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SPORTS ARBITRATION IN NIGERIA: CHALLENGES AND PROSPECTS

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Abstract

Sports arbitration has emerged as an important mechanism for resolving disputes arising from professional sports. The increasing commercialisation of sports and Nigeria's participation in international sporting competitions have intensified the need for an effective, independent and accessible dispute resolution system. This paper examined the conceptual foundations of sports arbitration, its theoretical underpinnings, the applicable legal and institutional frameworks in Nigeria, existing literature, and the principal challenges affecting its effectiveness. The study adopted a doctrinal research methodology, relying on legislation, judicial decisions, sporting regulations, international instruments, and relevant scholarly publications. The findings indicated that although Nigeria possesses a general statutory framework for arbitration and several sports-specific dispute resolution mechanisms, the absence of a comprehensive and adequately coordinated national sports arbitration framework creates uncertainty concerning jurisdiction, independence, procedural fairness, and enforcement. Other challenges include inadequate public awareness, financial constraints,

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institutional fragmentation, delays, and other challenges in Nigerian sports arbitration. It recommended the establishment of a specialised national sports dispute resolution institution in Nigeria, among others.

Keywords: Sports arbitration, Alternative Dispute Resolution, Nigerian sports law, Court of Arbitration for Sports, Arbitration and Mediation Act 2023

1. INTRODUCTION

Sports have developed from recreational and competitive activities into a significant social, commercial and institutional sector involving athletes, clubs, coaches, agents, sponsors, broadcasters, public authorities and international governing bodies.[1] This expansion has increased the number and complexity of disputes arising from employment contracts, transfers, selection decisions, disciplinary sanctions, eligibility rules, sponsorship arrangements, image rights, competition administration and sports governance.[2] Because many sporting disputes must be resolved before a competition, transfer window or season concludes, the timing of a decision may be as important as its substantive correctness.[3]

Ordinary litigation remains essential for the protection of legal rights, but court proceedings may not always provide the speed, specialist expertise

[1] James A R Nafziger and Ryan Gauthier (eds), Handbook on International Sports Law (2nd edn, Edward Elgar Publishing 2022) 17.

[2] Ibid; Ian S Blackshaw, Mediating Sports Disputes: National and International Perspectives (TMC Asser Press 2002).

[3] Nafziger and Gauthier (eds) (n 1).

or procedural flexibility required by time-sensitive sporting disputes.[4] A selection challenge determined after the relevant event, for example, may leave an athlete without a practical remedy even if the original decision is eventually found to be unlawful.[5] Arbitration can provide a specialist forum in which disputes are determined by impartial decision-makers under procedures tailored to the parties' legal relationship and the demands of sport.[6]

Internationally, the Court of Arbitration for Sport (CAS) has become a prominent institution for resolving disputes connected with sports, including contractual, disciplinary and eligibility matters where its rules confer jurisdiction.[7] Its work illustrates the value of specialist adjudication, but international experience also raises concerns about independence, transparency, unequal bargaining power and the ability of athletes to challenge decisions made by powerful sporting organisations.[8] Sports arbitration must therefore be evaluated not merely by its speed, but also by the fairness and legitimacy of its procedures.[9]

In Nigeria, sports disputes arise within a framework involving national sports institutions, sports federations, clubs, athletes, public authorities

[4] Margaret L Moses, The Principles and Practice of International Commercial Arbitration (3rd edn, Cambridge University Press 2017).
[5] Nafziger (n 2).
[6] Blackshaw (n 2); Moses (n 4).
[7] Ibid
[8] Omoniyi Bukola Akinola, 'Conceptualising Confederation of African Football and Operationalising Sports Arbitration in Africa' (2025) 3(2) African Journal of Legal Research 161.
[9] Akinola (n 8).

and international governing bodies.[10] Football illustrates the relationship between domestic governance and international sports regulation, as disputes may involve federation statutes, FIFA rules, domestic courts and arbitral forums.[11] The interaction of these systems makes it necessary to identify the source of a tribunal's jurisdiction, the rules governing the dispute and the legal remedies available to the affected parties.[12]

Nigeria's general arbitration framework is principally governed by the Arbitration and Mediation Act 2023, which replaced the Arbitration and Conciliation Act 2004 and modernised the statutory framework for arbitration and mediation.[13] The Act provides a general legal foundation for arbitration agreements, arbitral proceedings, awards and related court applications, but it does not, by itself, establish a complete specialist national sports arbitration institution.[14]

The central problem addressed in this study is the gap between the potential advantages of sports arbitration and the practical challenges affecting its legitimacy and effectiveness in Nigeria.[15] These challenges concern institutional design, arbitrator independence, cost, delay, specialist knowledge, enforcement and the relationship between private sporting rules and public law.[16] The primary objective is to examine the challenges and prospects of sports arbitration in Nigeria. The specific

[10] Nafziger and Gauthier (eds) (n 1).
[11] Ibid.
[12] Akinola (n 8).
[13] Arbitration and Mediation Act 2023
[14] Ibid
[15] Akinola (n 8).
[16] ibid; Nafziger and Gauthier (eds) (n 1).

objectives are to clarify the concept and theoretical foundations of sports arbitration, assess the legal and institutional framework, review relevant literature, identify practical challenges and propose reforms.[17]

