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**“CREATING A MODERN DISPUTE RESOLUTION MECHANISM APPLICABLE
TO THE SPORTS INDUSTRY IN RWANDA.”**

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RESUME

À travers des procès à fort retentissement social, les activités sportives tiennent de plus en plus souvent en échec des institutions aussi fondamentales que l'État ou l'administration de la justice. Le sport engendre de nos jours des revenus énormes et ces derniers peuvent également être au cœur de certains conflits. Il naît donc un sérieux problème, car la gestion des conflits dans le milieu. Il convient ici, de démontrer l'enjeu, voir même l'importance d'un mécanisme de résolution de différends dans le milieu sportif, car la résolution de tels conflits ne se fait pas toujours devant les juridictions étatique.

L'émergence de l'industrie due sport fait donc naître un paradigme très spécifique non seulement dans la gestion du sportif, mais aussi dans les résolutions des conflits futures.

SUMMARY

Through trials with strong social impact, sporting activities are increasingly holding in check institutions as fundamental as the State or the administration of justice. Sport generates enormous income these days and this can also be at the heart of certain conflicts. A serious problem therefore arises, because of the management of conflicts in the environment. It is appropriate here to demonstrate the issue, even the importance of a mechanism for resolving disputes in the sporting environment, because the resolution of such conflicts is not always done before State courts.

The emergence of the sports industry therefore gives rise to a very specific paradigm not only in the management of athletes, but also in the resolution of future conflicts.

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ABBREVIATIONS LIST

FIFA: Fédération internationale de football association (International Federation of Football Association)

FERWAFA: (Federation Rwandaise de Football Association) Rwanda Association Football Federation.

CAF: African Football Confederation

TAS: Tribunal Arbitral du Sport (Court of Arbitration for Sport)

NOC: National Olympic Committee

IOC: International Olympic Committee

ILPD: Institute of Legal Practice and Development

KIAC: Kigali International Arbitration Centre

CHAPTER 0: GENERAL INTRODUCTION

The sports industry in Rwanda is emerging as a dynamic and booming sector, offering opportunities for economic growth and social development. However, as in any industry, disputes can arise, whether they be contractual disputes, conflicts between athletes and clubs, or issues relating to governance and ethics. To maintain the integrity and stability of this promising industry, an effective and fair dispute resolution mechanism is essential.

Sports are part of every culture past and present, but each culture has its own definition of sports. The most useful definitions are those that clarify the relationship of sports to play games and contests.¹ “Play,” wrote the German theorist Carl Diem “is purposeless activity, for its own sake, the opposite of work.” Humans work because they have to; they play because they want to. Play is autotelic that is, it has its own goals. It is voluntary and uncoerced. Recalcitrant children compelled by their parents or teachers to compete in a game of football (soccer) are not really engaged in a sport. Neither are professional athletes if their only motivation is their paycheck. In the real world, as a practical matter, motives are frequently mixed and often quite impossible to determine. Unambiguous definition is nonetheless a prerequisite to practical determinations about what is and is not an example of play.²

It is a spectacle, a consumer product, a means of advertising, a leisure activity, an employer... Undeniably, sport is a social reality that influences everyone's behavior³. It can no longer be considered a simple leisure activity accessible to a minority of people. It is quite the opposite. Since the creation of the International Olympic Committee in 1894 by Baron Pierre de Coubertin⁴, the practice of sport has grown steadily to become a truly mass phenomenon. However, sport, like all human activity, is confronted with its own existence in that it is a source of problems of all kinds.

¹ David Charles Rowe and Allen Guttmann, “Sports” article History available on: <https://www.britannica.com/sports/sports> last accessed on 05/07/2024

² Idem

³ P. BOURDIEU, “how can one be sporty?”, in “questions of sociology”, ed. de Minuit, 1980, reproduced in Rev. French Marketing, n° 138, 1992/3, p. 16, goes so far as to speak of “proselytizing sport”.

⁴ See in particular J.-L. CHAPPELET, “the Olympic system”, Presse universitaire de Grenoble, Grenoble 1991; R. THOMAS, “history of sport”, PUF, QSJ, n°337, 1991.

It is therefore of interest to academic disciplines such as medicine, sociology and history, but also to the legal sciences⁵. Indeed, sport is, first and foremost and necessarily, a source of conflict of any kind and in the Olympic spirit, which demands mutual understanding, friendship, solidarity and fair play"⁶. Today, sport has become a formidable market for products and services. The sports industry represents sales of \$150 billion. Employs 2 million people and 12,000 companies worldwide. The competitions organized by sports federations have become, at least for some of them, a means of appeal for television channels and a means of communication for companies.

Consequently, the sport power conceals an economic power that can be approached from the angle of the economic activity of federations, as associations, and from the angle of the exercise of its economic power with regard to the transfer of television broadcasting rights and sports sponsorship.

Sport is presented as a physical activity in which participants can come into contact with each other, and in the course of their activity, problems can arise. When a dispute arises in the sporting arena, it is not always easy to resolve it, as it is often difficult to know who to take the matter to. The choice is often between national or international courts⁷. As a result, the resolution of sports-related disputes has more often than not resorted to traditional methods and mechanisms⁸, such as state courts. Sport makes us dream. The world of sport is one of records and of all kinds of passions on the part of those who chase glory: the quest for perfection, the desire to break records, and more to win for oneself, one's family or one's country.

At the beginning of the 1980s, the steady increase in international sports-related litigation and the absence of any independent authority specializing in sports-related issues and empowered to issue binding rulings prompted sport's highest authorities to address the issue of sports dispute resolution.

⁵ See Ph. JESTAZ, "sports spectacle and sports law" in "the sports spectacle", proceedings of the Limoges conference from May 12 to 14, 1980, publications of the Faculty of Law and Economic Sciences of Limoges, center of law and economics of sport, PUF, p. 316; C. MIEGE, "sports institutions", PUF, QSJ?, 1997, p. 3.

⁶ [https:// hal. Science](https://hal.science) consulted on March 26, 2024.

⁷ According to A. GORGEMANS (general secretary of the World Federation of the Sporting Good Industry), "the relations of sport with its economic partners", rev. conc. cons., no. 111, Sept.-Oct. 1999, p. 16.

⁸ See S. LUPIERI, "French sports federations in the midst of change", in Economic problems, "Economy of sport", Doc. fr., n° 2.503, January 15, 1997, p. 27 et seq.

Many conflicts can arise in the world of sport, and require effective resolution. Nowadays, traditional methods of resolving sports-related disputes are obsolete, as they are no longer adapted to the evolution of society. Sporting competition between two or more opponents seeking to prevail over each other in a game of physical skill and strategy represents a form of conflict that Simmel describes as *Kampfspiel*⁹.

Other authors such as Beals and Siegel, taking into account the orderly, non-hating nature of this competition, classify it as "pseudo-conflict". In some countries, sport is a constitutionally guaranteed right¹⁰. With this in mind, this study examines the specific dispute resolution challenges facing the sports industry in Rwanda. It also explores the fundamental principles and best practices of dispute resolution mechanisms in the field of sport, focusing on their adaptation to the Rwandan context. Sport, in all its activities, generates as much passion and emulation as it does conflict. As a result, various jurisdictions are used to try and settle sports-related disputes.

However, it soon became apparent that the specific nature of sporting activity called for the establishment of appropriate jurisdictions¹¹. Indeed, recourse to state, administrative or civil jurisdiction did not always provide good solutions to the concerns raised, and the search for appropriate solutions was likely to prolong the dispute before the country's various levels of jurisdiction.

In an attempt to define "sport", it's an Anglicism derived from the Old French word "desport", then "déport", meaning amusement. Sport is "a phenomenon understood by all, but which no one, not even the most learned specialists, can properly define¹²". The difficulty lies in the fact that, as work without work, sport blends the characteristics of amusement and work, "sometimes leaning towards one (amateur sport), sometimes towards the other (professional sport)".

⁹ Gunther Luschen; international journal of social sciences, Unesco 1982, pp4

¹⁰ Some recent constitutions make the promotion of sport one of the missions of the State or decentralized local authorities. See articles 40(3) and 148(19°) of the Spanish Constitution of 1978, articles 55(2) and 56(1) of the Cameroonian Constitution of January 18, 1996. The illustration is even clearer in the Portuguese Constitution of 1976 where article 79(1) provides that "everyone has physical education and sport"

¹¹ Charles Tchatchouang, settlement of sports disputes before the conciliation and arbitration chamber, SHS Web of Conferences 32, 03003 (2016)

¹²M. BERNARD: The sporting phenomenon under "sport" in Encyclopedia Universalis, 1992, vol. 21, p. 512

Despite all this, the sport refers to the physical exercises practiced to play¹³ and put the body through its paces. The stated aim is "the development not only of the body but also of moral powers". Sport is a phenomenon that responds to a social demand comprising two elements: on the one hand, the practice and, on the other, the spectacle. While the actor in the show dives, skates, runs, dribbles, shoots, hits, deflects, hits, aims and dodges, spectators derive their pleasure¹⁴ from watching them practice.

