporting conflicts, the African experience reveals a number of systemic and structural deficiencies. Despite the existence of dispute-resolution organs within the Confederation of African Football (CAF) such as the Disciplinary Board, the Appeals Board and the Ethics Committee, questions persist regarding their independence, procedural transparency and accessibility.<sup>27</sup>

##### **I. Limited Autonomy of CAF in handling African Football Disputes**

A key problem lies in the limited autonomy of CAF's internal mechanisms. Decisions are often influenced by political and administrative considerations within member associations, undermining the impartiality expected of an arbitral process. Furthermore, appeals to the Court of Arbitration for Sport (CAS), although providing an avenue for final review, remain largely inaccessible to many African players, clubs and officials due to financial constraints, geographical distance and procedural complexities.

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<sup>27</sup> Confederation of African Football (CAF), Statutes of the Confederation of African Football, 2022, Arts. 55-59

Consequently, only a small fraction of aggrieved parties is able to pursue justice at the international level.<sup>28</sup>

## **II. Friction between CAF's Regulatory Framework and National Legal Frameworks**

Another pressing issue is the lack of harmonization between CAF's regulations and national legal frameworks. Many African countries have weak or non-existent domestic sports arbitration systems, leading to inconsistency in enforcement and interpretation. This gap creates uncertainty for stakeholders and diminishes the effectiveness of arbitration as a reliable dispute-resolution tool. In some cases, national courts intervene in football-related matters contrary to FIFA and CAF statutes that require disputes to be settled exclusively through arbitration, thereby creating jurisdictional friction.<sup>29</sup>

## **III. Inadequate Knowledge of Sports Law and Arbitration by Sports Administrators across Africa**

Awareness and legal capacity in sports law and arbitration remain underdeveloped across the continent of Africa. Many sports administrators and athletes lack adequate knowledge of their procedural rights and obligations under CAF and CAS rules.<sup>30</sup> This knowledge gap perpetuates dependence on external legal representation and reinforces perceptions of

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<sup>28</sup> Oseni Taiwo Afis and Olabisi D. Akingbue, "Sports Dispute Resolution in Africa: Challenges and Prospects, *African Journal of International and Comparative Law* 28, no. 4 (2020): 589-611

<sup>29</sup> FIFA, Statutes of the Federation International de Football Association, August 2023, Arts. 57-59

<sup>30</sup> Aisha J. Abdullahi, "The Politics of Sports Arbitration in Africa: Assessing Access to Justice for African Athletes, "African sports Law and Policy Review 5 no. 1 (2022): 68-72

inequality in the global sports justice system. Limited access to qualified sports lawyers, high arbitration costs and inconsistent enforcement of awards often reduce the effectiveness of arbitration in Africa.<sup>31</sup>

In essence, while Africa participates actively in global sports governance, its institutional and legal frameworks for dispute resolution remain fragile and externally dependent. This imbalance has hindered the continent's ability to build a self-sustaining and credible arbitration system. Therefore, this study addresses the critical need to assess the adequacy of CAF's existing mechanisms, identify structural and procedural deficiencies and propose practical reforms that can promote a more balanced, Africa-centered model of sports arbitration.

#### **IV. Enforcement of Sports Arbitral Awards in Africa**

One of the key legal challenges in African sports arbitration is the enforcement of arbitral awards. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), to which most African countries are signatories, provides the international legal backbone for the recognition and enforcement of arbitral decision.<sup>32</sup> The Convention obliges contracting states to recognize and enforce foreign arbitral awards, subject only to limited grounds for refusal such as incapacity, invalid arbitration agreements, or violations of public policy.

Despite this international framework, enforcement within Africa often encounters significant obstacles. National courts in several jurisdictions

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<sup>31</sup> Mike Morgan, "Access to Justice in International Sports Disputes: Barriers Facing Developing Nations, *Sports Law Review* 14(2 )(2020): 107-119

<sup>32</sup> United Nations, Convention on the Recognition and Enforcement of Foreign Arbitral awards (New York Convention), 1958, 330

have shown judicial reluctance in recognizing and enforcing awards from sports arbitral bodies like CAS or CAF, particularly when they perceive such decisions as encroaching upon domestic legal autonomy or political sensitivities.<sup>33</sup> In countries where sports administration is heavily politicized, interference by government officials or football association executives can delay or undermine enforcement, thereby eroding confidence in the arbitration process.