The study adopts a doctrinal research methodology based on the analysis of legislation, judicial decisions, institutional rules, textbooks, journal articles and relevant international materials.[18] The doctrinal method is appropriate because the inquiry principally concerns the content, interpretation and adequacy of legal rules and institutions rather than the collection of new empirical data from athletes or sports administrators.[19] The analysis combines descriptive and critical approaches to assess whether the existing framework adequately promotes fair, independent and accessible dispute resolution.[20]

The study proceeds through conceptual clarification, theoretical framework, legal and institutional framework, literature review, challenges, summary of findings, conclusion and recommendations.[21] Its central argument is that sports arbitration can contribute to accountable sports governance in Nigeria only if institutional independence, access to justice and legally sound procedures accompany the promise of speed and specialist expertise.[22]

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[17] Moses (n 4).
[18] Ibid; Gary B Born, International Commercial Arbitration (3rd edn, Kluwer Law International 2021)
[19] Born (n 18).
[20] Moses (n 4).
[21] Nafziger and Gauthier (eds) (n 1).
[22] Akinola (n 8).

2.0 CONCEPTUAL CLARIFICATION

2.1 Arbitration and Sports Arbitration

Arbitration is a dispute-resolution process in which parties submit a dispute to an impartial tribunal for a determination that is ordinarily binding, subject to the applicable law and any legally permitted grounds of challenge.[23] Unlike negotiation, in which the parties retain control over the outcome, arbitration authorises the tribunal to decide the dispute according to the governing law, the parties' agreement and applicable procedural rules.[24] Its legal foundation ordinarily lies in an arbitration agreement, although the precise source of jurisdiction depends on the applicable legislation and the legal relationship between the parties.[25]

Sports arbitration refers to arbitration of disputes arising from sporting activities or sports-related legal relationships, including disputes between athletes and clubs, clubs and federations, agents and players, or commercial partners and sports organisations.[26] The category may include employment and transfer disputes, disciplinary matters, eligibility challenges, commercial contracts, governance questions and disputes about the application of sporting regulations.[27] The fact that a disagreement occurs in a sporting environment does not automatically make it arbitrable, because jurisdiction and arbitrability must be assessed under the applicable law and rules.[28]

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[23] Arbitration and Mediation Act 2023; Born (n 18).
[24] Born (n 18).
[25] Arbitration and Mediation Act 2023.
[26] Nafziger and Gauthier (eds) (n 1); Blackshaw (n 2).
[27] Nafziger (n 2).
[28] Arbitration and Mediation Act 2023; Born (n 18).

Sports arbitration is best understood as a specialised application of general arbitral principles rather than a wholly separate legal system.[29] Its distinctive features arise from the technical character of sporting rules, the need for timely decisions, the existence of private governing bodies and the transnational nature of many competitions.[30] A sports tribunal may need to understand the sport's regulations and institutional structure, but expertise must never displace impartiality, procedural fairness or the correct application of law.[31]

2.2 Domestic and international sports arbitration

Domestic sports arbitration generally concerns disputes within a national sporting system, such as a disagreement between a Nigerian club and a player or between a national federation and one of its members.[32] Its legal framework may include Nigerian arbitration legislation, contractual provisions, federation constitutions and relevant employment or commercial law.[33] The appropriate legal route depends on the parties, the subject matter and the forum selected under a valid arbitration agreement or applicable regulations.[34]

International sports arbitration may arise where parties are subject to international federation rules or where a dispute is submitted to an international institution such as CAS.[35] CAS jurisdiction is not automatic

[29] Nafziger and Gauthier (eds) (n 1).
[30] Blackshaw (n 2).
[31] Born (n 18); Moses (n 4).
[32] Nafziger and Gauthier (eds) (n 1).
[33] Arbitration and Mediation Act 2023.
[34] Ibid.
[35] Nafziger and Gauthier (eds) (n 1)

merely because a party is an athlete or a dispute concerns sports; the applicable statutes, regulations or a specific agreement must provide a basis for jurisdiction.[36] Its procedures distinguish between different categories of sports disputes, including ordinary arbitration and appeals arbitration, and must be applied according to the relevant rules in force at the time of the proceedings.[37]

3.0 THEORETICAL FRAMEWORK

3.1 Party Autonomy Theory

Party autonomy recognises the freedom of parties to determine how disputes arising from their legal relationships will be resolved, subject to mandatory legal rules.[38] In arbitration, that freedom may extend to the selection of arbitrators, the seat, procedural rules and the governing law.[39] The theory explains why sports contracts and federation statutes often include dispute-resolution clauses intended to produce predictable and specialised outcomes.[40]

The application of party autonomy to sport requires caution because athletes may have limited bargaining power when participation depends on accepting standard-form contracts or federation regulations.[41] A clause may be formally accepted but practically non-negotiable, particularly where an athlete has little alternative to the governing organisation.[42]

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[36] Ibid
[37] Ibid
[38] Born (n 18).
[39] Ibid
[40] Nafziger and Gauthier (eds) (n 1).
[41] Akinola (n 8).
[42] Ibid

Party autonomy should therefore be reconciled with safeguards that protect meaningful consent, jurisdictional fairness and access to remedies.[43]

3.2 Access to Justice Theory

Access to justice concerns the practical ability of persons to assert and defend their legal rights through fair, effective and reasonably accessible procedures.[44] It extends beyond the formal existence of a tribunal because cost, delay, complexity, access to legal assistance and the independence of decision-makers affect whether a remedy can be used in practice.[45] This theory is important where athletes lack the financial resources or institutional influence available to clubs and federations.[46]

An arbitration system that offers specialist adjudication but is financially inaccessible may fail to provide meaningful justice.[47] Measures such as proportionate fees, simplified procedures, legal assistance where justified and expedited handling of urgent matters can improve access without sacrificing fairness.[48] Access to justice also requires clear information about deadlines, jurisdiction, applicable rules and available review mechanisms.[49]

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[43] Born (n 18); Akinola (n 8).
[44] Mauro Cappelletti and Bryant Garth, 'Access to Justice: The Worldwide Movement to Make Rights Effective' (1978) 27 Buffalo Law Review 181.
[45] Ibid.
[46] Akinola (n 8).
[47] Ibid.
[48] Blackshaw (n 2); Akinola (n 8).
[49] Akinola (n 8).