The sports industry is an economic¹⁵ and industrial sector in which people, activities, companies and organizations are involved in the production, facilitation, promotion or organization of sport-based commercial activities. ¹⁶The sports industry is an exceptional sector. Although it attracts more and more money every year, its financial importance is still limited compared to other industrialized sectors. Comprising between 0.8% (Kearney, 2021) and 2% (Ministry of Town, Youth and Sports, 2015) of global GDP - a far cry from tourism, logistics or the automotive industry - the sports sector is increasingly profitable. In view of the above, and with the aim of better understanding our subject, we can ask the question, what is the legal mechanism for resolving conflicts in the sporting world? The answer to this question raises a dual interest, both legal and sporting.

The legal interest is in highlighting the different means or jurisdictions of conflict management, while the sporting interest is in providing sports players with the tools to protect their activities. In addition, this study sets out to propose concrete recommendations for the creation of a robust and effective regulatory framework for dispute resolution in the Rwandan sports industry. These recommendations aim to promote transparency, accessibility and impartiality, while ensuring compliance with international standards and best practices in the field. Sporting bodies can be at the heart of the creation of the law that will apply to them in the event of a dispute. Tumultuous love affairs. Financial scandals, tax fraud, corruption, doping, etc., are part and parcel of certain

¹³ The word work understood as the sensitive, palpable result of a creation, of a production.

¹⁴ Christian GODIN: under "sport", Dictionary of Philosophy, Fayard/editions du temps, 2004, p. 1249

¹⁵ Paul FOULQUIE: under "sport" Dictionary of Philosophical Language, PUF, 1982, p. 690.

¹⁶ Paul YONNET: under "Sport", Sylvie MESURE and Patrick SAVIDAN (dir.): The dictionary of human sciences, PUF, 2006, p. 1112.

mores, fortunately minority. The importance of sport in our society is thus part of a phenomenon sport is not just a purely social activity, but is increasingly part of an economic dynamic.

Sport is becoming more and more permeable to the market economy. Therefore stockholder's in need have to take into account of its specificity in its relationship with competition. Aware of the importance of sport in everyday life, public authorities have the important law of July 16/1984 on the organization and promotion of sports the organization and promotion of physical and sporting activities, now codified in the legislative section of the Sports Code, defined the legal framework the legal framework for the organization of sport in general.

According to article L. 100-1 of this Code, physical and sports activities are an important part of education of education, culture, integration and social life; they contribute in particular to the fight against academic failure and the social and cultural inequalities, as well as to health, so that their promotion that their promotion and development for all, especially for people with disabled people, are of general interest.¹⁷ These regulations are supplemented by those of the sporting authorities, providing an autonomous framework for sporting activity. However, as sport is also an economic and social activity economic and social activity, sport is subject to the general rules of law applicable to individuals and groups.

The organization, management and financing of sport in France are based on the complementary nature of the competencies exercised and the interventions provided, each in its own field. each in their own field, by the various people in charge and players in the field. In Rwanda, it is difficult, if not impossible, to find structures empowered to resolve sports-related disputes.

We understand that sport can generate a number of conflicts, which can arise voluntarily or involuntarily, and when this happens, the competent courts have to be called in. To better understand our subject, we will present the development of a legal framework for dispute resolution in Rwanda, and Training and accreditation of mediators and arbitrators.

¹⁷ Law of July 16/1984 on the organization and promotion of sports the organization and promotion of physical and sporting activities

CHAPTER I: DEVELOPING A LEGAL FRAMEWORK FOR DISPUTE RESOLUTION IN RWANDA

The sports industry in Rwanda has grown significantly in recent years, reflecting the increasing importance attached to sport in the country's socio-economic development. With this rapid growth, however, also come inherent challenges, not least the management of disputes that can arise between the industry's various stakeholders. Whether disputes arise between players and clubs, between sports federations or between athletes and sponsors, the need for a clear and effective legal framework for dispute resolution is essential to ensure the integrity and sustainable development of the sports sector in Rwanda. In this section, we will first discuss the context of the sports industry in Rwanda and then the importance of a legal framework for dispute resolution

I.1. BACKGROUND TO THE SPORTS INDUSTRY IN RWANDA.

Rwanda's sports industry is emerging as a booming sector, enjoying growing interest both nationally and internationally.¹⁸ As the country forges its reputation in various economic and social fields, sport is becoming an essential pillar of its overall development. However, this expansion is taking place within a well-defined legal framework, where laws and regulations govern sporting activities, their organization and management. From this perspective, understanding the laws applicable in Rwanda in the context of the sports industry is crucial to seizing opportunities, meeting challenges and ensuring the sustainable development of this dynamic sector. This introduction will therefore explore the main legislative aspects governing the Rwandan sports landscape, highlighting the legal implications on sports practices, infrastructures, events and the players involved. In order to better explore in this area.

¹⁸ VELVETE SPORTS, available on : <https://www.verlete.com/country/rwanda/> last accessed on 05/07/2024

I.2. OVERVIEW OF RWANDA SETTLEMENT MECHANISM FOR DISPUTE RESOLUTION IN THE SPORTS INDUSTRY

Law N° 32/2017 OF 03/08/2017 on the organization of sport, games and leisure in Rwanda, enshrines and guarantees a number of mechanisms likely to foster the promotion of the sports industry in Rwanda¹⁹. It must be said that the first sports games arrived in Rwanda in the 1940s, and had the adjective of dislocating Rwandans by putting on one side the bourgeois and on the other the proletarians²⁰. This section is devoted first to the contextualization of sport in Rwanda and second, to the importance of dispute resolution in sport in Rwanda.

I.2.1 The Context of Sport in Rwanda

Rwanda, often recognized for its breathtaking scenery and tumultuous history, also offers a rich setting for exploring the place of sport in its society. Although often overshadowed by significant historical events such as the 1994 genocide, the sporting dimension of this East African country is of significant importance to its re-construction, social development and national identity. Contextualizing sport in Rwanda requires an in-depth analysis of its evolution through the ages, its role in social cohesion and its future prospects in a country undergoing constant change.

This exploration will enable us to fully grasp the impact of sport on the daily lives of Rwandans and the way it helps shape their society in both a local and global context. But the practice of sport is often the subject of many other sources of conflict, which is why, Law N° 32/2017 DU 03/08/2017 on the organization of sport, games and leisure in Rwanda has to elaborate provide certain sanctions that would apply to sportsmen and sportswomen and to certain sports organizations in Rwanda.²¹

This section will focus first on the origins of sport in traditional Rwandan culture, and second the importance of sport in Rwandan society

¹⁹ [https:// www.Dictionnaire Larousse.com](https://www.Dictionnaire Larousse.com), consulted on 03/26/2024

²⁰ Law number 32/2017 of 30/2017 on the organization of sport, games and leisure.

²¹ Simon Kupe, Doctoral thesis, sport and youth movement in the political emancipation of colonial Rwanda, defended on 15/30/2011, pp212.

I.2.1.1. The Origins of Sport in Rwandan Culture

Sport occupies a significant place in Rwandan culture, as a means of entertainment, competition and social cohesion. Although modern sports practice in the country is influenced by Western sports such as soccer and basketball, Rwandans also have a rich tradition of indigenous games and sports. Before colonization, Rwandans practiced a variety of traditional games and sports, which were often integrated into their cultural and ritual celebrations. Traditional games included Gushimisha, a stone-throwing game requiring skill and precision, and Igisenge, a traditional form of wrestling. These activities were often organized during community festivals and ceremonies. With the arrival of European settlers and the colonization of Rwanda, the country was exposed to new sports introduced by the colonial powers.

Soccer has become extremely popular and is now the most practiced sport in Rwanda. Basketball is also very popular, with Rwanda having a competitive national team. The famous Rwandan writer ALEXIS KAGAME, in his book entitled *The philosophy of language*, published by Editions L'Harmattan, gives a brief overview of how the population functions²². After colonization, Rwanda continued to develop and practice a variety of sports, both traditional and modern, including soccer, volleyball, handball, athletics and cycling.

The sports industry can give rise to a number of conflicts that need to be resolved. The Rwandan legislator has therefore set up a legal arsenal likely to regulate this kind of situation, following the example of law number 32/2017 of 30/2017 on the organization of sport, games and leisure. The law on arbitration, the emergence of sport has enabled our societies to grow rapidly, the importance of sport in our societies is thus part of a phenomenon sport is not just a purely social activity, but is increasingly part of an economic dynamic. Sport is becoming increasingly permeable to the market economy, and this raises questions. The answers to which lie in the need to take into account of its specificity in its relationship with competition.

²² Law number 32/2017 up cit.

Aware of the importance of sport in everyday life²³, public authorities have passed an important law on July 16 1984 on the organization and promotion of physical and sporting activities, now codified in the legislative section of the French Sports Code, which defined the legal framework²⁴ for the organization of sport in general.

According to article L. 100-1 of this Code, physical and sporting activities constitute an important part of education, culture, integration and social life; they contribute in particular to the fight against academic failure and the social and cultural inequalities, as well as to health, so that their promotion and development for all, especially for the most disadvantaged²⁵. Disabled people, are of general interest. These regulations are supplemented by those of the sporting authorities, giving an autonomous framework for sporting activity. However, as sport is also an economic and social activity, sport is subject to the general rules of law applicable to individuals and groups²⁶. African governments, particularly the Government of Rwanda, have invested in the construction of sports infrastructures such as stadiums, gymnasiums and training facilities to support the practice and development of sport at all levels, from grassroots to professional.