A further impediment lies in the lack of judicial awareness and expertise regarding the specialized nature of sports arbitration.<sup>34</sup> Many African judges, while versed in commercial arbitration, have limited exposure to the procedural nuances of sports law and the *lex sportiva* developed by CAS jurisprudence.<sup>35</sup> Consequently, courts may misinterpret arbitral rulings or apply domestic legal standards inconsistent with international norms.

For example, in *CAF v Etoile Sportive du Sahel*<sup>36</sup>, enforcement issues arose when a Tunisian court questioned the validity of a CAS award on grounds of national public policy.<sup>37</sup> Similarly, in *FIFA v. Nigerian Football Federation (NFF)*<sup>38</sup>, tensions emerged when domestic authorities intervened in the NFF's governance despite FIFA and CAF statutes



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<sup>33</sup> Hakeem Yusuf, "Arbitration and the Rule of Law in African Journal of International and Comparative Law 28, no. 3 (2020): 317-336

<sup>34</sup> Richard McLaren, "The Courts Arbitration for Sports: An Independent Arena for Sports Justice," *Marquette Sports Law Review* 22, No. 2(2012): 231-257

<sup>35</sup> Antoine Duval, "Lex sportive and the CAS: The Birth of a Transnational Legal Order," *International Sports Law Journal* 15, No. 3-4 (2015): 132-147

<sup>36</sup> CAS 2015/A/4204 (Lausanne: CAS, 2015)

<sup>37</sup> CAF v Etoile Sportive du Sahel, CAS 2015/A/4204 (Lausanne: CAS, 2015)

<sup>38</sup> CAS 2014/A/3704 (Lausanne: CAS, 2014)

prohibiting state interference.<sup>39</sup> These cases illustrate how conflicting legal and political systems can hinder the smooth enforcement of sports arbitral awards in Africa.

#### **V. Inhibitions of Direct Access to Court of Arbitration for Sports by African Clubs and Stakeholders**

Nonetheless, significant challenges persist, in that access to CAS remains limited for many African players, clubs and officials due to high arbitration costs, geographical distance and language barriers. The average cost of a CAS proceeding including filing fees, legal representation and travel expenses can be prohibitive for smaller clubs or individual athletes. These obstacles have raised concerns about inequality of access and the need for regional arbitration centers or CAS hubs in Africa to make sports justice more inclusive.<sup>40</sup>

Despite these challenges, CAS continues to serve as the cornerstone of international sports arbitration, shaping both the substantive rules and procedural norms that govern football disputes across the African continent.

#### **4.1 LEGAL FRAMEWORK FOR SPORTS ARBITRATION IN AFRICAN FOOTBALL**

While international frameworks like CAS and FIFA set global standards, the African context introduces unique challenges and opportunities. Yet, there are also encouraging signs with some African federations establishing independent tribunals and embracing mediation and arbitration to handle

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<sup>39</sup> FIFA V NFF, CAS 2014/A/3704 (Lausanne: CAS, 2014)

<sup>40</sup> Mike Morgan, "Reforming Sports Dispute Resolution in Africa: Towards Regional CAS Divisions, *Sports Law International* 15, No. 2(2020): 141-155

disputes locally.<sup>41</sup> The CAF Disciplinary and Appeals Committees represent a significant step toward institutionalizing sports justice on the continent, even though their effectiveness continues to evolve.

Every functional arbitration system rests upon a solid legal foundation. For sports arbitration in Africa, this framework is shaped by international regulations, regional instruments, national legislation and the internal statutes of sports organizations such as the Confederation of African Football (CAF) and the Fédération Internationale de Football Association (FIFA).<sup>42</sup> Together, these sources of law determine how disputes are handled, what procedures are followed and which institutions have the authority to issue final and binding decisions.

#### **4.1.2 The CAF Statutes and Internal Legal Instruments**

Within Africa, CAF serves as the continental governing body responsible for organizing, regulating and overseeing football activities among its 54-member associations.<sup>43</sup> CAF's Statutes, Disciplinary Code and Appeals Regulations provide the legal basis for arbitration and dispute settlement within its jurisdiction. Under Article 59 of the CAF Statutes, disputes arising within CAF or its member associations must first go through internal dispute resolution mechanisms before being referred to the CAS. CAF's Disciplinary Board and Appeals Board function as quasi-judicial

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<sup>41</sup> Union of European Football Association (UEFA) AND CAF, Cooperation Framework on Sports Integrity and Governance (Addis Ababa: CAF Secretariat, 2022)