3.3 Institutional Theory

Institutional theory examines how formal rules, organisational structures, professional norms and established practices influence the behaviour and legitimacy of institutions.[50] Applied to sports arbitration, it directs attention to the bodies that appoint arbitrators, determine disputes, supervise compliance and enforce decisions.[51] A tribunal may possess formally adequate rules but still lack credibility if its appointments are controlled by interested parties or its decisions are inconsistently respected.[52]

This theory is relevant to Nigeria because an effective sports arbitration system requires more than the passage of legislation.[53] It also requires independent administration, transparent appointment procedures, trained arbitrators, predictable rules, sustainable funding and confidence among athletes, clubs, federations and courts.[54] Institutional theory therefore supports reforms directed at the structure and practical operation of sports dispute resolution, rather than relying exclusively on statutory declarations.[55]

[50] W Richard Scott, Institutions and Organizations: Ideas, Interests, and Identities (4th edn, SAGE Publications 2014).
[51] Ibid
[52] Akinola (n 8).
[53] Ibid.
[54] Scott (n 50); Akinola (n 8).
[55] Scott (n 50).

4.0 LEGAL AND INSTITUTIONAL FRAMEWORK FOR SPORTS ARBITRATION IN NIGERIA

4.1 The Arbitration and Mediation Act 2023

The Arbitration and Mediation Act 2023 is the principal general statute governing arbitration in Nigeria.[56] It replaced the Arbitration and Conciliation Act 2004 and introduced reforms intended to modernise arbitration practice and strengthen the legal framework for resolving disputes outside ordinary litigation.[57] Its relevance to sports arbitration lies in its regulation of arbitration agreements, arbitral proceedings, awards and the courts' supporting and supervisory functions.[58]

The Act provides a general legal foundation for sports-related arbitration where the dispute is legally arbitrable and the tribunal has a valid basis for jurisdiction.[59] A dispute concerning a player's contractual remuneration, a commercial sponsorship agreement or a club's contractual obligations may therefore be capable of arbitration, depending on the agreement and the applicable law.[60] However, the Act should not be interpreted as automatically transferring every dispute arising within a sports federation to arbitration.[61] Jurisdiction must be established from the arbitration agreement, applicable statutes, relevant sports regulations or another recognised legal source.[62]

[56] Arbitration and Mediation Act 2023.
[57] Ibid
[58] Ibid
[59] Ibid
[60] Born (n 18).
[61] Arbitration and Mediation Act 2023.
[62] Ibid; Born (n 18).

A significant issue is the relationship between arbitration agreements and the internal rules of sports organisations.[63] A federation may prescribe internal dispute-resolution procedures or require members to use a designated forum, but the legal effect of those provisions depends on their wording, validity and compatibility with applicable law.[64] Where an athlete has accepted standard-form rules as a condition of participation, questions may arise concerning the scope of consent, procedural fairness and the practical availability of alternative remedies.[65] These issues require a careful analysis of the relevant rules rather than a blanket assumption that federation decisions are either immune from judicial scrutiny or automatically reviewable by an ordinary court.[66]

The Act also provides the framework for the recognition and enforcement of arbitral awards, subject to the relevant statutory requirements and grounds for challenge.[67] This is important because a sports arbitration mechanism will be of limited value if successful parties cannot obtain compliance with its decisions.[68] Nevertheless, enforcement questions must be assessed in the context of the particular award, the seat of arbitration, the parties involved and any applicable international convention.[69]

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[63] Akinola (n 8).
[64] Ibid; Arbitration and Mediation Act 2023 (Nigeria).
[65] Akinola (n 8).
[66] Born (n 18).
[67] Arbitration and Mediation Act 2023.
[68] Akinola (n 8).
[69] Convention on the Recognition and Enforcement of Foreign Arbitral Awards (adopted 10 June 1958, entered into force 7 June 1959) 330 UNTS 3; Arbitration and Mediation Act 2023 (Nigeria).