I.2.1.2 The new vision for sport in Rwanda.

Over the past decade, the government has emphasized the crucial role of sport in social reconstruction and in promoting the well-being of its population. The new vision of sport in Rwandan society cannot be underestimated, as it embodies much more than a simple physical activity. On the contrary, sport serves as a catalyst for national unity, social cohesion, individual development and international diplomacy. From this perspective, exploring the profound impact of sport in Rwandan society reveals not only its transformative power, but also its ability to shape the dynamic future of a growing nation.

²³ Alexis Kagame, the philosophy of language, harmattan, 1978, pp200.

²⁴ Jean Gatsi, sports law, Presse Universitaire de France, 2nd edition, PP4.

²⁵<http://www.cairn.info/le-droit-du-sport--9782130565161-page-3>.

²⁶ Jean Gatsi up cit.

A flowering of sporting infrastructure developing in the country, including the development and construction of stadiums, the organization of international competitions, such as the Tour Cyclist du Rwanda, and the hosting of the Basketball game, in Kigali's mythical Arena. Sport aims to maintain the vitality of peoples, to be competitive, to contribute to economic development, to promote socio-cultural community values, conviviality and mutual respect, and to serve as a tool for mobilization. Games are intended for leisure and competition, according to the laws in force. Leisure activities are aimed at recreation, health maintenance and the development of knowledge through games, socio-cultural activities or technology²⁷.

The new vision for sport in Rwanda is characterized by a deep commitment to the holistic development of individuals, the promotion of health and well-being, and the consolidation of national identity through sport. Over the past few years, the Rwandan government has implemented various initiatives aimed at stimulating sports participation at all levels, from grassroots to elite, while recognizing the potential of sport as a catalyst for economic and social development. Rwanda emphasizes the accessibility and exclusivity of sport, encouraging the participation of all citizens, regardless of age, gender or physical condition. Programs are in place to encourage the participation of young people, women and people with disabilities.

The Rwandan government is investing in the construction and modernization of sports infrastructures across the country. This includes the construction of stadiums, training centers and community facilities, aimed at providing adequate space for the practice of sport at all levels.²⁸ Training programs are set up to develop the skills of athletes, coaches and sports administrators. The aim is to create a solid base of national talent capable of competing internationally in various sporting disciplines. Like Qatar and Saudi Arabia, Rwanda is trying to make sport one of the pillars of its transformation.

²⁷ Law of 2017, governing the organization of sport, games and leisure.

²⁸Rwanda Housing Authority website, available on: <https://www.rha.gov.rw/updates/news-details/building-bridges-of-unity-and-progress-inside-remarkable-development-of-rwandas-stadiums> accessed on 5/07/2024

Sport is also seen as a driver of economic development, offering employment opportunities in areas such as athlete training, sports infrastructure management, tourism and sports marketing. The sports industry in Rwanda has seen significant development in recent years, with the Rwandan government implementing various initiatives to promote sport in the country.

The Rwandan government also supports the development of competitive sport across the country. Efforts are being made to identify and support local sporting talent, with a particular focus on disciplines such as cycling, soccer, basketball and volleyball²⁹.

I.3. THE IMPORTANCE OF RESOLVING DISPUTES IN RWANDAN SPORT.

When it comes to sport, it quickly becomes apparent that disputes and conflicts can arise at any time, often engendered by the intense competition, high stakes and strong personalities involved. In Rwanda, a country which has experienced significant growth in the sporting arena in recent years, the effective and fair management of such disputes is of paramount importance. Not only does it guarantee the integrity and fairness of competitions, but it also helps to maintain social cohesion, promote sporting values and strengthen the country's overall development. In this introduction, we will therefore explore the crucial importance of dispute resolution in sport in Rwanda, highlighting its sporting, social and economic implications. In this section, we will first present the types of disputes common in Rwandan sport and second, the impact of disputes on athletes, teams and image in Rwandan sport.

I.3.1. Common Types of Dispute in Rwandan Sport

The world of sport in Rwanda, as in many other parts of the world, is a fertile breeding ground for competition, passion and, at times, controversy. At the heart of this vibrant dynamic lies a multitude of disputes that reflect the challenges and issues specific to this East African nation. These disputes, varied in nature and origin, are not limited to competitive issues on the field, but also encompass organizational, political and social aspects that shape the Rwandan sporting landscape. In the world of sport in Rwanda, as in any other country, there are several common types of dispute:

²⁹ Article 7 of the International Anti-Doping Convention.

Doping offences: Cases of doping or other anti-doping rule violations can lead to disputes, particularly concerning the sanctions to be imposed on the athletes or teams involved. Doping is a global problem in the world of sport, and many countries, including Rwanda³⁰.

Laws and regulations have been adopted in line with the World Anti-Doping Code established by the World Anti-Doping Agency because Rwanda ratified the UNESCO convention against doping in sport in 20?? This malicious practice is prohibited in sport, as it is considered fraud. Anyone found guilty of the offence of doping, fraudulent acts and unfair practices is punished in accordance with the international laws of each sport³¹.

Doping is the use of certain substances to artificially improve a player's physical and/or mental condition, as well as to artificially enhance athletic³² performance. Any use of prohibited substances in football or in all sports will be punished in accordance with CAF regulations and Disciplinary Code.³³

Financial disputes between clubs and players: Financial disputes can arise between sports clubs and players over unpaid wages, unpaid bonuses or broken contracts. Financial disputes between clubs and players are fairly common problems in the world of professional sport. These disputes can arise for a variety of reasons, such as contractual disputes, late payments or breaches of contract terms. Disagreements over contracts and salaries are among the most common reasons for financial disputes between clubs and players. This can include disputes over salary amounts, bonuses, raises and contractual clauses.

³⁰ Article 26, Law of 2017 governing the organization of sport, games and leisure

³¹ Article 55 al1 CAF regulations

³² Article 55 al3 CAF regulations

³³ Article 77-80 of CAF DISCIPLINARY CODE(CDC) entered into force on 1st July 2007

Transfers and release clauses: player transfers between clubs can often lead to financial disputes. Clubs may disagree on the amount of compensation or transfer fees, while players may dispute release clauses or payments due to them when they change clubs, Player transfers involve the movement of a player from one club or team to another, usually in return for a transfer payment. Transfer disputes can arise for a variety of reasons, including, Differences in Business Strategy and Vision, Disagreements Over Financial Matters, Disputes Arising from Management and Decision-Making, Personal Conflicts and Communication Breakdowns.³⁴

I.3.2. The Impact of Disputes Toward Athletes, Teams, Sport's Image in Rwandan Sport.

In Rwanda, where sport is often seen as a vehicle for national unity and development, disputes can be particularly damaging. They can jeopardize the progress made in promoting sport and its positive values, such as fair play, discipline and respect. Therefore, it is crucial for sports authorities, athletes and stakeholders to work together to resolve disputes constructively and preserve the integrity and positive image of sport in Rwanda.

In Rwanda, as in many other countries, disputes in sport can have a significant impact on athletes, teams and the image of sport as a whole. Here are just a few aspects of this impact.

Athletes: Disputes within teams or with sports authorities can disrupt athletes' concentration and performance. Internal conflicts can create a toxic working environment, affecting athletes' motivation and confidence. In addition, disputes can lead to long suspensions or sanctions, compromising athletes' careers and their ability to represent their country at international level.

Teams: Conflicts within teams can compromise cohesion and group dynamics. This can lead to a drop in collective performance, as a divided team will find it difficult to achieve its objectives. Furthermore, disputes between rival teams can lead to violent confrontations, damaging the integrity of the sport and its public image.

³⁴ Muskegon Business Law Attorneys of David T. Bowen, P.C., Shareholder Disputes: Common Causes and Remedies, available on <https://bowen-law.com/shareholder-disputes-common-causes-and-remedies/> accessed on 05/07/2024

Sport's image: Disputes in sport can tarnish the image of sport in society. Cases of corruption, cheating or doping can tarnish the reputation of sport and erode public confidence. In addition, repeated disputes can deter sponsors and investors from becoming involved in sport, leading to a loss of funding and resources for sports development.

I.4. THE IMPORTANCE OF SPORT IN RWANDAN SOCIETY

Sport plays an increasingly important role in Rwandan society, both socially and in terms of individual and collective development. Over the past few decades, Rwanda has made significant efforts to promote sport at all levels, in recognition of its essential role in building a healthy and balanced community. Whether through soccer, basketball, volleyball or other disciplines, sport transcends socio-economic and ethnic barriers, unifying Rwandans around shared values such as fair play, discipline and self-improvement.

This introduction will explore the importance of sport in Rwandan society, highlighting its impact on health, education and social cohesion, as well as its role in promoting the national image on the international stage. Sport plays an important role in community development.

To interact, play and engage in conversations that build social harmony. Sport has a positive impact on social development and economic sustainability and citizenship, while instilling cooperation towards common goals.

