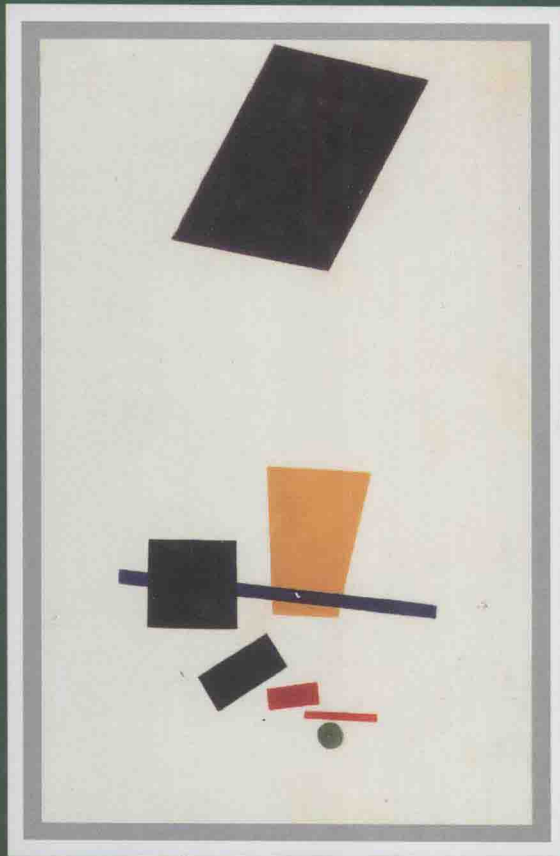


T.M.C. ASSER INSTITUUT

SPORT, MEDIATION AND ARBITRATION

Ian S. Blackshaw



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by

Ian S. BLACKSHAW



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FOREWORD

It is a pleasure to write this Foreword to the second, expanded edition of Ian Blackshaw's well-respected book on the extra-judicial settlement of sports disputes through mediation and arbitration.

Prof Blackshaw is a master of his subject who explains in clear and straightforward terms the various forms of alternative dispute resolution (ADR) methods available for dealing with a wide range of different kinds of sports disputes, which are on the increase, not least because of the huge sums of money that are nowadays at stake in sport at the elite level. As I have written elsewhere, "[t]he unique investment of competitive egos, emotions, expectations, and money in international sports almost guarantees a dividend of highly charged disputes....[and] [t]he structure for resolving them is complex."

Dispute resolution, is one of the most critical issues which overshadow the sports arena. As Prof Blackshaw rightly points out however, ADR is "*not a panacea*" for settling all kinds of sports disputes, and so the role of the courts must not be underestimated. This is true in both Europe and the United States of America, where I practice and teach international sports law.

The expanded version of this book includes a more in-depth study of the functions and role of the Court of Arbitration for Sport (CAS), based in Lausanne, Switzerland, and also a review of the contribution of CAS to an emerging so-called '*Lex Sportiva*'. Subjects that fascinate and intrigue me, I might add. Also, an account of the services offered by the Arbitration and Mediation Center of the World Intellectual Property Organization, based in Geneva, Switzerland, for settling sports-related disputes – not necessarily IP related ones – is a very useful and important addition to the book, especially the settlement by WIPO of sports-related domain name disputes. Whether one regards the Internet as a blessing or a curse, it is definitely here to stay and impact more and more on sports bodies, sports persons and sports marketers, as indeed Prof Blackshaw points out.

The book also covers the use of 'advisory opinions' by CAS and the value of settling sports disputes by 'expert determination' through WIPO. Both of these forms of ADR have an important place in the hierarchy of sports disputes resolution and accordingly are worthy of consideration by parties wishing to settle disputes quickly, inexpensively, and – above all – fairly and effectively.

Let me congratulate Prof Blackshaw in producing an altogether well-rounded, well-researched and well-written book – in the much-acclaimed Asser International Sports Law series (Editors: Dr Robert Siekmann and Dr Janwillem Soek) – on a subject of critical importance to the sporting world – and beyond. It is a book that I heartily recommend to

all those involved in sports disputes around the world; and, I would add, one that will most certainly be on my bookshelf for constant referral and consultation.

June 2009

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