<sup>42</sup> Richard H. McLaren, *Sports Law and Policy in the Twenty-First Century* (The Hague: T.M.C. Asser Press, 2018), 43-45

<sup>43</sup> Confederation of African Football (CAF), CAF Statutes (Cairo: CAF, 2023), Art. 2

organs with powers to hear and determine cases involving clubs, players, officials and member associations.<sup>44</sup>

CAF's Disciplinary Code outlines procedures for sanctions, appeals and enforcement of decisions. It mirrors the structure of FIFA's legal system while adapting to Africa's realities. However, challenges such as limited financial resources, lack of independence and political interference sometimes hinder the full implementation of these procedures.<sup>45</sup>

Moreover, the CAF Appeals Board acts as the last internal level of redress before a matter may be escalated to the CAS.<sup>46</sup> This two-tier internal mechanism is meant to ensure that disputes are first exhausted within the African football framework, promoting self-regulation and reducing unnecessary external litigation.

#### **4.1.3 National and Regional Legal Frameworks for Sports Arbitration across Africa**

At the national level, many African countries have incorporated arbitration laws modeled after the UNCITRAL Model Law on International Commercial Arbitration (1985), which provides general principles for fairness, neutrality and enforceability of arbitral awards.<sup>47</sup> These frameworks, although designed for commercial arbitration, provide a

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<sup>44</sup> CAF Disciplinary Code, Arts. 6-9

<sup>45</sup> John A. N. Agbonika, "Sports Governance and Legal Regulation in Africa: Between Autonomy and State Control," *Nigerian Journal of Sports Law and Development* 2, no. 1 (2020): 45-63

<sup>46</sup> CAF Appeals Board Regulation (Cairo: CAF, 2023), Arts. 7

<sup>47</sup> UNCITRAL, Model Law on International Commercial Arbitration (Vienna: UNCITRAL, 1985), Arts. 1-2

strong legal foundation for sports-related disputes when properly adapted and implemented.

Countries such as Nigeria, South Africa, Kenya and Egypt have modern arbitration statutes that can support sports arbitration when properly applied. For instance, Nigeria's Arbitration and Mediation Act, 2023 provides a comprehensive legal framework for domestic and international arbitration and could serve as a legal foundation for sports disputes arising within the country.<sup>48</sup> South Africa's International Arbitration Act 15 of 2017 and Kenyan's Arbitration Act (cap. 49) also align with the international standards and have been recognized for their enforceability and procedure robustness.<sup>49</sup>

At the regional level, the African Union (AU) has promoted cooperation in legal and institutional development through frameworks like the AU Permanent Court of Arbitration (PCA) agreement. Although not sports-specific, this initiative underscores Africa's growing recognition of arbitration as a viable tool for resolving both commercial and sporting disputes.<sup>50</sup>

Additionally, regional football organizations such as the West African Football Union (WAFU) and Council of Southern African Football Associations (COSAFA) have internal regulations inspired by CAF's

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<sup>48</sup> Arbitration and Mediation Act, (2023) ss. 1-3

<sup>49</sup> Republic of South Africa, International Arbitration Act 15 of 2017 (Pretoria: Government Gazette, 2017); Republic of Kenya, Arbitration Act (CAP. 49) (Nairobi: Council for Law Reporting, 2012)

<sup>50</sup> Makau Mutua, "Africa's Legal Architecture and the Future of Arbitration," *African Arbitration Journal* 4, no. 2 (2012): 45-59

statutes. However, enforcement and procedural consistency remain uneven across jurisdictions due disparities in resources, governance and legal expertise. The absence of a unified regional sports arbitration tribunal has also been cited as a major obstacle to the localization of sports justice in Africa.<sup>51</sup>

Thus, the Africa's sports arbitration landscape is structurally linked to global institutions such as CAS, the continent's national and regional frameworks remain underdeveloped.

#### **4.2 INSTITUTIONAL FRAMEWORK FOR SPORTS ARBITRATION IN AFRICAN FOOTBALL**

While the legal framework defines what rules govern sports arbitration, the institutional framework focuses on who implements those rules and how they function in practice. In Africa, the success or failure of sports arbitration depends not only on the written laws but also on the strength, independence and credibility of the institutions tasked with administering them.<sup>52</sup>

This study examines the key institutions that shape sports arbitration in Africa, notably the Confederation of African Football (CAF), the Fédération Internationale de Football Association (FIFA), the Court of Arbitration for Sport (CAS) and national sports tribunals. It also assesses