They challenge inequalities of gender, race and disability, and can be a means of educating young people against anti-social behavior. Against anti-social behavior. The Rwandan government's investment in sports infrastructure has improved the country's sporting performance. Rwanda's sporting performance, but there is still a long way to go before our sports industry reaches the level our country wants. Reaches the level desired by our country.

Sportsmen and women, sports organizations Government institutions, the private sector and civil society organizations must work together to advance our sports industry. The policy aims to develop a sporting culture that will make a significant contribution to improving people's health, promoting social cohesion and generating economic benefits. Promoting social cohesion and generating economic benefits for participants and countries.

Achieving national objectives to bring sport up to the required level requires grassroots participation to ensure the availability of sports infrastructure.

To guarantee the availability of sports infrastructure and equipment, and to create appropriate and adequate conditions for the growth of sport. Appropriate and adequate conditions for the development of sport. We need to train top-level sportsmen and women³⁵. We need to train top-level sportsmen and women, including but not limited to those with disabilities. This section presents sport as a vehicle for national unity and social cohesion (Paragraph1) and the economic impact of sporting events and sport tourism (Paragraph2).

I.4.1. Sport, a Vector for Unity and Social Cohesion

Sport, whether in soccer, basketball, volleyball or other disciplines, transcends social, ethnic and economic barriers in Rwanda. It provides a neutral ground where Rwandans can come together, exchange and cooperates, overcoming the divisions of the past to forge strong and lasting community bonds. Indeed, sport plays a crucial role as a catalyst for unity and social cohesion in Rwanda.

After the tragic events of the 1994 genocide, the country undertook remarkable efforts to rebuild its social fabric and promote national reconciliation. This project looks at Sport as a Place for Meeting and Sharing (A) and the Impact of Sport on Social Relations and the Community Fabric (B).

³⁵ Rwanda sport and Development policy, Oct 2012, PP 3.

I.4.1.1. Sport a Place to Meet and Share

Sport has been identified as a powerful tool for achieving these objectives. Sport provides a neutral platform where Rwandans of different ethnicities, regions and socio-economic backgrounds can come together to participate in common sporting activities. This fosters positive interaction and helps to overcome the divisions of the past. The Rwandan government has invested in programs to encourage participation in sport at all levels of society, including people with disabilities and women.

This promotes social inclusion and strengthens the sense of belonging to the community.

Sport can reinforce a sense of national identity by offering Rwandans an opportunity to represent their country in international competitions. Sporting successes can be a source of national pride and help forge a sense of collective belonging. Sports infrastructure and related development programs can serve as an engine for community development. By investing in sport, Rwanda creates opportunities for the education, health and well-being of its citizens, helping to strengthen bonds within communities³⁶.

I.4.1.2. The Impact of Sport on Social Relations and the Community Fabric

Sport has a significant impact on social relations and community fabric in many societies around the world. Sport offers individuals the opportunity to come together and share common experiences. Whether playing on a team, taking part in sporting events or supporting a team, sport creates opportunities to meet new people and develop social relationships. Participating in sporting activities by teamwork encourages the development of social skills such as communication, cooperation and trust in teammates.

These skills can be transferred to other aspects of daily life, strengthening social relationships and the sense of belonging to a community. Sport can act as a catalyst to reduce social barriers such as race, class, gender or age. On the playing field, differences are often put aside in favor of the common goal of playing and winning.

³⁶ Rwanda sport and Development policy, Oct 2012

Sport can be a powerful means of integrating individuals from different backgrounds into a wider community. Inclusive sports programs aimed at involving people with disabilities, refugees or immigrants help strengthen the social fabric by promoting inclusion and celebrating diversity.

Sport contributes to the development of social capital within a community by strengthening social networks and encouraging civic participation. Sports clubs and local associations often provide opportunities for volunteering and community involvement, strengthening bonds between individuals.

Sport is also beneficial for mental health, providing a means of releasing stress, boosting self-confidence and fostering emotional well-being. Strong social ties are often associated with better mental and emotional health.

I.5. RWANDA SETS SIGHTS ON SPORTS TOURISM ‘TO SPUR ECONOMIC GROWTH

Rwanda says it is intensifying efforts that will put a focus on sports as an avenue to accelerate the country’s economic growth, by diversifying tourism offerings.

Prime Minister Edouard NGIRENTE made the observation on Friday afternoon while appearing before both chambers of Parliament, to among others, present the government’s achievements on trade with a focus on export promotion.

Based on the numbers, NGIRENTE said that in the previous year, the sports tourism industry generated over \$6 million, accounting for 13 per cent of the total generated revenues earned from the MICE (Meetings, Incentives, Conferences, and Events) industry.

“This shows a positive return from the investments recently made in our sports sector,” Ngirente added, “And as a country, we intend to invest more not only for the leisure impact but also to increase the economic gains.”

The development, NGIRENTE pointed out, comes at a time when Rwanda is positioning itself as a regional sports tourism hub. But as it vies for this position, he said that more investments are required including in the infrastructure of international sports facilities, which will enable the country to host global sports events.

For instance, Kigali has already hosted two, of the three, editions of NBA's annual Basketball Africa League (BAL), the first contest hosted by the basketball superpower outside the USA, Rwanda hosted also The 2023 AfroBasket Women that was the 28th edition of the tournament and held from 28 July to 5 August 2023 in Kigali, Rwanda,

Rwanda has also pitched itself as a major destination for cycling, volleyball, and other sports.

The country is also expected to host the next edition of BAL, ICC Men's T20 World Cup Africa Qualifier, and FIFA General Assembly, among other global sports events.

L6. RWANDA WILL HOST THE UCI (THE UNION CYCLISTE INTERNATIONALE) ROAD WORLD CHAMPIONSHIPS IN 2025

Just recently, Rwanda won hosting rights for the 2025 UCI Road World Cycling Championships, becoming the first African country to organize the world's biggest cycling event since its inception in 1921. "We find that there is a (tourism) niche market in sports, and we will continue to make investments in infrastructure so that we take advantage of this market,"³⁷

Rwanda will become the first African nation to host the UCI Road World Championships in 2025 and the nation's cycling federation, FERWACY, has appointed ASO and Golazo as organizers for the historic event.

The three parties reached an agreement in Kigali at the Ministry of Sports' headquarters on Tuesday, January 9. The French and Belgian companies have a wealth of knowledge on organizing races behind them as the driving force behind the races such as the Tour de France and Renewi Tour, respectively. "It is a big step for cycling to organize the first-ever world championships on the African continent, and it is truly an honor for ASO to have been selected alongside Golazo to support the Ministry of Sports and the Cycling Federation in this ambitious project," said ASO CEO Yann Le Moenner in a press release.

³⁷ Edwin ASHIMWE, journal of new times, available on: <https://www.newtimes.co.rw/article/3254/news/tourism/rwanda-sets-sights-on-sports-tourism-to-spur-economic-growth> last accessed on 07/07/2024

The event is scheduled to run from September 21-28, 2025 and will feature men's and women's time trials and road races across 6 categories: elite men, elite women, men U23, women U23, men junior and women junior.

Cycling has been on the rise in Rwanda and in Africa in recent years, with more riders making the jump to the pro peloton such as Eritrea's Biniam Girmay, while top-level teams have attended the Tour of Rwanda and the unfortunately cancelled La Tropicale Amissa Bongo. The landlocked nation in East-Central Africa was officially confirmed and announced as the host for the 2025 Road Worlds during the UCI Congress at the 2021 World Championships in Belgium.³⁸

³⁸ James Moultrie, Rwandan Cycling Federation appoints experienced French and Belgian organizers for first-ever African cycling worlds available on: <https://www.cyclingnews.com/news/aso-and-golazo-to-co-organise-2025-road-world-championships-in-rwanda/> last accessed on 07/07/2024

CHAPTER II: NATIONAL AND INTERNATIONAL ORGANIZATIONS

Rwanda's sports industry is a dynamic component of its socio-economic landscape, shaped by a multitude of national and international organizations. These entities play a crucial role in the development, promotion and governance of sport in the country. From the implementation of sports policies to the training of world-class athletes, these organizations are helping to shape the future of Rwandan sport on a local and global scale.

In this introduction, we will explore the diverse landscape of national and international organizations shaping Rwanda's sports industry, highlighting their impact on the national sports scene and their contribution to the evolution of sport in the country. Here, we will present national organizations and international organizations.

II.1. NATIONAL BODIES DEALING WITH SPORTS DISPUTES

In Rwanda, the sports sector occupies a predominant place in the social and cultural fabric, playing an essential role in promoting the physical and mental well-being of citizens, as well as strengthening the sense of national belonging. To ensure that competitions run smoothly and to regulate any disputes or conflicts that may arise, the country has national bodies specialized in resolving sports-related disputes.

These bodies play a crucial role in preserving integrity, fairness and transparency in the sporting arena, helping to promote the values of fair play and justice. In this study, we will examine in detail the national bodies responsible for settling sports disputes in Rwanda, their functions, structures and impact on the national sports landscape. We will present the National Sports and Olympic Committee of Rwanda and the Ministry of Sport and Sports Federations.