4.2 Constitution of the Federal Republic of Nigeria, 1999

The Constitution of the Federal Republic of Nigeria 1999, as amended, is relevant to sports arbitration because sports disputes may involve questions of fair hearing, access to courts, statutory powers and the legal rights of athletes or sports organisations.[70] Section 36 protects the right to a fair hearing in the determination of civil rights and obligations and in criminal proceedings.[71] Where a sports dispute engages legally protected rights, the requirements of fairness may therefore be relevant to the process by which a decision is reached.[72]

The precise constitutional implications depend on the nature of the body making the decision, the legal character of the proceedings and the rights in issue.[73] It would be inaccurate to assume that every private sports association is automatically subject to every constitutional obligation in the same way as a public authority.[74] Equally, the private or contractual character of a sports organisation does not necessarily remove every dispute involving it from the operation of mandatory law or the jurisdiction of the courts.[75]

A sound Nigerian sports arbitration framework should consequently identify the boundary between private dispute resolution and matters requiring judicial determination.[76] This is particularly important where the

[70] Constitution of the Federal Republic of Nigeria 1999 (as amended).
[71] Ibid, s 36.
[72] Ibid
[73] Ibid; Arbitration and Mediation Act 2023.
[74] Constitution of the Federal Republic of Nigeria 1999 (as amended).
[75] Ibid; Arbitration and Mediation Act 2023 (Nigeria).
[76] Born (n 18).

dispute concerns public powers, statutory duties, allegations of unlawful discrimination, fundamental rights or a remedy that the arbitral tribunal lacks legal authority to grant.[77]

4.3 Sports federation statutes and regulations

Sports federations establish rules governing membership, competitions, discipline, eligibility and the relationship between their members.[78] These instruments can contain dispute-resolution provisions that determine the sequence of internal appeals and the circumstances in which a matter may be referred to arbitration.[79] In football, for example, the statutes and regulations of FIFA and the Nigeria Football Federation may be relevant to disputes involving clubs, players, officials and federation members.[80]

The legal effect of a federation's rules depends on the particular instrument, the parties bound by it and the applicable law.[81] A clause requiring disputes to be referred to a designated tribunal may establish a contractual or regulatory basis for jurisdiction, but it must be interpreted according to its terms and any mandatory legal restrictions.[82] The existence of an internal appeal procedure should also be distinguished from an agreement to arbitrate, since the two processes may differ in their source of authority, procedure and legal consequences.[83]

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[77] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36; Arbitration and Mediation Act 2023.
[78] Ibid
[79] Ibid
[80] Ibid
[81] Arbitration and Mediation Act 2023.
[82] Born (n 18).
[83] Ibid

The multiplicity of domestic and international regulations can create uncertainty when different institutions claim authority over the same dispute.[84] Clear rules should therefore specify the competent forum, applicable deadlines, the relationship between internal appeals and arbitration, and the circumstances in which a party may seek relief from a court.[85]

5.0 LITERATURE REVIEW

Akinola's article, 'Conceptualising Confederation of African Football and Operationalising Sports Arbitration in Africa', examines the legal and institutional setting of sports arbitration in Africa, with particular attention to the Confederation of African Football, FIFA and the Court of Arbitration for Sport.[86] Akinola considers the interaction between international sports governance and national legal frameworks and identifies concerns relating to access to justice, the cost of international arbitration, political interference, institutional autonomy and the enforcement of arbitral outcomes.[87]

Akinola's contribution is important because it moves the discussion beyond the formal existence of arbitration rules and considers whether the institutions applying those rules can deliver accessible and credible justice.[88] The article highlights the importance of institutional reform, cooperation between legal systems and measures that improve access to dispute-resolution mechanisms for African athletes and other sports

[84] Akinola (n 8).
[85] Ibid; Born (n 86).
[86] Akinola (n 8).
[87] Ibid
[88] Ibid

participants.[89] It is particularly relevant to Nigeria because the country's sports institutions operate within the wider African and international sports governance environment.[90]

Nevertheless, Akinola's regional focus leaves room for a more detailed examination of Nigeria's domestic legal and institutional arrangements.[91] The present study builds on that analysis by considering the Arbitration and Mediation Act 2023, constitutional fair-hearing principles, the role of domestic sports federations and the prospects for a specialist national sports arbitration mechanism.[92] The present study therefore treats Akinola's work as a significant foundation while directing its principal inquiry to the Nigerian context.[93]

Nafziger's work on international sports law provides a useful foundation for understanding the interaction between national law, international sporting regulations and the authority of sports organisations.[94] Ian S Blackshaw's scholarship also demonstrates the importance of alternative dispute resolution in sports, including the potential contribution of mediation and arbitration to resolving disputes that require specialist knowledge and timely decisions.[95]

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[89] Ibid

[90] Ibid

[91] Ibid

[92] Arbitration and Mediation Act 2023 (Nigeria); Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

[93] Akinola (n 139).

[94] Nafziger and Ganthier (n 2).

[95] Blackshaw (n 2).

The Court of Arbitration for Sport (CAS) has attracted substantial scholarly attention because it provides a specialised forum for disputes arising within international sport, subject to the applicable jurisdictional requirements.[96] Nevertheless, the existence of a specialist institution does not automatically resolve concerns about procedural fairness, independence, the cost of proceedings or the practical ability of athletes to challenge decisions taken by powerful sporting organisations.[97] These concerns are particularly important where participation in a competition or the continuation of an athlete's career depends on a prompt determination of the dispute.[98]

Blackshaw's work on mediation and sports disputes considers the importance of alternative dispute-resolution mechanisms in a sector where commercial relationships, competition rules and institutional interests frequently intersect.[99] His contribution is relevant because mediation and arbitration can provide alternatives to prolonged litigation, although the two mechanisms perform different functions.[100] Mediation assists parties in negotiating a mutually acceptable outcome, while arbitration ordinarily empowers a tribunal to determine the dispute and issue a binding award.[101]

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[96] Ibid.

[97] Richard H McLaren, 'The Court of Arbitration for Sport: An Independent Arena for the World's Sports Disputes' (2001) 35 Valparaiso University Law Review 379.