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<sup>51</sup> Agbonika, John A. N., "Towards a Regional Sports Arbitration Tribunal for Africa, "Nigerian Journal of Sports Law and Development 3, no. 1 (2021): 21-37

<sup>52</sup> Antoine Duval, "Lex Sportiva and Institutional Design: The Autonomy of Sports Arbitration Bodies, "International Sports Law Journal 16, no. 3-4(2016)

how their interactions create both opportunities and challenges for effective dispute resolution on the continent.<sup>53</sup>

#### **4.2.1 The Confederation of African Football (CAF)**

The Confederation of African Football (CAF), established in 1957, is the principal governing body for football in Africa and operates as one of FIFA's six continental confederations. CAF is headquartered in Cairo, Egypt and currently comprises 54-member associations. Its organizational structure includes the General Assembly, the Executive Committee, the Disciplinary Board, the Appeal Board and the Ethics Committee, each performing distinct but interconnected roles.<sup>54</sup>

CAF's Statutes and Disciplinary Code are modeled closely after FIFA's regulatory framework, reflecting the hierarchical relationship between the global and continental governing bodies.<sup>55</sup> The Statutes provides a broad legal order within CAF, while the Disciplinary Code specifies the rules governing sanctions, disputes resolution and appeals.

Through this dual structure, CAF has institutionalized rule-based governance and arbitral processes that align with international sports law principle, although implementation challenges persist due to resource and capacity constraints.<sup>56</sup>

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<sup>53</sup> Richard Parish and Samuli Miettinen, *The Sporting Exception in European Union Law* (2008), 27

<sup>54</sup> CAF Statutes, Arts. 57

<sup>55</sup> FIFA, *FIFA Statutes*, Arts. 14-19

<sup>56</sup> John A. N. Agbonika, "Governance and Enforcement in African Sports Law: African Journal of Sports Law and Policy 4, no. 1 (2021): 45-62

#### **4.2.2 CAF Disciplinary Board**

The CAF Disciplinary Board serves as the primary judicial organ within the organization, responsible for investigating and adjudicating disciplinary breaches by players, clubs, officials or national associations. Its powers are defined under Article 57 of the CAF Statutes and elaborated in the CAF Disciplinary Code (2023).

The Board is empowered to impose sanctions including fines, match suspensions and other disciplinary measures to ensure compliance with CAF regulations and maintain integrity across African competitions.<sup>57</sup> Its proceedings are guided by fundamental principles of natural justice, particularly the right to fair hearing and the right to appeal, which reflect both international sports law standards and general legal principles.

Despite these procedural safeguards, there are concerns about the transparency and consistency of disciplinary decisions. Several cases have highlighted the lack of detailed reasoning in published decisions and delays in communication, which occasionally fuel perceptions of bias or procedural unfairness.<sup>58</sup> These challenges mirror broader issues facing sports governance institutions across Africa, where capacity and independence remain evolving goals.

#### **4.2.3 CAF Appeal Board**

The CAF Appeal Board functions as the appellate authority for decisions rendered by the Disciplinary Board. Under Article 58 of the CAF Statutes, it may confirm, modify, or overturn disciplinary rulings, ensuring a second

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<sup>57</sup> CAF Disciplinary Code (2023), Arts. 2

<sup>58</sup> Hakeem O. Yusuf, “Transparency and Accountability in African Sports Governance, “African Sports Law Review 2, no. 1 (2022): 88-102

layer of scrutiny and fairness.<sup>59</sup> This two-tier internal justice system demonstrates CAF's commitment to due process by offering aggrieved parties an internal review mechanism before escalating matters to the Court of Arbitration for Sport (CAS). The CAF Appeals process aligns with Article 59 of the CAF Statutes, which recognizes CAS as the ultimate external forum for dispute settlement.<sup>60</sup>

Nonetheless, practical obstacles hinder the Appeal Board's efficiency and independence. These include limited financial and human resources, insufficient legal expertise, and political influence from national associations or regional blocs. Scholars have observed that CAF's quasi-judicial organs sometimes reflect the continent's broader political culture, where alliances and patronage can affect decision-making. Such realities have occasionally undermined confidence in CAF's judicial integrity. A notable example is the TP Mazembe v. CAF case, where procedural irregularities at CAF's disciplinary level prompted CAS to intervene and overturn decisions. These incidents underscore the ongoing need for institutional reforms to strengthen independence, professionalism, and accountability within CAF's adjudicatory mechanisms.