II.1.1. The National Olympic and Sports Committee of Rwanda

The National Olympic and Sports Committee of Rwanda (CNOSR) was created on September 30, 1984. It is the national body responsible for promoting sport and representing Rwanda in the international Olympic movement³⁹. The National Olympic and Sports Committee of Rwanda (CNOSR) play an important role in resolving disputes in Rwanda's sports industry.

As a national body recognized by the International Olympic Committee (IOC) in 1984,⁴⁰ the CNOSR is generally responsible for promoting and overseeing the development of sport in the country, as well as ensuring compliance with Olympic rules and values. As part of its responsibilities, the CNOSR may be involved in the resolution of sports-related disputes, such as disputes between athletes, conflicts between sports federations, or disciplinary matters. The CNOSR can act as a neutral mediator to help resolve such disputes fairly and in accordance with the rules and principles established by national and international sports organizations.

Collaborating with other sports governance bodies in Rwanda, such as the Ministry of Sports and the Federation Rwandese des Sports, to resolve disputes effectively and transparently, is of crucial importance for the harmonious development of sport in the country.

Firstly, such collaboration would enable the establishment of solid, well-defined dispute resolution mechanisms, ensuring smoother management of disagreements between the various stakeholders in the sporting world. By working together, these bodies would be able to put in place transparent and fair procedures for dealing with disputes, which would contribute to strengthening confidence in the integrity of the sports system. In addition, close collaboration between the Ministry of Sports, the Federation Rwandese des Sports and other governance bodies would enable the sharing of resources and expertise, which could improve each other's problem-solving capabilities. For example, the Ministry of Sports could provide financial and logistical support, while the Federation

³⁹ <https://www.Gogle.com> accessed April 10, 2024.

⁴⁰ <https://olympics.com/ioc/rwanda> accessed on 07/07/2024

Rwandese des Sports could offer technical expertise and in-depth knowledge of the local sporting landscape.

Finally, by focusing on the best interests of sport and its participants, this collaboration could foster a culture of respect, fairness and solidarity within the Rwandan sporting community. By working together transparently and effectively to resolve disputes, sport's governing bodies could send a strong message about their commitment to best practice and positive sporting values.

In summary, collaborating with other sport governance bodies in Rwanda to resolve disputes effectively and transparently is essential to promote a healthy and ethical sporting environment, where the interests of participants and the integrity of sport are preserved⁴¹.

II.1.2. Rwandan Sports Federations

Sports federations play a crucial role in resolving sports disputes in Rwanda, while following the guidelines laid down by the Ministry of Sports and Culture. They operate under the supervision of the National Olympic and sport Committee (CNOSR), which is the main regulatory body for sport in the country. Each federation is responsible for the management of its respective sport, including the resolution of any disputes that may arise.

Rwandan sports federations generally have internal mechanisms for resolving disputes that arise between athletes, coaches, administrators and other stakeholders. These may include dispute resolution committees or special commissions charged with examining and resolving complaints or conflicts. In the event of an unresolved dispute within the sports federation, the parties concerned can resort to arbitration or mediation procedures.

The CNOSR can facilitate these processes or recommend recognized arbitration bodies to resolve disputes impartially. Rwandan sports federations must also comply with the regulations and directives of the international federations of their respective sports, such as the International

⁴¹https://www.rgb.rw/fileadmin/user_upload/RGB/Publications/GOVERNANCE_ASSESSMENTS/GOVERNANCE_ASSESSMENT_ON_SPORT_FEDERATIONS-FINAL_REPORT.pdf last accessed on 08/07/2024

Federation International de Football Association (FIFA), the International Basketball Federation (FIBA), etc.

This may include the submission of disputes to international dispute settlement bodies if necessary. It is essential that sports dispute resolution procedures in Rwanda are transparent, fair and impartial. This ensures stakeholder confidence in the process and helps maintain the integrity of sport in the country.

II.2. INTERNATIONAL ORGANIZATIONS

In Rwanda's sports industry, international soccer bodies play a crucial role in resolving disputes. As a football-mad nation integrated into the global sporting community, Rwanda is subject to the rules and guidelines laid down by bodies such as the International Federation of Football Association (FIFA). These bodies play an essential role in arbitrating and resolving conflicts that may arise within the framework of sporting activities, thus ensuring compliance with international standards and coherence with global practices.

This study will look at the importance of international soccer bodies in dispute resolution in Rwanda, examining the mechanisms and procedures used, as well as their impact on the Rwandan sporting landscape. By analyzing these aspects, we will be able to better understand the interplay between national and international regulations in the context of sport in Rwanda, and the importance of compliance with global standards to ensure fairness and transparency in the country's sports industry.

The Confederation of African Football (CAF) will be presented here as a regional body, and International Federation of Football Association (FIFA) and the International Olympic Committee (IOC) as an international body.

II.2.1. The African Soccer Confederation: Regional Body for Settling Sports-Related Disputes in the Sports Industry in Rwanda.

The Confederation of African Football (CAF) is the governing body of soccer in Africa, responsible for regulating, organizing and promoting soccer on the continent. It also oversees continental competitions such as the African Cup of Nations (CAN) and FIFA World Cup qualifiers.

As far as Rwanda is concerned, CAF plays a crucial role in regulating sports disputes in the sports industry, including soccer. CAF has a specialized regional dispute resolution body, which is responsible for dealing with football-related disputes and conflicts in Rwanda.

This regional sports dispute settlement body may be made up of representatives of CAF and members of the national soccer federation of Rwanda.

Their role is to hear complaints, mediate between conflicting parties and render fair and equitable decisions in accordance with the rules and regulations established by CAF. Sporting disputes may concern various aspects of soccer, such as disputes between players and clubs, transfer issues, violations of the rules and regulations of the game, or disputes between national federations and clubs.

The establishment of such a regional sports dispute settlement body demonstrates CAF's commitment to ensuring a fair and equitable sporting environment in Rwanda, while promoting the values of integrity and justice in African soccer.

CHAPTER III: ANALYSIS OF THE CHALLENGES ENCOUNTERED FOR A LACK OF SPECIFIC LEGAL FRAMEWORK FOR DISPUTE SETTLEMENT

In the context of sport in Rwanda, the development and implementation of a solid legal framework for dispute resolution is of crucial importance. Indeed, the field of sport is often marked by a multitude of disputes, whether related to competitions, athletes' contracts, or other regulatory aspects.

These disputes can have significant repercussions not only on the individuals involved, but also on the integrity and reputation of sport as a whole. As such, a clear and effective legal framework is essential to ensure fairness, transparency and consistency in the resolution of disputes, thereby helping to promote the development and credibility of sport in Rwanda.

This introduction will therefore explore the various reasons why such a legal framework is indispensable, highlighting current challenges and future opportunities in this specific field.

III.1. THE CHALLENGES FACED UNDER DISPUTE RESOLUTION IN THE RWANDAN SPORTS INDUSTRY

The sports industry in Rwanda is experiencing significant growth, both in terms of athlete participation and the organization of nationally and internationally renowned sporting events. However, this expansion is inevitably accompanied by various challenges in terms of dispute resolution.

Indeed, as the number of athletes, sports organizations and events increases, so do disputes relating to issues such as athlete discipline, contracts, intellectual property rights, and disputes between clubs and federations. In this context, it is essential to examine in depth the specific challenges encountered in dispute resolution within the Rwandan sports industry, as well as existing and potential mechanisms for overcoming them. This analysis will enable us to understand the legal, institutional and practical issues facing sports players in Rwanda, while proposing possible solutions to promote a fairer, more transparent and harmonious sporting environment. It will address the absence of a specific legal framework and the lack of resources and expertise.

III.1.1. The Absence of a Specific Legal Framework

The sports industry in Rwanda is experiencing significant growth, both in terms of participation and investment. However, despite this expansion, one major shortcoming persists: the absence of a specific legal framework governing this vital sector. As Rwanda seeks to position sport as a lever for economic and social development, the absence of adequate regulation creates challenges and uncertainties for all stakeholders involved.

This gap raises essential questions about governance, the protection of athletes' rights, the management of sports infrastructures and the promotion of a healthy and ethical sports culture. With this in mind, this study will explore the implications of the lack of a specific legal framework for the sports industry in Rwanda, highlighting the current challenges and suggesting avenues of reflection for the future development of this booming sector.

III.1.1.1. Overview of the Sports Industry in Rwanda

For more than a decade, the sports industry in Rwanda has been in a state of flux, and this can be seen in a number of changes in the sports scene, such as Investment in sports infrastructure: The Rwandan government has been investing in the construction and renovation of sports infrastructure across the country. This includes the construction of stadiums, gymnasiums and other modern sports facilities. Promoting sports participation: Rwanda encourages participation in various sports through sports development programs and initiatives to encourage young people to get involved in sporting activities.

The country has also invested in the development of high-level athletes by providing financial and logistical support for training and competition programs. International sporting events: Rwanda has hosted several international sporting events, including cycling, basketball and other sports. These events have helped raise the country's profile on the world sporting stage.