[98] Nafziger and Gauthier (eds) (n 2).

[99] Blackshaw (n 2).

[100] Ibid

[101] Moses (n 4).

Blackshaw's work supports the broader proposition that sports dispute resolution should be designed around the characteristics of the dispute and the needs of the parties.[102] Not every sports dispute requires arbitration; some contractual or interpersonal disagreements may be resolved more appropriately through negotiation or mediation, while urgent disciplinary or eligibility disputes may require a binding determination.[103] The present study develops this distinction by considering how Nigeria could provide a coherent system in which internal processes, mediation, arbitration and judicial remedies operate in a complementary manner.[104]

Born's work on international commercial arbitration provides a comprehensive account of the legal foundations of arbitration, including arbitration agreements, jurisdiction, tribunal constitution, arbitral procedure, awards and judicial supervision.[105] Although his analysis is not confined to sport, its principles are directly relevant to the design and operation of sports arbitration where general arbitration law applies.[106]

Born's work is useful for analysing the relationship between party autonomy and the legal limits of arbitral authority.[107] In sports disputes, the existence of federation regulations or a standard-form contract does not eliminate the need to determine whether the tribunal has jurisdiction and whether the relevant dispute is legally arbitrable.[108] The present study

[102] Blackshaw (n 2).
[103] Ibid.
[104] Born (n 18); Blackshaw (n 2).
[105] Born (n 18).
[106] Ibid.
[107] Ibid.
[108] Arbitration and Mediation Act 2023; Born (n 18).

applies these general arbitration principles to the Nigerian sports context, particularly in relation to jurisdiction, procedural fairness and the legal effect of arbitral awards.[109]

Moses examines the principles and practice of international commercial arbitration, including the arbitration agreement, the arbitral process, the award and the role of national courts.[110] Her work provides a useful framework for assessing whether a sports arbitration mechanism is legally sound and procedurally fair.[111]

The principles discussed in general arbitration literature are particularly important in sport because disputes may have immediate consequences for an athlete's employment, career, reputation or eligibility to compete.[112] Speed is valuable, but an expedited process must still provide adequate notice, an impartial decision-maker and a reasonable opportunity for each party to present its case.[113] The present study therefore treats procedural fairness as a core requirement rather than a secondary consideration in the design of sports arbitration.[114]

Mauro Cappelletti and Bryant Garth's influential work on access to justice examines the practical barriers that prevent individuals from obtaining effective legal remedies.[115] Their approach is relevant to sports arbitration

[109] Ibid.
[110] Moses (n 4).
[111] Ibid.
[112] Nafziger and Gauthier (n 1).
[113] Moses (n 4).
[114] Ibid.
[115] Mauro and Bryant (n 44).

because the formal availability of a tribunal does not guarantee that athletes or smaller clubs can afford to use it.[116] Legal costs, administrative fees, travel, delay and the need for specialist representation may place the process beyond the reach of less-resourced parties.[117]

The access-to-justice perspective exposes a central tension in sports arbitration: a system may be technically sophisticated yet remain inaccessible to those most in need of an effective remedy.[118] The present study consequently considers affordability, simplified procedures, clear guidance and assistance for eligible parties as essential elements of any proposed Nigerian framework.[119]

Richard Scott's institutional theory provides a framework for analysing how organisational structures, norms and established practices affect institutional legitimacy and performance.[120] Applied to sports arbitration, the theory draws attention to the relationship between formal rules and the institutions responsible for implementing them.[121] A legal framework may provide for impartial decision-making, but its practical credibility will depend on appointment procedures, independence, transparency, expertise and compliance with decisions.[122]

[116] Ibid
[117] Omoniyi Bukola Akinola (n 8).
[118] Cappelletti and Garth (n 44).
[119] Akinola (n 8).
[120] Scott (n 50)
[121] Ibid.
[122] Akinola (n 8).

This institutional perspective is especially useful for examining the prospects of sports arbitration in Nigeria.[123] The creation of a new tribunal will be insufficient if the institution lacks independence, sustainable funding, trained arbitrators or public confidence.[124] The present study therefore argues that reform must address institutional capacity and governance alongside legislation.[125]

The literature reviewed provides important foundations for understanding sports arbitration, international sports law, arbitration procedure, access to justice and institutional governance.[126] Akinola's work is especially relevant to the African context, while Nafziger and Blackshaw provide broader sports-law perspectives and Born and Moses explain general arbitration principles.[127] Cappelletti and Garth, together with Scott, assist in analysing accessibility and institutional legitimacy.[128]

The present study's contribution lies in bringing these perspectives together to assess the Nigerian domestic context.[129] It considers how the Arbitration and Mediation Act 2023, constitutional fair-hearing principles, sports federation regulations and proposals for a national sports arbitration institution interact.[130] It also examines whether the prospects of sports

[123] Scott (n 50).
[124] Ibid.
[125] Akinola (n 8); Scott (n 50).
[126] Nafziger and Gauthier (n 1); Akinola (n 8).
[127] Ibid.
[128] Cappelletti and Garth (n 44); Scott (n 50).
[129] Akinola (n 8).
[130] Arbitration and Mediation Act 2023; Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

arbitration in Nigeria can be realised without sacrificing independence, affordability and access to lawful remedies.[131]