#### **4.2.4 National Sports Arbitration Bodies in Africa**

Several African countries have established domestic sports arbitration or disciplinary bodies to manage internal disputes and ensure efficient resolution mechanisms within their national sporting structures. These institutions act as first-level tribunals, offering accessible platforms for dispute resolution before cases escalate to continental or international

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<sup>59</sup> CAF Statutes Art. 58

<sup>60</sup> TP Mazembe v CAF, CAS 2011/A/2478

bodies such as the Confederation of African Football (CAF) or the Court of Arbitration for Sport (CAS).<sup>61</sup>

In Nigeria, the Nigeria Football Federation (NFF) Player Status and Arbitration Committee plays a pivotal role in adjudicating disputes between players, clubs and agents, particularly concerning contractual obligations, transfers and disciplinary matters.<sup>62</sup> The Committee operates under the NFF Statutes (2010) and aligns its procedures with FIFA's regulatory framework on dispute resolution. However, despite its efforts, issues of transparency, limited expertise and occasional interference have been reported, indicating the need for structural reform to ensure impartial adjudication.<sup>63</sup>

Similarly, South Africa operates through the South African Sports Confederation and Olympic Committee (SASCOC), which is empowered to oversee mediation and arbitration in sports-related matters.<sup>64</sup> SASCOC's Judicial Body functions as an internal dispute mechanism within the Olympic movement, promoting fair play and compliance with the National Sport and Recreation Act, 1998. Its emphasis on alternative dispute resolution has enhanced internal accountability, though challenges remain regarding uniform enforcement across diverse sports federations.

In Kenya, the Sports Disputes Tribunal (SDT) established under Section 55 of the Sports Act, 2013 has emerged as one of Africa's most active national

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<sup>61</sup> Richard Parrish and Samuli Miettinen, *The Sporting Exception in European Union Law* (2008), 89

<sup>62</sup> NFF, *Statutes of the Nigerian Football Federation* (2010), Art. 64

<sup>63</sup> Adetola Onayemi, "Sports Arbitration in Nigeria: Challenges and Prospects," *Nigeria Law Journal* 18, no.2 (2021): 145-163

<sup>64</sup> South African Sports Confederation and Olympic Committee Constitution (2020): 67-85

sports arbitration forums. The SDT has handled high-profile cases involving electoral irregularities, governance disputes and disciplinary sanctions across federations, earning recognition for its jurisprudential consistency. Notably, in FKF & Others v. Sports Registrar & Others (2021), the Tribunal reaffirmed its authority to regulate sports governance and enforce compliance with national sports laws.<sup>65</sup>

While these institutions signify commendable progress in localizing sports justice, persistent challenges remain. Many of these institutions are plagued with inadequate funding, limited pools of specialized arbitrators and restricted enforcement powers, undermining their effectiveness. Moreover, in several jurisdictions, decisions of sports tribunals can still be subjected to judicial review by ordinary courts, blurring the intended distinction between arbitration and litigation and delaying finality in sports disputes.

#### **6.2.5 The Court of Arbitration for Sport (CAS)**

The Court of Arbitration for Sport (CAS), established in 1984 under the auspices of the International Olympic Committee (IOC) and headquartered in Lausanne, Switzerland, serves as the supreme arbitral authority for resolving international sports disputes.<sup>66</sup> It provides a final and binding forum for conflicts involving sports federations, athletes, clubs and other stakeholders. Through its jurisdiction, CAS ensures that disputes are resolved according to uniform global standards of fairness, procedural integrity and legal certainty.

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<sup>65</sup> Football Kenya Federation & Others v Sports Registrar & Others (2021)

<sup>66</sup> CAS, Code of Sports-Related Arbitration, 2023 ed.

CAF and all its member associations are bound by CAS jurisdiction as part of their affiliation with FIFA, pursuant to Articles 57–59 of the FIFA Statutes, which expressly recognize CAS as the ultimate forum for sports arbitration. In practice, CAS functions as the appellate authority for CAF-related disputes once all internal remedies such as appeals to CAF's Disciplinary and Appeals Boards have been exhausted.<sup>67</sup>

Over the years, CAS has adjudicated a number of African sports disputes that have contributed significantly to the growth of sports jurisprudence and the consolidation of *lex sportive*, the transnational legal order governing global sport.