III.1.1.2. The Implications of the Absence of a Specific Legal Framework

The absence of a specific legal framework can have far-reaching implications in various fields, whether at national or international level. Uncertainty: Without a clear and precise legal framework, the parties involved in a given situation may be faced with uncertainty as to their rights, responsibilities and legal obligations. This can lead to protracted litigation and lengthy legal disputes.

The risk to individual rights: A solid legal framework is often necessary to protect the fundamental rights of individuals, such as property rights, freedom of expression, privacy and security. In the absence of such protections, individuals can be vulnerable to abuse and exploitation. Barriers to innovation and economic development: A clear and predictable legal framework is essential to encourage innovation and foster a business-friendly environment. The absence of such a framework can deter investors and entrepreneurs, hindering economic development and growth.

The absence of a specific legal framework can have profound and widespread implications, affecting all aspects of society, the economy and international relations. It is therefore crucial for governments international organizations and civil society to work together to develop and implement sound and equitable legal frameworks.

III.1.2. Lack of Resources and expertise In Rwandan Sports Industry

Rwanda has made remarkable progress in a number of areas in recent years, notably in its economic, social and sporting development. However, despite these advances, Rwanda's sports industry faces persistent challenges in terms of lack of resources and expertise. This complex problem not only hinders the growth and competitiveness of the Rwandan sports industry, but also compromises the personal, social and economic development opportunities it could offer the population. Here, we present the Equipment and Technology Deficit and the Lack of Skills and Expertise.

III.1.2.1. The Equipment and Technology Deficit in Rwandan Sports Industry

Rwanda is a country that has experienced in increasing the Growth Development Product (GDP) in recent years. However, as in many developing countries, there may be deficits in equipment and technology in the sports industry. Sports infrastructure: Rwanda has invested in the development of sports infrastructure in recent years, but there may still be gaps in terms of quality and quantity. Modern, well-equipped facilities are essential for promoting sports participation and attracting international sporting events. Sports facilities: Lack of access to quality sports facilities can limit the participation and development of sporting talent in Rwanda.

This can include equipment such as balls, jerseys, shoes, protective gear, Sports technology: Technological advances in sport, such as performance tracking devices, data analysis software and specialized equipment, can be costly and not widely accessible in Rwanda. Adopting these technologies can help Rwandan athletes improve their performance and remain competitive on the international stage.

III.1.2.2. Lack of Specialized Skills and Knowledge

The lack of specialized skills and knowledge in Rwanda's sports industry can be a major challenge to the sector's development and growth. Education and training: There may be a lack of educational programs and specialized training in the field of sport in Rwanda. Higher education institutions could consider developing sport-specific vocational training programs, covering areas such as sports management, sports nutrition, sports medicine, Infrastructure development: The sports industry requires appropriate infrastructure to support its development. This includes stadiums, training centers, quality sports facilities, etc.

Lack of adequate infrastructure can limit training and practice opportunities for professionals and athletes. Access to international expertise: Rwanda could benefit from partnerships with international experts in various sport-related fields. This could be done through exchange programs, research collaborations or consultations to help bridge skills and knowledge gaps. Promoting research and innovation: Encouraging research and innovation in sport can help fill

knowledge gaps and promote industry development. This could include research grants, initiatives to encourage young researchers to take an interest in the field of sport.

III.2. THE IMPORTANCE OF A LEGAL FRAMEWORK FOR DISPUTE SETTLEMENT

The sports industry in Rwanda is experiencing dynamic growth, both nationally and regionally, offering significant opportunities for economic development, the promotion of public health and social cohesion. However, with this rapid expansion also come inherent challenges, not least the effective management of disputes that can arise in various areas, such as sports governance, player contracts, commercial disputes, and many others. In this context, the importance of a robust legal framework for dispute resolution in Rwanda's sports industry becomes paramount.

The development of an appropriate legal environment is crucial to ensuring the protection of the rights of the parties involved, promoting integrity and fairness in sport, and facilitating the efficient resolution of disputes. In response to these needs, Rwanda has put in place a set of laws and regulations to govern various aspects of the sports industry.

These laws provide a sound legal framework for resolving disputes fairly and transparently, while promoting the sector's continued growth. The following points will be presented here: Protecting the rights and interests of the parties and Specific sports legislation.

III.2.1. Protecting the Rights and Interests of the Parties

The sports industry in Rwanda is a booming sector, playing a crucial role in the country's socio-economic development. With the boom in sporting activities and related events, the need to protect the rights and interests of stakeholders involved in this industry has become a major concern. In this respect, a number of laws and regulations have been put in place to ensure ethical, fair and transparent sporting practice, while protecting the rights of athletes, clubs, sponsors and other players involved in the field of sport. Here we look at the legal and regulatory framework and the protection of athletes' rights.

III.2.1.1. Legal and Regulatory Framework

Rwanda may have specific laws governing various aspects of the sports industry, such as the creation of sports associations, the governance of sports federations, the regulation of sports competitions, and so on. These laws may be enacted by central government or local authorities.

We can cite here Law N° 32/2017 DU 03/08/2017 Organizing Sports, Games And Leisure Activities⁴², Sports federations play a crucial role in the organization and regulation of sports in Rwanda.

They are generally governed by sporting rules as well as by the country's laws and regulations. These federations may be affiliated to international sports organizations, such as the specific international sports federations. The Rwanda NOCs is affiliated to the IOC.

III.2.1.2. Protecting athletes Rights

Athletes' rights are essential to ensure their well-being, safety and fairness in the sports industry. To do their jobs better, athletes need a number of things. The right to a safe working environment: Athletes have the right to work in a safe environment, protected from the risk of serious injury or poor working conditions. This includes safe sports facilities, quality equipment and strict safety protocols. Right to medical confidentiality: Athletes have the right to the confidentiality of their medical records.

They should be able to consult medical professionals without fear that their medical information will be disclosed without their consent. This also ensures that they receive appropriate and confidential medical care. Right to fair remuneration, Athletes deserve fair and equitable remuneration for their work and sporting performance. This includes not only basic salaries, but also bonuses, benefits and sponsorship opportunities. It is essential that athletes are appropriately rewarded for their dedication and performance in sport. Right to representation and collective bargaining, Athletes should have the right to organize and bargain collectively with sport governing bodies to ensure fair working conditions, including fair contracts, transparent transfer

⁴² Official NOC website, consulted on April 10, 2024.

practices and safety standards. Right to education and personal development: Athletes have the right to pursue their education and personal development outside their sporting career.

This includes access to education and professional training programs, as well as career transition opportunities after retirement from sport. Right to protection against discrimination and harassment, athletes have the right to be protected against all forms of discrimination, including discrimination based on gender, race, religion, sexual orientation or any other protected characteristic.

They also have the right to work in an environment free from abuse and harassment, whether physical, verbal or emotional.

III.3. CONCLUSION OF CHAPTER THREE

The establishment of a legal framework for dispute resolution in Rwanda represents a significant step forward in consolidating the rule of law and promoting justice. Such a framework must be inclusive, accessible and effective to guarantee the protection of citizens' rights and foster a climate of trust and stability.

By integrating traditional conflict resolution practices with modern justice systems, Rwanda can create a hybrid model that meets the needs of all stakeholders. In addition, continuing education of legal professionals and public awareness are essential to ensure the effectiveness and sustainability of the system. In short, a well-structured legal framework for dispute resolution can strengthen social cohesion, stimulate economic development and ensure fair justice for all.

Rwanda's sports industry is a driver of economic and social development that reflects the country's aspirations to position itself as a regional leader in Africa. Strategic investments in infrastructure, promotion of local talent and hosting of international sporting events have not only improved the quality of life of Rwandans, but also attracted global attention. Sport, beyond its health benefits, contributes to national unity and social cohesion, while opening new economic prospects, particularly in sports tourism. Rwanda, by capitalizing on its successes and continuing to promote a dynamic and inclusive sports culture, can look forward to a promising future where sport plays a central role in its sustainable development.

CHAPTER IV: SOLUTIONS PROPOSED TO ENFORCE DISPUTE SETTLEMENT MECHANISM IN RWANDAN SPORTS INDUSTRY

The sports industry in Rwanda is booming, offering vast opportunities for development and growth. However, with the expansion of this dynamic industry also come inevitable challenges, not least effective dispute resolution. To ensure a fair and equitable sporting environment, it is crucial to establish well-trained and accredited Dispute Resolution Bodies (DROs) The sports industry in South Africa is a rapidly expanding sector, playing a vital role in the country's economy and society.

However, with this growth comes the need to establish effective dispute resolution mechanisms. The training and accreditation of dispute resolution bodies is of crucial importance in this context, as it ensures integrity, transparency and fairness in the management of conflicts that may arise in the sporting field. This introduction will therefore explore the importance of the formation and accreditation of dispute resolution bodies in the South African sports industry, highlighting the unique challenges the country faces and the steps being taken to overcome them. National and international bodies will be presented as well as arbitration and mediation.

IV.1. TRAINING AND ACCREDITATION OF DISPUTE RESOLUTION

It should be noted that Rwanda has not yet established effective methods for resolving disputes in the sports sector; for this, it can draw inspiration from what certain African countries have done in this area. We can therefore take the example of Egypt which, through its new law on sport, has found the means to resolve disputes. We will present here on the one hand sports arbitration in Rwanda, and sports mediation

IV.1.1. Sport Arbitration in Egypt

International arbitration in sports disputes is a method of dispute resolution where disagreeing parties submit their dispute to one or more independent arbitrators, whose decision is binding and enforceable.