6. CHALLENGES OF SPORTS ARBITRATION IN NIGERIA

6.1 Absence of a comprehensive specialist framework

One major challenge is the absence of a clearly established, comprehensive national framework dedicated specifically to sports arbitration.[132] Nigeria has general arbitration legislation, but a general arbitration statute does not necessarily resolve every institutional issue associated with disputes arising under sports federation regulations.[133] Questions may arise concerning the competent tribunal, the relationship between internal appeals and arbitration, the applicable procedural rules and the status of decisions made by sports organisations.[134]

The proposed Nigeria Sports Arbitration Tribunals Bill indicates that a specialist mechanism has been contemplated, but the legal status of the proposal must be verified before any conclusion is drawn about the establishment of such tribunals.[135] Until an appropriate statutory or institutional framework is in operation, parties may have to navigate a combination of federation procedures, contractual arrangements, general arbitration law and, where jurisdiction permits, ordinary courts.[136] This

[131] Akinola (n 8).
[132] Arbitration and Mediation Act 2023
[133] Ibid.
[134] Born (n 18); Akinola (n 8).
[135] Ibid.
[136] Ibid.

can create uncertainty and increase the risk of disputes about jurisdiction before the substantive issue is determined.[137]

A specialist framework should therefore clarify jurisdiction, appointment procedures, procedural rules, urgent applications, the relationship with internal disciplinary systems and the grounds on which awards may be challenged.[138] Such a framework should also explain how domestic proceedings interact with international sports regulations without assuming that all disputes are subject to one institution.[139]

6.2 Cost and financial barriers

The cost of arbitration can discourage athletes, coaches and smaller clubs from pursuing legitimate claims.[140] Expenses may include administrative fees, arbitrator remuneration, legal representation, expert evidence, travel and accommodation.[141] Where a dispute concerns unpaid wages or a relatively modest contractual claim, the costs of a complex arbitral process may be disproportionate to the amount in dispute.[142]

International sports arbitration may present additional barriers where the proceedings take place abroad or require specialised legal representation.[143] Akinola identifies the affordability of international

[137] Born (n 18).
[138] Ibid; Akinola (n 8).
[139] Ibid.
[140] Cappelletti and Garth (n 44); Akinola (n 8).
[141] Born (n 18).
[142] Moses (n 4).
[143] Akinola (n 8).

sports dispute resolution as an important concern in the African context.[144] The issue is relevant to Nigeria because access to an international forum may be formally available under applicable rules but practically difficult for an athlete with limited resources.[145]

Possible solutions include proportionate fees, simplified procedures for lower-value disputes, remote hearings where appropriate, expedited determination of urgent matters and financial assistance for eligible parties.[146] Any fee structure should be transparent and should avoid creating incentives for frivolous claims while ensuring that genuine disputes can be heard.[147]

6.3 Delay and procedural complexity

Although arbitration is often promoted as faster than litigation, it does not automatically produce a speedy result.[148] Delays may arise from jurisdictional objections, disputes over arbitrator appointments, extensions of time, procedural applications, unavailable decision-makers or difficulties arranging hearings.[149] The absence of clear procedural timetables can make a dispute particularly damaging where it concerns a selection decision, registration deadline or upcoming competition.[150]

[144] Ibid.
[145] Ibid.
[146] Cappelletti and Garth (n 44); Akinola (n 8)
[147] Moses (n 4).
[148] Born (n 18).
[149] Moses (n 4).
[150] Nafziger and Gauthier (n 1).

Sports disputes frequently require a remedy before a particular event or season ends.[151] A delayed decision may therefore deprive a successful claimant of much of the practical benefit of the proceedings.[152] This makes procedural efficiency a substantive concern rather than merely an administrative convenience.[153]

A specialist institution should adopt proportionate timetables, clear filing requirements and procedures for urgent applications.[154] It should also preserve the right to be heard, since excessive speed can itself produce injustice if a party is not given a reasonable opportunity to respond.[155]

6.4 Political interference and governance problems

Sports organisations do not operate in isolation from wider political, commercial and institutional pressures.[156] Disputes concerning elections, appointments, funding, recognition or the administration of a federation may attract competing interests that place pressure on decision-makers.[157] Akinola's discussion of sports arbitration in Africa identifies governance and institutional concerns as relevant to the effectiveness of sports dispute resolution.[158]

[151] Ibid.
[152] Blackshaw (n 2).
[153] Moses (n 4).
[154] Born (n 18).
[155] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36; Moses (n 4)
[156] Akinola (n 8).
[157] Ibid
[158] Ibid

The existence of political or commercial interests does not establish that a particular dispute-resolution process has been improperly influenced.[159] Nevertheless, where appointment procedures and decision-making processes lack transparency, perceptions of interference can damage confidence in the outcome.[160] Independent appointments, conflict-of-interest disclosure, reasoned awards and transparent procedures can reduce these risks.[161]

7. PROSPECTS OF SPORTS ARBITRATION IN NIGERIA

7.1 Development of a specialist national institution

The establishment of a credible national sports arbitration institution could provide a more predictable route for resolving appropriate domestic disputes.[162] A specialist institution could develop procedural rules tailored to sporting disputes and appoint decision-makers with relevant legal and sporting expertise.[163] This could reduce uncertainty about jurisdiction and provide a clearer alternative to prolonged disputes within sports organisations.[164]

A specialist institution should be designed to complement, rather than unnecessarily duplicate, existing federation procedures and international mechanisms.[165] Its jurisdiction should be clearly defined, and the framework should specify how its proceedings interact with any binding