## **5.0 The Place of FIFA and Court of Arbitration for Sports (CAS) within African Football Dispute Resolution**

### **5.1 Court of Arbitration for Sports (CAS)**

The Court of Arbitration for Sport (CAS) remains the ultimate judicial authority in global sports disputes, including those arising from Africa.<sup>68</sup> Established in 1984 by the International Olympic Committee (IOC), CAS operates under the Code of Sports-related Arbitration, which sets out its jurisdiction, procedures and standards of independence.<sup>69</sup> African disputes often reach CAS through appeals from CAF's disciplinary or appeal decisions, or from national federations recognized by CAF. The Court has

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<sup>67</sup> Confederation of African Football, CAF Statutes, July 2023, Art. 59

<sup>68</sup> Court of Arbitration for Sports (CAS), Code of Sports-related Arbitration (Lausanne: CAS, 2023), Introduction.

<sup>69</sup> International Olympic Committee (IOC), "The Establishment of the Courts of Arbitration for Sports, " *Olympic Review* 1984, 12

developed an extensive body of jurisprudence that has shaped how sports justice is interpreted globally.

Notable African-related cases include *Egyptian Football Association v FIFA*<sup>70</sup> where issues of procedural fairness and eligibility were reviewed; *Al-Masry Sporting Club v Egyptian Football Association*<sup>71</sup> concerning sanctions after the Port Said tragedy; and *TP Mazembe v CAF*<sup>72</sup> dealing with club eligibility and regulatory compliance.<sup>73</sup> These cases reflect CAS's oversight function and its commitment to ensuring that decisions made within African sports governance align with international fairness standards. However, they also expose the tension between global arbitration authority and local realities such as high filing fees, cultural differences, language and logistical barriers.

To overcome these challenges, scholars have called for greater harmonization between sports law and national legal systems. Aligning domestic arbitration statutes with international instruments such as the New York Convention and the UNCITRAL Model Law would ensure that arbitral awards particularly those involving CAF are enforced efficiently and consistently across the continent.<sup>74</sup> Furthermore, establishing national sports arbitration chambers within existing judicial systems could enhance local capacity, reduce enforcement delays and strengthen the autonomy of sports governance in Africa.

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<sup>70</sup> (CAS 2012/A/2750)

<sup>71</sup> (CAS 2013/A/3118)

<sup>72</sup> (CAS 2011/A/2478)

<sup>73</sup> CAS, *Egyptian Football Association v FIFA*, CAS 2012/A/2750; CAS, *Al-Masry Sporting Club v Egyptian Football Association*, CAS 2013/A/3118; CAS, *TP Mazembe v CAF*, CAS 2011/A/2478

<sup>74</sup> UNCITRAL, *Model Law on International Commercial Arbitration* (!985)

In a nutshell, the legal framework for sports arbitration in Africa operates on multiple levels international, continental, regional and national. CAF functions as a crucial intermediary between global institutions like FIFA and CAS and national federations. Yet, the effectiveness of this legal architecture depends on coherence, accessibility and independence. While the current system provides a structured process for resolving sports disputes, it still suffers from overlapping jurisdictions, high costs and uneven enforcement. For Africa to build a sustainable sports arbitration culture, legal reform must emphasize localization strengthening continental and national dispute resolution mechanisms without undermining the global standards established by CAS and FIFA.

## **5.2 FIFA and Sports Arbitration Institutional Chain in African Football**

The Fédération Internationale de Football Association (FIFA) serves as the supreme global regulatory authority governing football, establishing uniform standards of governance, ethics and dispute resolution that all continental confederations including the Confederation of African Football (CAF) are obligated to follow.<sup>75</sup> Through its Disciplinary Code, Ethics Code and Regulations on the Status and Transfer of Players, FIFA provides a cohesive legal and institutional framework that shapes the procedural and substantive norms guiding dispute resolution in global football.

A critical component of this structure is the FIFA Dispute Resolution Chamber (DRC), which functions as a specialized arbitral body for employment-related and contractual disputes between clubs and players

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<sup>75</sup> James A. R. Nafziger, *International Sports Law* (2018) 62-64

across jurisdictions. Its jurisprudence has become influential in harmonizing international sports law principles, including contractual stability, player protection and procedural fairness. Consequently, CAF's internal judicial organs such as the Disciplinary Board and Appeal Board mirror FIFA's institutional model and regulatory philosophy.<sup>76</sup>

However, while the replication of FIFA's framework has provided CAF with structural uniformity, it has not produced comparable administrative efficiency or legal sophistication. CAF often lacks the institutional resources, expert arbitrators and procedural capacity required to manage complex disputes independently. This limitation has resulted in a heavy dependency on FIFA for statutory interpretation, enforcement of disciplinary measures, and resolution of jurisdictional uncertainties.