This process is often preferred due to its speed, confidentiality and specific expertise in sports matters. There are several institutions that can play the role of arbitrator at the international level, such as FIFA and the CAS.

The Egyptian Sports Law introduces several new concepts and fills several existing gaps in the regulation of sports in Egypt. First, it closes the existing legal gap regarding companies that operate sports facilities, including private clubs, by regulating these companies. Second, it creates an arbitration center specializing in sports-related disputes.

Third, the Sports Law recognizes the status of international codes and statutes, such as: the World Anti-Doping Agency (WADA) and the Olympic Games. Finally, it refers relevant questions to the Egyptian Olympic Committee and the Egyptian Paralympic Committee⁴³.

Egypt issued the Egyptian Sports Law No. 71 of the year 2017. The main objective of the Egyptian Sports Law is to provide work controls to ensure better sports competition in Egypt, as well as systems for evaluating safety and security practices and services for athletes. Sports sites, as well as the rules governing the use of supplements by athletes⁴⁴.

Article 67 of the Sports Law provides that agreements submitting disputes to the Center must be concluded in arbitration agreements, submission agreements or set out in a sports law. It further indicates that disputes submitted to the Center may concern, among others: (i) disputes arising from the application of the Sports Law or the statutes of the Egyptian Olympic and Paralympic Committees, (ii) disputes arising from the rights television and broadcasting agreements, sponsorship agreements, intellectual property rights used in sports competitions, coaching rights. Contracts, athlete contracts, sports agent/intermediary agreements and other sports-related disputes.

We suggest that, given the predominant preference for sports arbitration over traditional recourse to the courts, arbitration under the Sports Act should be welcomed. Furthermore, the sports law does not make arbitration compulsory, so parties are allowed to resort to the courts, a position consistent with the Egyptian Constitution.

⁴³ <https://youssrysaleh.com/investment-in-Egypt/sport-law-in-egypt>

⁴⁴ Art 67 of the Egyptian Sports Law No. 71 of the year 2017.

In accordance with Article 68 of the Sports Law, the Board of Directors of the Center will be chaired by the President of the Egyptian Olympic Committee and will consist of: (i) a representative of individual sports, (ii) a representative of sports team, (iii) a representative of the Ministry of Sports and (iv) three people with legal and technical training.

It should be noted that the Center should be particularly supportive of litigants with administrative law disputes, as disputes arising from this specialized branch of law fall within the Centre's jurisdiction. The competence of the Center extends to all questions relating to public bodies, authorities and establishments which deal with public property.

This may include sports federations, sports clubs and other authorities and committees responsible for some sort of public good. Accordingly, such jurisdiction should provide a compromise in areas where administrative law may be biased in favor of public authorities (who may enjoy certain privileges depending on the service they provide).

This makes it much more difficult for private parties to reach agreements with the public authority, as the law may not give equal weight to the parties. An arbitration clause in an agreement or executive regulation can avoid such disputes arising from relations with administrative courts.

Article 69 of the Sports Law provides that the Board of Directors of the Egyptian Olympic Committee must make a decision in accordance with the statutes of the Center and the rules specified for the type of procedure (arbitration, mediation or conciliation). Although the Center will be established as an independent entity, it will sit on the Egyptian Olympic Committee, its board of directors will be chaired by the president of the committee and its statutes and rules will be drafted by the committee.

This may raise concerns about the impartiality and independence of the Center, particularly in cases where one of the parties involved in a dispute may be the Egyptian Olympic Committee itself⁴⁵.

⁴⁵ Egyptian Sports Law No. 71 up cit.

IV.1.2. Invest in Sports Services

Rwanda must be able to distinguish between quasi-public entities such as sports clubs, and private entities that establish a sports club, health/ fitness club, gym or any other type of sports services. Private companies that created clubs or similar facilities found themselves in legal limbo. This will allow you to know which law or regulation can govern this or that activity.

Legal insecurity is particularly apparent in Rwanda, especially in cases where private companies own and operate an establishment, such as a health club. Health clubs could reasonably fit within the paradigm of sport, but do not fit strictly within the framework governing sporting entities. This problem has been exacerbated by the increasing diversity of sports businesses, such as football academies as well as health and fitness clubs. Fortunately, Articles 71 to 78 of the Sports Law have clarified some confusion by distinguishing between sports entities and companies that provide sports services, thereby establishing a guiding framework within which these companies can operate.

These companies, under the Sports Law, have the right to issue their shares through a public offering and list on the Egyptian Stock Exchange, if such action does not affect their sports services. The Sports Act does not define matters considered to affect the sports departments of companies. An individual interpreter may have discretion to determine whether or not a company can issue its shares through a public offering or be listed.

The field of sports has evolved from an amateur activity generally aimed at improving physical health and entertaining a limited target audience, to a professional industry that attracts increasingly large investments and provides a source of livelihood for millions of people at the national and international levels.

Therefore, Egypt issued the Egyptian Sports Law No. 71 of the year 2017. The main objective of the Egyptian Sports Law is to provide work controls to ensure better sports competition in Egypt, as well as systems for evaluating safety and security practices and services for athletes. sports venues, as well as the rules governing the use of supplements by athletes.

The Sports Law includes 95 articles including an explanation of the law, procedures and scope of application of the law, covering a variety of sports-related topics; It is organized into 10 chapters that cover a range of topics.

The Sports Act deals with various issues, including the discovery of talented players. According to Article No. 63 of the Law, sports authorities are required to establish centers to discover talented athletes and sponsor them after seeking the opinion of the central administrative authority. and under its supervision, provided that these centers adhere to the study and training plans for all levels of pre-university education determined by the organizational rules decreed by the Minister responsible for education. In addition, sports authorities also ensure the establishment of centers to discover and train talented athletes among disabled people and dwarfs, depending on the type and degree of their disability, and in accordance with the regulations and plans of the Paralympic Committee.

However, after the enactment of the Sports Law, it cleared up some of the confusion by distinguishing between sports entities and companies providing sports services, and establishing a guiding framework within which these companies could operate.

According to Articles No. 71 to 78 of the Sports Law, established companies must meet certain conditions to carry out the sports service sector, for example, they must take the form of joint stock companies, and these companies can offer their shares. For public subscription in accordance with the provisions of the Capital Market Law, and their shares can be listed on the stock exchange.

IV.2. THE ESTABLISHMENT OF LEX SPORTIVA IN THE RESOLUTION OF DISPUTES

According to article 56 of the FIFA Statutes, FIFA recognizes the independent Court of Arbitration for Sport (CAS) with headquarters in Lausanne (Switzerland) to resolve disputes between FIFA, member associations, confederations, leagues, clubs, players, officials, intermediaries and licensed match agents.

The provisions of the CAS Code of Sports-related Arbitration apply to the proceedings. CAS primarily applies the various regulations of FIFA and, additionally, Swiss law.

The jurisdiction of CAS is defined in article 57 of the FIFA Statutes, whereby appeals against final decisions passed by FIFA's legal bodies and against decisions passed by confederations, member associations or leagues must be lodged with CAS within 21 days of notification of the decision in question.⁴⁶

When the statuses of national or international sports organizations provide for recourse to arbitration, they very often designate their own regulations as the applicable law in cases dispute. In this situation, the referee is almost placed in the same condition as an ordinary judge.

He is the mouth of the *lex sportiva*, the “prisoner of the normative web [that sports organizations] have woven over the years⁴⁷”. For example, when a disciplinary sanction has been pronounced against an athlete, the work of the referee will essentially consist of scrutinizing the statutes and regulations of the organization concerned in order to verify whether the athlete's rights have not been violated. For example, this will be to check whether the sanction imposed is actually that provided for by the texts and whether its pronouncement is not tainted by a procedural defect⁴⁸. Thus, if the TAS is as much recognized and requested by **almost** “all sports federations⁴⁹”, it is undoubtedly because the latter believe that the rules they have laid down will be primarily applied in the resolution of the dispute.

Furthermore, even if the interpretation of the applicable regulation remains free⁵⁰, it cannot be consequence of distorting it. Indeed, it can happen that the regulations of sports organizations are lacking precision and clarity on the disputed issue. It may also happen that they recognize few fundamental rights to athletes or regulate very rigorously their exercise.

⁴⁶ <https://inside.fifa.com/legal/court-of-arbitration-for-sport> last accessed on 07/07/2024

⁴⁷ A. DUVAL, *La lex sportiva facing European Union law: war and peace in the transnational space*, doctoral thesis, European University Institute, 2014, p. 393.

⁴⁸ A. PINNA, “The vicissitudes of the Court of Arbitration for Sport: contribution to the study of the arbitration of disciplinary sanctions”, in *Gazette du Palais*, n° 141, May 20, 2004, p. 31.

⁴⁹ Remarks Mathieu REEB, Permanent Secretary of the CAS; *La dépeche du midi*, “The sports arbitration court has never been in such demand”, in *La depeche.fr*, March 2, 2009.