[159] Ibid
[160] Scott (n 50).
[161] Born (n 18); Scott (n 50).
[162] Akinola (n 8)
[163] Nafziger and Gauthier (n 1).
[164] Born (n 18).
[165] Ibid.

international sports regulations.[166] The proposed Nigeria Sports Arbitration Tribunals Bill may provide a starting point for legislative consideration, but the content and status of the proposal must be verified before conclusions are drawn about its legal effect.[167]

7.2 Faster and more proportionate dispute resolution

A properly designed sports arbitration mechanism could provide expedited procedures for disputes requiring urgent determination.[168] Examples include contractual disputes affecting an athlete's immediate employment, challenges to time-sensitive selection decisions and disputes arising close to a competition deadline, provided the tribunal has jurisdiction over the matter.[169] Clear timetables and early identification of the issues could help reduce avoidable procedural delay.[170]

Expedited proceedings should not mean sacrificing fairness.[171] Each party must have a reasonable opportunity to present evidence, respond to allegations and address the legal issues in dispute.[172] A proportionate approach would distinguish urgent cases from disputes that require extensive evidence or complex legal analysis.[173]

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[166] Ibid.
[167] Ibid.
[168] Born (n 18).
[169] Nafziger and Gauthier (n 1).
[170] Moses (n 4).
[171] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.
[172] Ibid.
[173] Moses (n 4).

7.3 Greater access to justice

A domestic mechanism could reduce some of the financial and logistical barriers associated with pursuing disputes in an international forum.[174] Local proceedings may be more accessible to athletes and clubs that cannot readily meet the costs of international travel or specialist representation abroad.[175] This benefit would depend on the institution's fee structure, location, procedures and willingness to accommodate parties with limited resources.[176]

Measures such as online filing, remote hearings, simplified procedures for lower-value disputes and transparent fee schedules could improve accessibility.[177] The institution could also consider assistance for eligible parties, subject to transparent criteria and sustainable funding.[178] These measures would help ensure that specialist arbitration serves not only wealthy clubs and established professionals but also less-resourced participants.[179]

7.4 Strengthening sports governance and accountability

Effective dispute resolution can encourage sports organisations to comply with their own rules and make decisions through fair procedures.[180] Where participants have access to an independent mechanism for challenging decisions, administrators may have stronger incentives to give

[174] Akinola (n 8).
[175] Ibid.
[176] Cappelletti and Garth (n 44).
[177] Born (n 18).
[178] Cappelletti and Garth (n 44).
[179] Akinola (n 8).
[180] Scott (n 50).

reasons, follow prescribed procedures and manage conflicts of interest.[181] Sports arbitration can therefore support accountability when it is embedded in a wider system of transparent governance.[182]

An effective institution should not, however, become a means of shielding sports administrators from scrutiny or protecting powerful participants from ordinary legal obligations.[183] Its legitimacy will depend on consistent application of the rules, independence from interested parties and respect for lawful judicial oversight.[184]

8.0 SUMMARY OF FINDINGS

The study finds that sports arbitration offers a potentially valuable means of resolving disputes arising from sporting activities, particularly where specialist knowledge, procedural flexibility and timely decisions are important.[185] Its usefulness nevertheless depends on the tribunal's jurisdiction, the fairness of its procedures and the availability of effective remedies.[186]

The study further finds that Nigeria's Arbitration and Mediation Act 2023 supplies a general statutory foundation for arbitration but does not, by itself, establish a complete specialist national sports arbitration system.[187] The legal framework must therefore be considered alongside the rules of

[181] Ibid.
[182] Akinola (n 8).
[183] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.
[184] Arbitration and Mediation Act 2023.
[185] Nafziger and Gauthier (n 1); Akinola (n 8).
[186] Born (n 18).
[187] Arbitration and Mediation Act 2023.

sports federations, applicable constitutional principles and any relevant international dispute-resolution arrangements.[188]

The literature review demonstrates that Akinola's analysis of sports arbitration in Africa is particularly relevant to questions of institutional autonomy, access to justice and enforcement.[189] General arbitration scholarship also provides essential principles concerning jurisdiction, party autonomy, procedural fairness and judicial supervision.[190] However, these general and regional perspectives must be applied carefully to Nigeria's particular legal and institutional circumstances.[191]

The study identifies cost, delay, limited specialist expertise, uncertainty about jurisdiction, institutional independence and enforcement as significant issues requiring attention.[192] These challenges are not necessarily unique to Nigeria, but they may be intensified where sports participants lack access to specialist advice or where dispute-resolution procedures are fragmented.[193]

Finally, the study finds that the prospects for sports arbitration in Nigeria depend on a combination of legal reform, institutional independence, accessible procedures, professional training and coordination with international sports governance.[194] Establishing a specialist institution

[188] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36;
[189] Akinola (n 8).
[190] Born (n 18); Moses (n 4).
[191] Akinola (n 8).
[192] Ibid.
[193] Cappelletti and Garth (n 44).
[194] Scott (n 50); Akinola (n 8).

without addressing these conditions would be unlikely to produce lasting improvements.[195]

9. CONCLUSION

Sports arbitration has the potential to improve the resolution of disputes in Nigerian sport by providing a specialist, flexible and potentially efficient alternative to prolonged proceedings.[196] Its importance lies not only in resolving individual disputes but also in promoting contractual certainty, procedural accountability and confidence in sports governance.[197] Nevertheless, arbitration is not automatically fair, inexpensive or faster than litigation, and its advantages depend on the quality of the institution and the procedures applied.[198]