Such dependency raises fundamental questions about CAF's institutional autonomy and Africa's capacity to cultivate a self-sustaining arbitration culture that reflects the continent's unique legal and cultural realities.<sup>77</sup> Scholars have argued that true reform in African sports governance will require strengthening CAF's internal legal organs, enhancing transparency, and investing in regional arbitration training to reduce reliance on FIFA's centralized control.

## **7.0 PROSPECTS OF APPLICATION OF EFFECTIVE SPORTS ARBITRATION TO AFRICAN FOOTBALL**

Scholars such as Olowononi are beginning to see the future of sports arbitration as robust mechanism for sports economy in Africa. Olowononi

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<sup>76</sup> CAF, Statutes of the Confederation of African Football (2022), arts. 54-59

<sup>77</sup> John Onyeka, "CAF's Autonomy and the Challenge of FIFA Oversight in African Football Governance," *African Sports Governance Journal* 2, no. 1 (2021) 39-57

emphasizes that the underdevelopment of sports arbitration in Africa is not primarily a legal problem but an institutional one, rooted in weak governance structures, politicized sports associations and limited capacity among arbitrators. He calls for the establishment of national sports arbitration tribunals, improved training of legal professionals in sports law and the creation of regional centers that could collaborate with global bodies like the Court of Arbitration for Sport (CAS). His approach is both reformist and pragmatic, advocating for a bottom-up transformation of arbitration practice through education, institutional autonomy and the internalization of good governance principles within sports bodies. His views, coupled with the legal and institutional frameworks as well as the challenges examined above will shape the prospects to be forecasted for sports arbitration as mechanism to maximise the benefits of football as a catalyst for the growth of African Football.

Despite the challenges analysed above, the paper sees emerging opportunities for reform and capacity building. CAF's gradual institutional strengthening, increased cooperation with the African Union and the growing interest of regional arbitration centres signal a positive shift. If harnessed effectively, these developments can lay the groundwork for a distinct African model of sports arbitration one that balances international standards with local realities. By inference, the sea of youths across African nations can be rescued from perennial armed conflicts across Nigeria, Congo, Somalia, Sudan, Mali to take up interests in football as a unifying and rallying point for African sports and economic growth. The prospects of conceptualizing CAF with the aim of its usage as a unifying factor for African leaders and their nations cannot be overemphasized. The gains far outweigh the pains of building. The resources channeled into armed conflict which are sometimes due to external factors and influences could be

deployed to support CAF to develop a more workable template for sports economy development across the continent.

## **8.0 CONCLUSION**

This paper has undertaken a comprehensive appraisal of the legal and institutional framework governing sports arbitration in Africa, with specific focus on the Confederation of African Football (CAF) and its relationship with FIFA and the Court of Arbitration for Sport (CAS). The aim was to assess the adequacy, effectiveness and accessibility of existing dispute resolution mechanisms in addressing the unique challenges faced within the African sports arbitration context.

The paper revealed that while CAF has established a formal structure for arbitration through its statutes and disciplinary codes, the system remains structurally sound but practically limited. Its legal architecture mirrors global standards but struggles under operational, financial, and jurisdictional pressures. The multi-layered relationship between CAF, national federations, FIFA and CAS ensures uniformity in global sports governance but simultaneously breeds dependency and bureaucracy as Africa remains reliant on external arbitral institutions for final determinations.

A recurring decimal across the findings is the gap between law and practice. Although Africa's legal instruments theoretically guarantee fair, impartial and accessible arbitration, implementation often falls short due to weak institutions, limited funding, political interference and lack of capacity. Many disputes that could be effectively managed at the continental or national level end up before CAS, underscoring the need for internal empowerment and reform. In many African countries, however, weak

governance structures, political interference and lack of awareness about arbitration hinder the proper functioning of sports justice systems.<sup>78</sup>

Another conclusion drawn from the study is that sports arbitration in Africa remains largely elitist and exclusionary. Grassroots athletes, women's teams and smaller clubs often lack the financial and technical means to navigate the formal arbitration process. The high cost of accessing CAS and the scarcity of African arbitrators in international panels create systemic inequalities that diminish confidence in the justice process.

Furthermore, while international and national laws such as the FIFA Statutes, New York Convention and UNCITRAL Model Law provide a global legal framework, their local adaptation in Africa has been inconsistent. National courts sometimes interfere with arbitration processes or refuse to enforce awards, citing sovereignty or procedural flaws. This friction between domestic legal systems and sports autonomy demonstrates a continuing struggle to harmonize local and international norms.