⁵⁰ K. FOSTER, “Lex sportiva and Lex ludica: the Court of Arbitration for Sport's jurisprudence”, in *Entertainment and Sports Law Journal*, vol. 3, no. 2, January 2006, spec. pp. 6-7.

In these situations, it is clear that the rights fundamental rights of athletes would be less protected if the arbitral tribunal had to simply apply the said regulations without being able to assess them. So, just like the international *lex-sportiva* helps fill the gaps in the *lex sportiva* national, likewise, the general principles of law make it possible to complete the two *lex sportiva*⁵¹.

When the strict application of a regulation is likely to result in manifestly excessive consequences for the athlete, the CAS is quite vigilant and interprets the text in favor of the latter. This is the attitude which he adopted in the Webster case⁵².

In this case, central defender Andrew Webster, aged 25, had renewed, for a period of four years, the contract signed in 2003 with Scottish team Heart of Midlothian. The new contract expired on June 30, 2007. However, on May 26, 2006, i.e. before the expiry, the player broke unilaterally the contract with a view to joining the English club Wigan.

Considering this unilateral termination as abusive, the Scottish club then seized the chamber of FIFA Conflict Resolution⁵³. Based on Article 17 of the Statute and the transfer of players from FIFA - applicable at the material time⁵⁴, the latter had ordered the defender to pay the sum of 625,000 pounds sterling, covering the remaining salaries, that is to say those that the accused would receive from the club Scottish until the end of the contract, damages and interest as well as compensation training.

Not being satisfied with the amount, the Scottish club appealed the decision with the CAS. He considers that the determination of the amount of compensation should have also take into account the value of the player on the transfer market and then claims the sum of 4,680,000 pounds sterling.

⁵¹ D. HASCHER, É. LOQUIN and G. SIMON, “Chronicle of CAS arbitral awards”, in *Journal du Droit international* (Clunet), 2002, pp. 325-346, p. 344.

⁵² Court of Arbitration for Sport (CAS), January 30, 2008, No. 2007/A/1298, 1299 and 1300, *Heart of Midlothian v. Webster & Wigan Athletic FC*

⁵³ For a presentation of this room, see *The gazette des communes*, “The specific example of the rules applied to football by FIFA”, in *Dossier*, “Professional athletes”, February 16, 2017.

⁵⁴ See also articles 13 et seq. of the FIFA Status Regulations and the transfer of players which enshrine the principle contractual stability.

For his part, the player believes that the sum of which he was ordered to pay should have been limited to the accumulation of remaining salaries until the end of his contract.

However, article 17 of the FIFA regulations then provided for the taking into account of several more or less objective criteria for determine the amount of compensation. These include remuneration and other benefits due to the player under the current contract and/or the new contract, the remaining duration of the current contract up to five years at most as well as the amount of all costs and expenses incurred or paid by the former club.

IV.3. SOME RWANDAN OFFICIALS INTERVIEWED DURING THIS RESEARCH ON HOW DISPUTES CAN BE HANDLED IN RWANDAN SPORT INDUSTRY.

1. **Victor MUGABE** is the Secretary General of Kigali International Arbitration Centre (KIAC), the premier and sole arbitration Institution in Rwanda Since January 2021 to date. In his Secretary General's capacity, Victor Mugabe serves as the head and Registrar of the Centre and supervises the administration of arbitration, mediation and other ADR cases filed at the Centre.

We discussed about creating a new Sport Arbitration Tribunal under the Kigali International Arbitration Centre (KIAC), and he agreed that it is a good ideas to initiate such court but it need collaboration with governmental entities in charges of creating laws in order to pass a resolution of this court.

2. **Moise NKUNDABARASHI** from November 2021 to date he serves as the President of Rwanda Bar Association with expertise in Litigation and Dispute Resolution.

We discussed on how Rwanda Bar Association can organize courses, seminars and training of lawyers that may help to promote the use of Arbitration procedure during the resolution of disputes arise in sport and we agreed that this can be a best and easy way in resolving disputes suitable to concerned parties either Teams and athletes.

- 3. Alice UMULINGA** from January 26, 2023 to date she serves as the Acting President NOC (National Olympic and Sports Committee)

We discussed on how to amend the NOC statutes especially article 28 of this statute which stipulate that : “Any dispute arising between members, organs of the CNOSR and third parties shall be resolved by the Organ of Dispute Settlement in sports, In the case this Organ fails to settle the dispute, it may be submitted to CNOSR General Assembly for a final decision, Any final decision made by this Body or CNOSR General Assembly in such a specific case as provided above may be referred exclusively for appeal to the Court of Arbitration for Sport. ”

We suggested that if the Organ in charge of resolving dispute on first level fail to settle the dispute, the case must be direct submit to the court of Arbitration for sport rather than returning the case to CNOSR General Assembly for a final decision.

We found out that this will promote the use of arbitration in matter relating to sport and this may reduce time spend in court proceedings.

- 4. Dr. Aimé Muyoboke KARIMUNDA**, from October 20, 2023 to date, he serves as the Rector of the Institute of Legal Practice and Development (ILPD).

We discussed on organization that focuses on sports education, to train individuals in the sports world on Sports Law. He said that ILPD signed in July 25, 2024 a cooperation agreement with the Centre for Global Sports (CGS), an organization that focuses on sports education, to train individuals in the sports world on Sports Law.

I showed him that my expertise I gained by learning this executive masters in sports might help the institution to implement properly this program, it will resolve various issues previously seen in sports, such as officials being fined for not adhering to agreements, players being unjustly dismissed, and their inability to defend their rights due to a lack of legal knowledge.

We agree also to work closely to implement this program of The CGS typically educates children and youth on sports, especially football, through football academies catering to children aged 5 to 16 years.

IV.4. CONCLUSION OF CHAPTER FOUR

Sport is universal. Athletes practice their activities abroad, without borders. International events are countless. The international and transnational dimension of sport therefore now requires a good knowledge of international sports laws and rules to receive sound advice or to deal with litigation before an international sports federation or an arbitration chamber.

The particularity of sports disputes has prompted the International Olympic Committee) under the leadership of President Samaranch, to set up an arbitration structure. The CAS created in 1984 aims to prevent disputes does not attend the courtrooms of the judicial authorities.

In 1994, in order to ensure its independence from the IOC, the CAS was placed under the administrative and financial authority of the International Council of Arbitration in sports (ICAS). The latter adopted a code in which it sets procedures for resolving sports disputes.

V. GENERAL CONCLUSION

Dispute management and resolution in the sports industry in Rwanda is essential to ensure the integrity and harmonious development of the sector. With well-established mediation and arbitration structures, Rwanda has made significant progress in resolving sports disputes. These mechanisms make it possible to effectively handle disputes between athletes, clubs, federations and other stakeholders, thus ensuring fair competition that respects the rules. By strengthening these processes, Rwanda fosters a stable and professional sports environment, thereby contributing to the growth and credibility of its sports institutions on the international stage.

The law could not ignore this discipline endowed with real sociological importance. Thus sport has become a complex environment, invaded by the law where the universality and importance of sport and delinquency are nowadays: “a fact patent⁵⁵”. Indeed, sporting competition is in itself a generator of violence and whatever the discipline.

This violence is legitimized and accepted. Since for to designate the winner, the athletes compete according to the Olympic motto “Citius, altius, fortius, communitur”, literally: “Faster, higher, stronger together⁵⁶”.

⁵⁵Jennifer COHEN; Sports Law and Criminal Law, search for a balance Thesis for the doctorate in law defended at the University of Aix Marseille; Dec 2015; pp 10.

⁵⁶ Jennifer COHEN; Sports Law and Criminal Law, search for a balance Up cit.

VI. APPENDIXES

➤ National Laws and International Laws

1. Law N° 32/2017 OF 03/08/2017 on the organization of sport, games and leisure in Rwanda.
2. International Convention Against Doping in Sport of 19 October 2005 ratified in Rwanda, On 01/06/2010
3. CAF DISCIPLINARY CODE(CDC) entered into force on 1st July 2007
4. CAF CHAMPIONS LEAGUE REGULATIONS OF approved by the Executive Committee of CAF on 17th July 2019 and came into force immediately.
5. Rwanda sport and Development policy, Oct 2012
6. The National Olympic and Sports Committee of Rwanda (CNOSR) statute of 2021
7. Egyptian Sports Law No. 71 of the year 31 May 2017
8. Law of July 16/1984 on the organization and promotion of sports the organization and promotion of physical and sporting activities, now codified in the legislative section of the Sports French Code.

➤ Interviewed Rwandan Officials

1. Victor MUGABE is the Secretary General of Kigali International Arbitration Centre (KIAC), the premier and sole arbitration Institution in Rwanda Since January 2021 to date.
2. Moise NKUNDABARASHI from November 2021 to date he serves as the President of Rwanda Bar Association with expertise in Litigation and Dispute Resolution.
3. Alice UMULINGA from January 26, 2023 to date she serves as the Acting President NOC (National Olympic and Sports Committee).

4. **Dr. Aimé Muyoboke KARIMUNDA**, from October 20, 2023 to date, he serves as the Rector of the Institute of Legal Practice and Development (ILPD).