Nigeria has a general statutory framework for arbitration under the Arbitration and Mediation Act 2023, but the existence of that legislation does not, by itself, settle all the institutional questions associated with sports arbitration.[199] Clearer arrangements are needed to identify the appropriate forum, protect arbitrator independence, provide affordable procedures and determine how domestic mechanisms interact with sports federation rules and international institutions.[200] Any proposal for a specialist national tribunal must also be assessed by reference to its actual legal status, jurisdiction and institutional design.[201]

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[195] Scott (n 50).
[196] Nafziger and Gauthier (n 1).
[197] Akinola (n 8).
[198] Born (n 18).
[199] Arbitration and Mediation Act 2023.
[200] Akinola (n 8).
[201] Ibid.

The central conclusion is that the development of sports arbitration in Nigeria should pursue both efficiency and justice.[202] A system that resolves disputes quickly but excludes less-resourced athletes, lacks independence or disregards fair-hearing requirements cannot be regarded as satisfactory.[203] Sustainable progress requires a legally sound and institutionally credible framework that respects party autonomy while preserving access to lawful remedies and appropriate judicial supervision.[204]

10. RECOMMENDATIONS

i. Establish a clear and independent national framework

Nigeria should consider establishing a specialist national sports arbitration mechanism through a clearly defined legal and institutional framework.[205] The framework should specify the institution's jurisdiction, appointment procedures, applicable rules, powers, relationship with internal sports procedures and interaction with international sports institutions.[206] Before legislation is introduced or relied upon, the current status and contents of the proposed Nigeria Sports Arbitration Tribunals Bill should be verified against official legislative records.[207]

[202] Cappelletti and Garth (n 44); Born (n 18).
[203] Ibid
[204] Arbitration and Mediation Act 2023; Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.
[205] Ibid.
[206] Born (n 18).
[207] Ibid.

The institution should be structurally independent of the sports organisations whose decisions may be challenged.[208] Its governing arrangements should include transparent appointment procedures, appropriate conflict-of-interest safeguards and clear procedures for challenging an arbitrator.[209] Independence should be supported by sustainable funding and administrative arrangements that do not permit an interested party to control the outcome of proceedings.[210]

ii. Adopt clear procedural rules

A national sports arbitration mechanism should publish accessible procedural rules covering commencement of proceedings, jurisdictional objections, submission of evidence, hearings, urgent applications, awards and costs.[211] The rules should prescribe reasonable timelines and allow expedited determination where delay would materially affect an athlete's participation, employment or competition eligibility.[212]

The procedures should also guarantee notice, impartial adjudication and a reasonable opportunity for each party to present its case.[213] The rules should distinguish between urgent cases and disputes requiring more extensive evidence, ensuring that expedition does not become a justification for procedural unfairness.[214]

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[208] Scott (n 50).
[209] Born (n 18).
[210] Scott (n 50).
[211] Born (n 18).
[212] Moses (n 4).
[213] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.
[214] Moses (n 4).

iii. Make dispute resolution affordable

The institution should adopt a transparent and proportionate fee structure.[215] Lower-value disputes should, where appropriate, be eligible for simplified procedures designed to reduce administrative expense and unnecessary legal complexity.[216] Remote hearings and electronic filing should be used where suitable and consistent with the parties' ability to participate effectively.[217]

A system of fee reduction or financial assistance should be considered for eligible athletes and other participants who cannot reasonably afford the costs of proceedings.[218] The eligibility criteria should be transparent, and the scheme should be funded sustainably so that assistance does not compromise institutional independence.[219]

iv. Improve enforcement and compliance

The proposed framework should provide clear procedures for communicating awards, specifying compliance periods and dealing with non-compliance.[220] It should explain the applicable routes for recognition and enforcement of awards and preserve the grounds for challenge provided by law.[221] Sports organisations should also ensure that their

[215] Cappelletti and Garth (n 44).
[216] Born (n 18).
[217] Ibid.
[218] Cappelletti and Garth (n 44).
[219] Scott (n 50).
[220] Arbitration and Mediation Act 2023.
[221] Ibid; Convention on the Recognition and Enforcement of Foreign Arbitral Awards (n 69).

internal rules clearly explain the consequences of failing to comply with valid decisions, subject to the applicable law.[222]

Where international awards are involved, the institution should guide the relevant enforcement framework, including the New York Convention where applicable.[223] It should not suggest that every decision made by a sports body is automatically enforceable as an arbitral award.[224]

v. Promote awareness and access to legal assistance

Sports federations, clubs, athletes' associations and relevant professional bodies should provide accessible information about dispute-resolution options and procedures.[225] Information should cover filing deadlines, jurisdiction, required documentation, the difference between internal appeals and arbitration, and the potential legal consequences of accepting dispute-resolution clauses.[226]

Legal education initiatives should pay particular attention to young athletes, grassroots participants and persons with limited access to specialist advice.[227] Where feasible, referral arrangements and legal assistance programmes should help eligible participants obtain advice before their rights are lost through procedural mistakes.[228]

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[222] Ibid
[223] Convention on the Recognition and Enforcement of Foreign Arbitral Awards (n 69)
[224] Born (n 18).
[225] Cappelletti and Garth (n 44).
[226] Akinola (n 8).
[227] Cappelletti and Garth (n 44).
[228] Ibid.