In essence, the paper concludes that Africa's sports arbitration framework is transitional rather than deficient. It possesses the right legal scaffolding but requires refinement, independence and inclusivity to achieve its intended goals. A localized approach that prioritizes education, harmonization and institutional independence will be essential to build credibility and accessibility in the years ahead.

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<sup>78</sup> John A. N. Agbonika, "Sports Governance and Legal Regulation in Africa: Between Autonomy and State Control," *Nigeria Journal of Sports Law and Development* 2, no. 1 (2020): 45-63

## **9.0 RECOMMENDATIONS**

Based on the findings and analysis, the following recommendations are proposed to enhance the efficiency and fairness of sports arbitration in Africa:

### i. Strengthening Institutional Independence

The first step is to safeguard the autonomy of arbitral bodies within African football governance. CAF and national sports federations must adopt clear statutes guaranteeing the independence of their disciplinary and ethics committees from political or administrative influence. This includes secure tenure for arbitrators, transparent appointment processes and accountability mechanisms that protect decision-making integrity.<sup>79</sup>

### ii. Establishment of an African Sports Arbitration Tribunal

Africa needs its own continental arbitral institution the African Sports Arbitration Tribunal to serve as a regional alternative to CAS. This tribunal should operate under the auspices of the African Union or CAF, with multilingual proceedings and reduced filing fees to ensure accessibility. The tribunal would not only handle continental disputes but also develop a growing body of African jurisprudence on sports law, reflective of the continent's realities and values.<sup>80</sup>

### iii. Legal Harmonization and Domestic Reform

Member states should align their national sports legislation with international arbitration standards while preserving domestic autonomy.

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<sup>79</sup> Emmanuel Oke, "Institutional Autonomy and Sport Arbitration in Africa," *African Journal of Sports Law* 6, no. 1 (2020): 20-39

<sup>80</sup> Sunday B. Ebeku, "Transnational Arbitration and Local Legitimacy: Lessons from Africa," *Journal of African Law* 61, no. 2 (2017): 213-229

Harmonizing national laws with the New York Convention (1958) and the UNCITRAL Model Law would facilitate the enforcement of arbitral awards and reduce judicial interference.<sup>81</sup>

iv. Capacity Building and Human Resource Development

A sustainable arbitration framework demands skilled personnel. African governments, law faculties and sports institutions should collaborate to train legal practitioners, referees and administrators in sports law and arbitration. Partnerships with global institutions like the International Council of Arbitration for Sport (ICAS) and FIFA's Legal Department could enhance technical expertise while maintaining African ownership of training content.<sup>82</sup>

v. Promotion of Accessibility and Inclusion

Justice in sports should not be a privilege of the elite. Filing fees, legal representation costs and linguistic barriers must be reduced to widen access for players, coaches and small clubs. The adoption of digital arbitration platforms would further streamline dispute resolution and minimize logistical costs. Proceedings should also be available in Africa's major language English, French, Arabic and Portuguese to reflect the continent's diversity.

vi. Strengthening Transparency and Ethics in Governance

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<sup>81</sup> UNCITRAL, Model Law on International Commercial Arbitration, 2006; United Nations, Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), 1958

<sup>82</sup> FIFA Legal Department, Capacity Development Framework for Member Associations (2021)

Reform must go hand in hand with integrity. CAF and national federations should adopt transparent disciplinary codes and publish arbitral awards to foster accountability and learning. Publicizing decisions, within confidentiality limits, would create a database of precedents and help build trust in the arbitration process.

vii. Encouraging Research, Documentation and Knowledge Exchange  
Universities and research centers should take the lead in developing indigenous literature on sports arbitration, documenting case studies and analyzing trends. A stronger academic-practice nexus would ensure that African arbitration evolves from empirical data rather than mere imitation of foreign systems. Journals, conferences and legal clinics devoted to sports law can play an instrumental role here.

viii. Collaboration and Continental Integration

Lastly, the way forward lies in strategic collaboration among CAF, national associations and continental bodies like the African Union Sports Council. Such partnerships should prioritize knowledge sharing, regional dialogue and the harmonization of dispute resolution procedures. Through cooperation, Africa can present a unified front in global sports governance and gradually assert its institutional sovereignty.<sup>83</sup>



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<sup>83</sup> African Union Sports Council, Strategic Integration and the Future of Sports Governance Reform (2023)